Dated: July 1, 1996.

Donald J. Barry,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 96–17421 Filed 7–9–96; 8:45 am]

BILLING CODE 4310–55–P

Availability of an Environmental Assessment and Receipt of an Application Submitted by Mr. Ben Cone, Jr., for an Incidental Take Permit for Red-cockaded Woodpeckers in Association with Management Activities on his Property in Pender County, North Carolina

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: Mr. Ben Cone, Jr., (Applicant) has applied to the U.S. Fish and Wildlife Service (Service) for an incidental take permit pursuant to Section 10(a)(1)(B) of the Endangered Species Act of 1973 (Act), as amended. The proposed permit would authorize the incidental take of a federally endangered species, the red-cockaded woodpecker *Picoides borealis* (RCW) known to occur on property owned by the Applicant in Pender County, North Carolina. The Applicant is requesting an incidental take permit in order to ensure complete flexibility in managing his property, which will include timber management activities and prescribed burning. The Applicant's property, known as Cone's Folly, is located in west-central Pender County between the Black River and the Town of Atkinson. Cone's Folly consists of approximately 7,200 acres on the main tract and an additional 800 acres on another separate tract. The proposed permit would authorize incidental take of RCWs on Cone's Folly in exchange for mitigation elsewhere as described further in the **SUPPLEMENTARY INFORMATION** Section below.

The Service also announces the availability of an environmental assessment (EA) and habitat conservation plan (HCP) for the incidental take application. Copies of the EA and/or HCP may be obtained by making a request to the Regional Office (see **ADDRESSES**). This notice also advises the public that the Service has made a preliminary determination that issuing the incidental take permit is not a major Federal action significantly affecting the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969, as amended. The Finding of No Significant Impact is based on information contained in the EA and HCP. The final determination will be made no sooner than 30 days from the date of this notice. This notice is provided pursuant to Section 10© of the Act and National Environmental Policy Act Regulations (40 CFR 1506.6).

DATES: Written comments on the permit application, EA and HCP should be sent to the Service's Regional Office (see **ADDRESSES**) and should be received on or before August 9, 1996.

ADDRESSES: Persons wishing to review the application, HCP, and EA may obtain a copy by writing the Service's Southeast Regional Office, Atlanta, Georgia. Documents will also be available for public inspection by appointment during normal business hours at the Regional Office, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345 (Attn: Endangered Species Permits), or at the following Field Offices: Field Supervisor, U.S. Fish and Wildlife Service, 160 Zillicoa Street, Asheville, North Carolina 28801, (telephone 704/258–3939); Red-cockaded Woodpecker Recovery Coordinator, U.S. Fish and Wildlife Service, College of Forest and Recreational Resources, 261 Lehotsky Hall, Box 341003, Clemson, South Carolina 29634–1003 (telephone 864/656–2432); or Sandhills Red-cockaded Woodpecker Recovery Biologist, U.S. Fish and Wildlife Service, 225 N. Bennett Street, Southern Pines, North Carolina 28388 (telephone 910/695–3323). Written data or comments concerning the application, EA, or HCP should be submitted to the Regional Office. Comments must be submitted in writing to be processed. Please reference permit under PRT–*816491* in such comments, or in requests of the documents discussed herein.

FOR FURTHER INFORMATION CONTACT: Mr. Rick G. Gooch, Regional Permit Coordinator, (see **ADDRESSES** above), telephone: 404/679–7110; or Ms. Janice Nicholls, Biologist, Asheville Field Office, (see **ADDRESSES** above), telephone: 704/258–3939.

SUPPLEMENTARY INFORMATION: The RCW is a territorial, non-migratory cooperative breeding bird species. RCWs live in social units called groups which generally consist of a breeding pair, the current year's offspring, and one or more helpers (normally adult male offspring of the breeding pair from previous years). Groups maintain year-round territories near their roost and nest trees. The RCW is unique among the North American woodpeckers in that it is the only woodpecker that excavates its roost and nest cavities in living pine trees. Each group member has its own cavity, although there may be multiple cavities in a single pine tree. The aggregate of cavity trees is called a cluster. RCWs forage almost exclusively on pine trees and they generally prefer pines greater than 10 inches diameter at breast height. Foraging habitat is contiguous with the cluster. The number of acres required to supply adequate foraging habitat depends on the quantity and quality of the pine stems available.

The RCW is endemic to the pine forests of the Southeastern United States and was once widely distributed across 16 States. The species evolved in a mature fire-maintained ecosystem. The RCW has declined primarily due to the conversion of mature pine forests to young pine plantations, agricultural fields, and residential and commercial developments, and to hardwood encroachment in existing pine forests due to fire suppression. The species is still widely distributed (presently occurs in 13 southeastern States), but remaining populations are highly fragmented and isolated. Presently, the largest known populations occur on federally owned lands such as military installations and national forests.

In North Carolina, there are an estimated 733 active RCW clusters as of 1994; 56 percent are on Federal lands, 22 percent are on State lands, and 22 percent are on private lands. There has not been a complete inventory of RCWs in North Carolina so it is difficult to precisely assess the species' overall status in the State. However, the known populations on public lands are regularly monitored and generally considered stable. The population trend on private lands in North Carolina is less clear. While several new active RCW clusters have been discovered on private lands over the past few years, many previously documented RCW clusters have been lost. Most of the RCW clusters on private lands are in relatively small populations (i.e., 1–5 groups), and aside from the Sandhills Region, few are protected through any type of conservation agreement.

The population of RCWs on Cone's Folly presently consists of 29 individuals at 12 active clusters. The nearest known RCW group(s) to the population at Cone's Folly is approximately 1–2 miles away at Colly Swamp, which consists of several privately-owned tracts across the Black River in Bladen County. The extensive Colly Swamp area extends from the Black River west to near Singletary Lake State Park (approximately 10 miles west), which also hosts at least two active RCW clusters. The nearest known RCW concentration on the east side of

Cone's Folly is Holly Shelter Game Lands, owned and managed by the North Carolina Wildlife Resources Commission. Holly Shelter Game Lands hosts approximately 30 active RCW clusters and is located approximately 20 to 25 miles away in Pender County.

The Applicant proposes to continue traditional timber management activities and prescribed burning on his property as has been carried out over the past 60 years. Cone's Folly is currently managed as a wildlife preserve for several game species and as well as for forest products such as saw timber, pulpwood, pine straw, and firewood. Some timber harvesting activities may result in death of, or harm to, RCWs through the loss of nesting and foraging habitat.

The EA considers the environmental consequences of four alternatives, including the proposed action. The proposed action alternative is issuance of the incidental take permit and implementation of the HCP as submitted by the Applicant. The HCP provides for an off-site mitigation strategy for the existing 12 groups on Cone's Folly. The goal of this strategy is to create 12 new RCW groups through habitat enhancement activities—artificial cavity provisioning and hardwood midstory removal—at selected sites on private, State and/or Federal lands in North Carolina. The Service will select the candidate sites and will specifically select sites that will be managed and protected in perpetuity and that have the greatest likelihood of success in the shortest time period. The HCP will involve monitoring each of the 12 mitigation clusters for a specified time period to determine success of the habitat enhancement efforts. Finally, the Applicant will allow the Service to capture and translocate juveniles produced on Cone's Folly either to the mitigation sites or other sites selected by the Service. The HCP provides a funding source for the above-mentioned mitigation measures.

Dated: July 2, 1996.

Noreen K. Clough,

Regional Director.

[FR Doc. 96–17521 Filed 7–9–96; 8:45 am]

BILLING CODE 4310–55–P

Availability of an Environmental Assessment and Receipt of an Application for an Incidental Take Permit for a Residential Subdivision, Located near the City of St. Cloud, Osceola County, FL

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: Mr. Nick Gross, Jr., (Applicant) is seeking an incidental take permit (ITP) from the Fish and Wildlife Service (Service), pursuant to Section 10(a)(1)(B) of the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*), (Act) as amended. The ITP would authorize the one time take, through harassment, of two adult bald eagles (*Haliaeetus leucocephalus*) and up to four bald eagle eggs or chicks, in Osceola County, Florida for a period 5 years. The proposed taking is incidental to construction of a residential housing project called Ashley Reserve and Woods At Kings Crest (Project), including the necessary infrastructure, on approximately 12 acres. Within the Project area, bald eagles constructed a nest during the 1995–1996 nesting season. Construction and subsequent occupancy of the Project is anticipated to result in nest site abandonment at some time in the future. The Project is located just west of Macy Island Road, approximately one-half mile south of the intersection of Macy Island Road and State Road 525, Section 31, Township 25 South, Range 31 East, Osceola County, Florida. Additional information on the Project and the HCP is described further in the **SUPPLEMENTARY INFORMATION** section below.

The Service also announces the availability of an environmental assessment (EA) and habitat conservation plan (HCP) for the incidental take application. Copies of the EA and/or HCP may be obtained by making a request to the Regional Office (see **ADDRESSES**). This notice also advises the public that the Service has made a preliminary determination that issuing the ITP is not a major Federal action significantly affecting the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969, (NEPA) as amended. The Finding of No Significant Impact (FONSI) is based on information contained in the EA and HCP. The final determination will be made no sooner than 30 days from the date of this notice. This notice is provided pursuant to Section 10 of the Act and National Environmental Policy Act Regulations (40 CFR 1506.6).

DATES: Written comments on the application, EA and HCP should be sent to the Service's Regional Office (see **ADDRESSES**) and should be received on or before August 9, 1996.

ADDRESSES: Persons wishing to review the application, HCP, and EA may obtain a copy by writing the Service's Southeast Regional Office, Atlanta, Georgia. Documents will also be available for public inspection by appointment during normal business hours at the Regional Office, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345 (Attn: Endangered Species Permits), or at the South Florida Ecosystem Office, Post Office Box 2676, Vero Beach, Florida 32961–2676. Written data or comments concerning the application, EA, or HCP should be submitted to the Regional Office. Comments must be submitted in writing to be processed. Please reference permit under PRT–816732 in such comments, or in requests of the documents discussed herein. Requests for the documents must be in writing to be adequately processed.

FOR FURTHER INFORMATION CONTACT: Mr. Rick G. Gooch, Regional Permit Coordinator, Atlanta, Georgia (see **ADDRESSES** above), telephone: 404/679–7110; or Thomas E. Grahl, Assistant Field Supervisor, South Florida Ecosystem Office, (see **ADDRESSES** above), telephone: 407/562–3909.

SUPPLEMENTARY INFORMATION: Bald eagles are found throughout the United States, but are most abundant in the Northwest and Southeast. Nationwide, the number of eagles has increased since listed as endangered under the Act. Sufficient protection and expanding populations resulted in the reclassification of eagles from endangered to threatened in 1995. In Florida, eagles have rebounded from a low of about 100 nesting pairs in 1973 to 831 nesting pairs in 1995. Eagle productivity has also increased over this time period. Fifty-five successful nests were documented in 1973, whereas 621 successful nests were identified in 1995. Osceola County, Florida, has also experienced substantial increases in the number of bald eagles and nests. In 1996, 130 bald eagle nests were located during surveys in Osceola County, one of which was built on the Project site. Construction of the Project's infrastructure and subsequent construction of 30 single family homes will likely result in abandonment of this nest site and may result in the death of eggs or chicks if abandonment occurs after egg laying. The take of eagles is considered incidental to the carrying out of the Project's otherwise lawful construction activities.

The EA considers the environmental consequences of three alternatives. The no action alternative may result in: (1) Maintenance of the Applicant's property in an undeveloped condition, or (2) development of the property by the Applicant or future owner without protective coverage of an ITP. The latter situation would result in the loss of