

Dated: May 22, 1998.

MaryEllen Amtower,

Acting Chief, Branch of Permits, Office of
Management Authority.

[FR Doc. 98-14199 Filed 5-28-98; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability of an Application Submitted by Gulf States Paper Corporation for an Incidental Take Permit and Safe Harbor Agreement for Red-Cockaded Woodpeckers in Association Timber Harvest and Management Activities

AGENCY: Fish and Wildlife Service,
Interior.

ACTION: Notice.

SUMMARY: Gulf States Paper Corporation (Applicant), has submitted an application for an incidental take permit (ITP), including a Safe Harbor/Memorandum of Agreement Conservation Plan (Plan), to 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. If granted, the ITP would authorize for a period of 50 years, the incidental take of the endangered red-cockaded woodpecker, *Picoides borealis*, (RCW) throughout the Applicant's ownership of approximately 400,000 acres in west-central Alabama. The take of the RCW would be incidental to timber management operations performed by the Applicant. Further, the Applicant approval of a Safe Harbor Agreement for the RCW associated with implementation and administration of the Plan/ITP. The proposed ITP would authorize incidental take of the RCW associated with, where necessary and appropriate, shifting of the Applicant's RCW baseline responsibilities as described below. Mitigation and minimization strategy in the application involves establishing and maintaining a 10,000 acre RCW management area, with the expectation of increasing the extant population of 5 RCW groups to as many as 15 RCW groups (See the **SUPPLEMENTARY INFORMATION** Section below.) By consolidating the RCW population under control of the Applicant, the Applicant will increase the stability of the extant population. Under the Safe Harbor Agreement, no erosion of the current RCW population would occur.

The Service has determined that the Plan qualifies as a "low-effect" Habitat Conservation Plan as defined by the Service's Habitat Conservation Planning

Handbook (November 1996). The Service has further determined that approval of the Plan qualifies as a categorical exclusion under the National Environmental Policy Act, as provided by the Department of Interior Manual (516 DM 2, Appendix 1 and 516 DM 6, Appendix 1). This notice is provided pursuant to section 10(c) of the Act.

Copies of the application/Plan may be obtained by making a request to the Regional Office (see **ADDRESSES**). Requests must be in writing to be processed. Further, the Service announces that it has determined that the Applicant's request is eligible for a Categorical Exclusion under the National Environmental Policy Act (see **SUPPLEMENTARY INFORMATION**).

DATES: Requests for the applications and/or written comments on the application should be sent to the Service's Regional Office (see **ADDRESSES**) and should be received on or before June 29, 1998.

ADDRESSES: Persons wishing to review the application 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 U.S. Fish and Wildlife Service, P.O. Drawer 1190, Daphne, Alabama 36526. Written data or comments concerning the application should be submitted to the Regional Office. Comments must be submitted in writing to be processed. Please reference permit under PRT-842707 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, facsimile: 7081; or Mr. Brett Wehrle, Fish and Wildlife Biologist, Daphne Alabama Field Office, (see **ADDRESSES** above), telephone: 334/441-5181 extension 29, facsimile: 334/694-4222.

SUPPLEMENTARY INFORMATION: Section 9 of the Act and Federal regulation prohibit the "take" of a species listed as endangered or threatened, respectively (take is defined under the Act, in part, as to kill, harm, or harass). However, the Service, under limited circumstances, may issue permits to authorize "incidental take" of listed species (defined by the Act as take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity). Regulations governing permits for threatened species are promulgated in 50 CFR 17.32; regulations governing

permits for endangered species are promulgated in 50 CFR 17.22.

There are five RCW groups scattered throughout the Applicant's ownership of approximately 400,000 acres. The primary goal of the application will be to create adequate RCW nesting and foraging habitat and to consolidate long-term management of the Applicant's RCW population within a 10,000 RCW Management Area (Area). This will be accomplished by translocation of juvenile RCWs to the Area to establish a larger, more secure population. Incidental take of RCWs may occur as a result of these actions, during performance of land management actions within the Area, and via other activities associated with implementation of the Plan. The Applicant's current baseline responsibility will be adjusted upwards should additional groups be discovered during timber management operations and/or periodic and systematic RCW surveys associated with implementation of this application. RCW foraging habitat management, cluster and cavity management, staff training, administration, and monitoring are also components of the application that will result in conservation benefits to the RCW. The Applicant provides a funding source for the above-mentioned mitigation and minimization measures.

The Service has determined that the Plan qualifies as a "low-effect" Habitat Conservation Plan as defined by the Service's Habitat Conservation Planning Handbook (November 1996).

Low-effect Habitat Conservation Plans are those involving: (1) Minor or negligible effects on federally listed and candidate species and their habitats, and (2) minor or negligible effects on other environmental values or resources. The Plan qualifies as a low-effect Habitat Conservation Plan for the following reasons: 1. Approval of the Plan would result in minor or negligible adverse effects on the RCW and its habitat. Further, the Service does not anticipate significant direct or cumulative effects to the RCW resulting from approving the application, Safe Harbor/Memorandum of Agreement Conservation Plan. 2. Approval would not have adverse effects on unique geographic, historic or cultural sites, or involve unique or unknown environmental risks. 3. Approval of the Plan would not result in any cumulative or growth inducing impacts and, therefore, would not result in significant adverse effects on public health or safety. 4. The project does not require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or

the Fish and Wildlife Coordination Act, nor does it threaten to violate a Federal, State, local or tribal law or requirement imposed for the protection of the environment. 5. Approval of the Plan would not establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.

The Service has therefore determined that approval of the Plan qualifies as a categorical exclusion under the National Environmental Policy Act, as provided by the Department of the Interior Manual (516 DM 2, Appendix 1 and 516 DM 6, Appendix 1). No further National Environmental Policy Act documentation will therefore be prepared. This notice is provided pursuant to section 10(c) of the Act. The Service will evaluate the permit application, the Plan, and comments submitted thereon to determine whether the application meets the requirements of section 10(a) of the Act. If it is determined that those requirements are met, a permit will be issued for the incidental take of the RCW. The final decision will be made no sooner than 30 days from the date of this notice.

Dated: May 19, 1998.

H. Dale Hall,

Deputy Regional Director.

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR-958-1430-01; GP8-0072; OR-51831-WA]

Public Land Order No. 7333; Withdrawal of Lands for the San Juan Archipelago; Washington

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws 195.59 acres of public lands and 75.82 acres of non-Federal lands proposed for acquisition from surface entry and mining for a period of 5 years to protect the natural and recreational values on 10 tracts of land in the San Juan Archipelago, while the Bureau of Land Management completes land use planning for these areas. The public lands have been and will remain open to mineral leasing. The non-Federal lands will become subject to the withdrawal and will be opened to mineral leasing upon acquisition by the United States.

EFFECTIVE DATE: May 29, 1998.

FOR FURTHER INFORMATION CONTACT:

Betty McCarthy, BLM Oregon/ Washington State Office, P.O. Box 2965, Portland, Oregon 97208-2965, 503-952-6155.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1994), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from settlement, sale, location, or entry under the general land laws, including the United States mining laws (30 U.S.C. Ch. 2 (1994)), but not from leasing under the mineral leasing laws, to protect the natural and recreational values on seven waterfront tracts, one inland tract, and two islands in the San Juan Archipelago:

Willamette Meridian

Tract H (Lopez Island; NW Chadwick Hill and Wetland)

T. 34 N., R. 1 W.,

Sec. 17, that portion of the south 200 ft. of the N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$, excepting therefrom the following described tracts:

Beginning at the southwest corner of the southeast quarter of sec. 17, running due east 9 rods to ditch; Thence following ditch in northeasterly direction 14 rods; Thence run in a northwesterly direction 30 rods; Thence running in a westerly direction 6 rods to County Road; Thence following County Road due south 40 rods to point of beginning. Also beginning at southwest corner of SE $\frac{1}{4}$ of said sec. 17, and running due east 9 rods to ditch; Thence following ditch in a northeasterly direction 300 ft; Thence due east 937 ft; Thence south 208.7 ft; Thence on section line west 1150 feet to place of beginning; EXCEPT County Road along the west line thereof; (83.67 acres) AND

Sec. 17, the north 330 ft. of the south 530 ft. of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ being more particularly described as follows:

A portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ described as follows:

Commencing at the east quarter corner of said sec. 17 as described by instrument recorded under Auditor's File No. 95675, records of said county, from which the concrete monument described by instrument recorded under Auditor's File No. 120616, records of said county, as marking the northeast corner of said sec. 17 bears north 0°37'51" east; Thence from said quarter corner along the easterly boundary of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ south 0°37'02" west, 809.69 ft. to the TRUE POINT OF BEGINNING of the parcel to be described; Thence leaving said easterly boundary and along the northerly boundary of the south 530 ft. of the said NE $\frac{1}{4}$ SE $\frac{1}{4}$ and parallel with the southerly boundary of the said NE $\frac{1}{4}$ SE $\frac{1}{4}$ south 89°49'41" west, 991.78 ft. to a point on the easterly boundary of the west 330 ft. of the said NE $\frac{1}{4}$ SE $\frac{1}{4}$; Thence leaving said northerly boundary and along said easterly boundary south 0°29'00" west, 330.02 ft. to

a point on the northerly boundary of the south 200 ft. of the said NE $\frac{1}{4}$ SE $\frac{1}{4}$; Thence along said northerly boundary and parallel with the southerly boundary of the said NE $\frac{1}{4}$ SE $\frac{1}{4}$ north 89°49'41" east, 991.01 ft. to a point on the easterly boundary of the said NE $\frac{1}{4}$ SE $\frac{1}{4}$; Thence along said easterly boundary north 0°37'02" east, 330.03 ft. to the TRUE POINT OF BEGINNING; AND,

Sec. 17, portions of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ described as follows:

Commencing at the east quarter corner of said sec. 17 as described by instrument recorded under Auditor's File No. 95675, records of said county, from which the concrete monument described by instrument recorded under Auditor's File No. 120616, records of said county, bears north 0°37'51" east; Thence from said quarter corner along the common boundary of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said sec. 17 south 89°40'35" west, 1323.74 ft. to the westerly corner common to the said SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$; Thence leaving said common boundary and along the westerly boundary of the said NE $\frac{1}{4}$ SE $\frac{1}{4}$ south 0°29'00" west, 806.17 ft. to the TRUE POINT OF BEGINNING of the parcel to be described; Thence leaving said westerly boundary and along the northerly boundary of the south 530 ft. of the said NW $\frac{1}{4}$ SE $\frac{1}{4}$ and parallel with the southerly boundary of the said NW $\frac{1}{4}$ SE $\frac{1}{4}$ south 89°49'41" west, 1321.81 ft. to a point on the westerly boundary of the said NW $\frac{1}{4}$ SE $\frac{1}{4}$; Thence leaving said northerly boundary and along said westerly boundary south 0°20'56" west, 330.01 ft.; Thence leaving said westerly boundary and along the northerly boundary of the south 200 ft. of the said NW $\frac{1}{4}$ SE $\frac{1}{4}$ and parallel with the southerly boundary of the said NW $\frac{1}{4}$ SE $\frac{1}{4}$ north 89°49'41" east, 1321.03 ft. to a point on the westerly boundary of the said NE $\frac{1}{4}$ SE $\frac{1}{4}$; Thence along the northerly boundary of the south 200 ft. of the said NE $\frac{1}{4}$ SE $\frac{1}{4}$ and parallel with the southerly boundary of the said NE $\frac{1}{4}$ SE $\frac{1}{4}$ north 89°49'41" east, 330.02 ft. to a point on the easterly boundary of the west 330 ft. of the said NE $\frac{1}{4}$ SE $\frac{1}{4}$; Thence along the said easterly boundary and parallel with the westerly boundary of the said NE $\frac{1}{4}$ SE $\frac{1}{4}$ north 0°29'00" east, 330.02 ft. to a point on the northerly boundary of the south 530 ft. of the said NE $\frac{1}{4}$ SE $\frac{1}{4}$; Thence along said northerly boundary and parallel with the southerly boundary of the said NE $\frac{1}{4}$ SE $\frac{1}{4}$ south 89°49'41" west, 330.02 ft. to a point on the boundary common to the said NW $\frac{1}{4}$ SE $\frac{1}{4}$ and the NE $\frac{1}{4}$ SE $\frac{1}{4}$, said point also being the TRUE POINT OF BEGINNING. (20.02 acres)

Tract J: (Lopez Island; Watmough Bay)

T. 34 N., R. 1 W.,

Sec. 21, lot 2 and SW $\frac{1}{4}$ NW $\frac{1}{4}$, TOGETHER with tidelands of the second class abutting thereon; EXCEPT the following described portions thereof:

1. A portion of lot 2 described as follows: Beginning at a point marked by an iron pipe at the approximate high tide line, which point is south 50.1 ft. and east 2197 ft. of an iron pipe marking the northwest corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said sec. 21; Thence from said point of beginning south 66°46' west, 146.1 ft. to an iron pipe at the edge of a marsh;