

[FR Doc. 99-22829 Filed 9-1-99; 8:45 am]

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**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****Notice of Availability of an Environmental Assessment/Habitat Conservation Plan and Receipt of an Application for Incidental Take Permit During Construction on Lot 5 of a Single Family Residence on 2.75 Acres on Pearce Road in Travis County, Texas**

**SUMMARY:** Brent Mayberry (Applicant) has applied to the U.S. Fish and Wildlife Service (Service) for an incidental take permit pursuant to Section 10(a) of the Endangered Species Act (Act). The Applicant has been assigned permit number TE-012963-0. The requested permit, which is for a period of 7 years, would authorize the incidental take of the endangered golden-cheeked warbler (*Dendroica chrysoparia*). The proposed take would occur as a result of the construction of a single family residence on Pearce Road, Travis County, Texas.

The Service has prepared the Environmental Assessment/Habitat Conservation Plan (EA/HCP) for the incidental take application. A determination of jeopardy to the species or a Finding of No Significant Impact (FONSI) will not be made until at least 30 days from the date of publication of this notice. This notice is provided pursuant to Section 10(c) of the Act and National Environmental Policy Act regulations (40 CFR 1506.6).

**DATES:** Written comments on the application should be received on or before October 4, 1999.

**ADDRESSES:** Persons wishing to review the application may obtain a copy by writing to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Persons wishing to review the EA/HCP may obtain a copy by contacting Christina Longacre, Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, Texas 78758 (512/490-0063). Documents will be available for public inspection by written request, by appointment only, during normal business hours (8:00 to 4:30) at the U.S. Fish and Wildlife Service, Austin, Texas. Written data or comments concerning the application and EA/HCP should be submitted to the Field Supervisor, Ecological Services Field Office, Austin, Texas at the above address. Please refer to permit number

TE-012963-0 when submitting comments.

**FOR FURTHER INFORMATION CONTACT:** Christina Longacre at the above Austin Ecological Services Field Office.

**SUPPLEMENTARY INFORMATION:** Section 9 of the Act prohibits the "taking" of endangered species such as the golden-cheeked warbler. However, the Service, under limited circumstances, may issue permits to take endangered wildlife species incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for endangered species are at 50 CFR 17.22.

**Applicant**

Brent Mayberry plans to construct a single family residence on Pearce Road, Travis County, Texas. This action will eliminate less than three quarters of an acre of habitat and indirectly impact less than four additional acres of golden-cheeked warbler habitat. The applicant proposes to compensate for this incidental take of golden-cheeked warbler habitat by donating \$1,500 into the Balcones Canyonlands Preserve to acquire/manage lands for the conservation of the golden-cheeked warbler.

Alternatives to this action were rejected because not developing the subject property with federally listed species present was not economically feasible, and alteration of the project design would not decrease the impacts.

**Geoffrey L. Haskett,**

*Acting Regional Director, Region 2, Albuquerque, New Mexico.*

[FR Doc. 99-22859 Filed 9-1-99; 8:45 am]

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**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service**

[TE 016724]

**Endangered and Threatened Wildlife and Plants: Notice of Availability and Opening of Comment Period for an Application for an Incidental Take Permit to Allow Take of an Endangered Species by Cinergy Corporation, Gibson County, IN, and National Environmental Policy Act Determination**

**SUMMARY:** The US Fish and Wildlife Service (Service) provides notice of the availability of a Habitat Conservation Plan (HCP) and Incidental Take Permit Application received from Cinergy Corporation, Gibson County, Indiana, and the Service's National Environmental Policy Act Determination for the proposed action

of permit issuance. In 1986, a single pair of endangered interior least terns (*Sterna antillarum*) nested at Cinergy's Gibson Generating Station in Gibson County, Indiana. Since that time, the least tern colony at the facility has grown. The most terns ever recorded in a single year was in 1998 when an estimated 85 adult terns, 63 nests, and 72 fledged young were present. Since the initial discovery, Cinergy has worked with the Indiana Department of Natural Resources and the Service to maintain conditions favorable for successful tern production at the Gibson Generating Station. All tern nesting habitat at the Gibson Generating Station was created as the result of the construction and maintenance of the facility. No tern habitat existed at this site prior to construction of the generating station and associated facilities. Cinergy has voluntarily enhanced the habitat to maintain and improve nesting conditions for least terns. Cinergy proposes to continue efforts to enhance nesting opportunities for least terns on the facility. However, some least tern nesting has occurred in active ash disposal areas and on access roads to these areas and Cinergy acknowledges that the operation and maintenance of the Gibson Generating Station entails some potential for incidental take. The applicant has submitted an HCP detailing their proposal for management of least terns at the facility, and seeks an incidental take permit for a 5 year period. The proposed take of least terns (adults, chicks, or eggs) will not exceed 5% of the estimated maximum adult population present on the facility in any given year. The net result of activities proposed in Cinergy's HCP will be an increase in suitable tern nesting habitat; no existing habitat will be destroyed. However, attempts may be made to make ash disposal areas and associated access roads, areas where there is potential for incidental take of terns, less attractive as potential nesting sites. Cinergy will continue to maintain the core nesting area at the Gibson Generating Station in a condition favorable for least tern nesting. In addition, Cinergy will assist in the development of the 187-hectare Cane Ridge Wildlife Area, which will include creation of least tern nesting units. These tern nesting units, which will be immediately adjacent to the Gibson Generating Station, will be owned and managed by the Service and will provide additional suitable habitat for least terns. The HCP and Incidental Take Permit Application are available for public review and comment for a

period of 30 days. In addition, the Service has determined that the HCP meets the criteria for a "Low Effect" HCP and has determined that it qualifies for a Categorical Exclusion. This NEPA determination is available for review by interested parties. All comments received, including commentors names and addresses, will become part of the Service's Administrative Record and may be made available to the public.

**DATES:** Written comments on the Habitat Conservation Plan/Incidental Take Permit Application and the Service's NEPA Determination must be received on or before October 4, 1999.

**ADDRESSES:** Persons wishing to review the application and associated documents may obtain copies by writing to the Regional HCP/NEPA Coordinator, Fish and Wildlife Service, 1 Federal Drive, Fort Snelling, Minnesota 55111-4056. Documents will be available for public inspection by appointment only, during normal business hours (8:00-4:30), at the US Fish and Wildlife Service, 1 Federal Drive, Fort Snelling, Minnesota, (612-713-5350) and at the US Fish and Wildlife Service, 620 South Walker Street, Bloomington, Indiana (812-334-4261). Written comments should be submitted to the Regional HCP/NEPA Coordinator at the address listed above or via FAX at 612-713-5292. Please refer to permit number TE 016724 when submitting comments.

**FOR FURTHER INFORMATION, CONTACT:** Ms. Lisa Mandell, Regional HCP/NEPA Coordinator, at (612) 713-5350.

Dated: August 27, 1999.

**Charles M. Wooley,**  
*Assistant Regional Director, Ecological Services, Region 3, Fort Snelling, Minnesota.*  
[FR Doc. 99-22918 Filed 9-1-99; 8:45 am]  
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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Notice of Intent To Prepare Environmental Assessments of Environmental Impact Statements for Permit Applications To Incidentally Take the Preble's Meadow Jumping Mouse in Boulder, Douglas, Elbert, El Paso, and Jefferson Counties, Colorado; Correction

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice; correction.

**SUMMARY:** The Fish and Wildlife Service published a document in the **Federal Register** of August 26, 1999; the document contained one incorrect date. In notice document 99-21891 beginning

on page 46703 in the issue of Thursday, August 26, 1999, make the following corrections:

On page 46704, Item number 3 under the Public Participation Section, insert the following date correction: "3. October 5, 1999, 7:00 p.m., Elbert County—County Courthouse, 215 Comanche Street, Kiowa, Colorado 80117."

Dated: August 26, 1999.

**Mary L. Gessner,**  
*Acting Regional Director, Denver, Colorado.*  
[FR Doc. 99-22858 Filed 9-1-99; 8:45 am]  
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## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### Land Acquisitions; Little Traverse Bay Bands of Odawa Indians of Michigan

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice of final agency determination to take land into trust under 25 CFR part 151.

**SUMMARY:** The Assistant Secretary—Indian Affairs made a final agency determination to acquire approximately 5 acres, more or less, of land into trust for the Little Traverse Bay Bands of Odawa Indians of Michigan on August 27, 1999. This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

**FOR FURTHER INFORMATION CONTACT:** Nancy J. Pierskalla, Indian Gaming Management Staff Office, Bureau of Indian Affairs, MS 2070-MIB, 1849 C Street, NW, Washington, DC 20240, telephone (202) 219-4066.

**SUPPLEMENTARY INFORMATION:** This notice is published to comply with the requirement of 25 CFR 151.12(b) that notice be given to the public of the Secretary's decision to acquire land in trust at least 30 days prior to signatory acceptance of the land into trust. The purpose of the 30-day waiting period in 25 CFR 151.12(b) is to afford interested parties the opportunity to seek judicial review of final administrative decisions to take land in trust for Indian tribes and individual Indians before transfer of title to the property occurs. On August 27, 1999, the Assistant Secretary—Indian Affairs decided to accept approximately 5 acres, more or less, of land into trust for the Little Traverse Bay Bands of Odawa Indians pursuant to Section 1300k-4(b) and (d) of the Little Traverse Bay Bands of Odawa Indians and Little River Band of Ottawa

Indians Act, Public Law 103-324, 25 U.S.C. 1300k—1300k-7(1994). The Secretary shall acquire title in the name of the United States in trust for the Little Traverse Bay Bands of Odawa Indians for the following parcel of land described below no sooner than 30 days after the date of this notice. A parcel of land containing 5 acres, more or less, situated near the City of Petoskey, in Emmet County, Michigan, and is more particularly described as follows:

commencing at the South ¼ corner of Section 7, Township 34 North, Range 5 West; thence North 01°02'30" East 133.03 feet to a T-iron stake which is the Point of Beginning; thence West 425.07 feet to a T-iron stake; thence North 05°08'30" East 120.16 feet to a T-iron stake; thence North 03°06'30" East 408.43 feet to a T-iron stake; thence South 89°54'30" East 401.67 feet to a T-iron stake; thence South 01°02'30" West 526.91 feet to the Point of Beginning; being a part of the Southeast ¼ of the Southwest ¼ of said Section 7 in the Township of Bear Creek, Emmet County, Michigan.

Subject to all easements, restrictions, covenants, reservations, responsibilities and requirements of record.

Dated: August 27, 1999.

**Kevin Gover,**  
*Assistant Secretary—Indian Affairs.*  
[FR Doc. 99-22852 Filed 9-1-99; 8:45 am]  
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## DEPARTMENT OF JUSTICE

### Immigration and Naturalization Service

[INS No. 2010-99; AG Order No. 2252-99]

RIN 1115-AE 26

#### Extension of Designation of Montserrat Under Temporary Protected Status Program

**AGENCY:** Immigration and Naturalization Service, Justice.

**ACTION:** Notice.

**SUMMARY:** This notice extends the Attorney General's designation of Montserrat under the Temporary Protected Status (TPS) program until August 27, 2000. Eligible nationals of Montserrat (or aliens having no nationality who last habitually resided in Montserrat) may re-register for TPS and an extension of employment authorization. Re-registration is limited to persons who registered for the initial period of TPS, which ended on August 27, 1998, or who registered after that date under the late initial registration provision. Persons who are eligible for late initial registration may register for TPS during this extension.