

management strategies can be implemented if the outcome of proposed management regimes is inconsistent with the HCP goals for the species. It is the Service's position that no additional measures are required to implement the intent and purpose of the HCP.

### National Environmental Policy Act Determination and Public Comment

An Environmental Impact Statement (EIS) was prepared to accompany this HCP due to the large scale of the effort and the Service's determination that this HCP was precedent setting. The EIS analyses the Proposed HCP and No Action alternatives in detail. The EIS describes the process that was followed to develop the HCP, including the input of partners and the interested public.

A Notice of Intent to prepare an EIS was announced in the **Federal Register** on June 5, 1995. Public scoping meetings followed at three locations in Wisconsin. The DNR also provided avenues for public involvement in the planning process and development of the HCP. Many interests were represented throughout the development process. Once the ITP application was received by the Service, an announcement of availability of the draft EIS was made in the **Federal Register** on April 16, 1999. The Service's permit requirements also call for announcement of availability of permit applications. Therefore, a more detailed announcement was made in the April 14, 1999, **Federal Register** which included a description of the proposed HCP and the EIS and included a web site address for complete documentation. Several hundred copies of the HCP/EIS were distributed to interested parties, including those that had expressed an interest during the development phase. An additional four requests for the HCP/EIS were received as a result of the announcement of availability of the drafts. Seven comment letters were received during the public review period and responses to the comments have been incorporated into the document(s). The announcement of the final EIS was made on July 2, 1999.

Based on the findings described in this record of decision, the Service has decided to issue an ESA Section 10(a)(1)(B) Incidental Take Permit to the Wisconsin Department of Natural Resources and HCP Partnership for a period of 10 years.

Dated: September 27, 1999.

**William F. Hartwig,**

*Regional Director, Region 3, U.S. Fish and Wildlife Service, Fort Snelling, Minnesota.*

[FR Doc. 99-25535 Filed 10-1-99; 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 Application for Incidental Take Permit for Construction of Two Single Family Residences on 0.75 acres each of the 54.9 acres Platted as the Diamond Sky Subdivision on City Park Road in Travis County, TX

**SUMMARY:** Anthony Franzetti (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 numbers TE-016491-0. The requested permit, which is for a period of 30 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 and occupation of two single family residences on City Park Road, Austin, Travis County, Texas.

The Service has prepared the Environmental Assessment/Habitat Conservation Plan (EA/HCP) for the incidental take applications. 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 November 3, 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 Scott Rowin, 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) U.S. Fish and Wildlife Service, Austin, Texas. Written data or comments concerning the application(s)

and EA/HCPs should be submitted to the Field Supervisor, Ecological Services Field Office, Austin, Texas at the above address. Please refer to permit number TE-016491-0 when submitting comments.

#### FOR FURTHER INFORMATION CONTACT:

Scott Rowin 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:* Anthony Franzetti plans to construct two single family residences on 54.9 acres platted as the Diamond Sky Subdivision, on City Park Road Austin, Travis County, Texas. This action will eliminate less than two acres of habitat and indirectly impact less than 18 additional acres of golden-cheeked warbler habitat. The applicant proposes to compensate for this incidental take of golden-cheeked warbler habitat by placing the remaining balance of the property, approximately 53 acres, in a conservation easement in perpetuity.

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 increase the impacts.

**Thomas L. Bauer,**

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

[FR Doc. 99-25684 Filed 10-1-99; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Migratory Bird Permits; Notice of Intent To Prepare Two Management Plans and Environmental Assessments for Take of Wild Peregrine Falcons

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

**ACTION:** Notice of intent.

**SUMMARY:** The American peregrine falcon (*Falco peregrinus anatum*) was removed from the protection of the U.S. Endangered Species Act (ESA) on August 25, 1999. The arctic peregrine falcon (*F. p. tundrius*) was removed from ESA protection in 1994. Due to their special status as recently delisted subspecies, we intend to develop two

joint State/Federal management plans to govern take of wild peregrine falcons (*F. peregrinus*) in the United States. We will prepare Environmental Assessments (EAs) for public review as part of the process. One management plan will address take of peregrine falcon nestlings in the United States. The other will address take of immature peregrines that originate in Alaska, Canada, and Greenland, and migrate through the contiguous United States. These management plans will be developed cooperatively by the Service and the States with input from the governments of Canada, Greenland, and Mexico. Once the plans are completed, the States will be responsible for managing the species within the framework of the plans. Our intent is that these management plans will apply only until the Service and the States agree that special management is no longer warranted. Comments on development of harvest strategies and management plans are solicited and will be considered in development of the plans and associated Environmental Assessments.

**DATES:** Written comments are requested by November 12, 1999.

**ADDRESSES:** Please submit written comments to the Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Room 634, Arlington, Virginia 22203 (fax: 703/358-2272).

**FOR FURTHER INFORMATION CONTACT:** George Allen, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, at 703/358-1714.

**SUPPLEMENTARY INFORMATION:** Three subspecies of peregrine falcon are recognized in North America: the maritime, or Peale's peregrine (*F. p. pealei*); the tundra, or arctic peregrine; and the American peregrine. The Peale's peregrine is a year round resident of the coastal areas of western Canada and southern Alaska to the Aleutians. It was never listed as endangered or threatened under the ESA. The arctic peregrine breeds in the northern tundra regions from Alaska across Canada to Greenland. It was listed as endangered, but breeding populations in North America expanded considerably in recent decades, and the subspecies was delisted in 1994 (October 5, 1994; 59 FR 50796). The American peregrine subspecies breeds from the boreal forests of Alaska and Canada south through the western United States and northern Mexico. Numeric recovery goals for breeding pairs in southeastern Canada and the eastern United States have recently been met, and numbers now exceed recovery goals over most of

its North American range. We delisted the American peregrine falcon, and removed the similarity of appearance provision for free-flying peregrines in the conterminous states, on August 25, 1999 (64 FR 46542). That action had the effect of eliminating the Endangered Species Act prohibitions against take of wild-caught peregrines for falconry, raptor propagation, scientific collecting, and other purposes permissible under the Migratory Bird Treaty Act. However, except for scientific research, which will be considered on a case-by-case basis, and depredation permits issued for public safety reasons at airports, we have continued the prohibition on take of wild peregrines until we complete management plans to govern harvest.

Migrant juvenile peregrines were captured by falconers along the Atlantic coast barrier islands annually for many years prior to 1970, and migrants and nestlings were taken less regularly elsewhere in the United States. Falconers would like the use of wild peregrines to resume now that peregrines have met recovery goals. Although captive-bred peregrines have been available for falconry since 1983, wild peregrines have not been available due to ESA restrictions, except in Alaska where a limited take of Peale's peregrines is allowed, and a limited take of arctic peregrines has been allowed since its delisting.

Falconry is regulated under a joint State-Federal permitting system (50 CFR 21.28—21.29). Regulations provide for three progressive classes of falconry permits: apprentice, general, and master falconer depending on the individual's level of experience. Apprentice falconers may possess only one raptor at a time and may take only certain species, which do not include peregrine falcons. General falconers may possess two raptors at a time and may take no more than two from the wild during any 12-month period. Master falconers may possess three raptors and take no more than two from the wild during any 12-month period. Federal and most State falconry regulations permit the removal from the wild of non-endangered raptors for falconry.

In anticipation of high interest in take of wild peregrines for falconry following the delisting of the American peregrine, we have been working with the States to develop harvest criteria that will ensure that recovery achieved under the ESA is sustained and that further population growth is not impeded. We will develop, cooperatively with the States, two management plans. The first plan will deal with take of nestling (eyas) peregrines in the United States. The second plan will deal with take of

juvenile migrant (passage) peregrines. Most migrant peregrines will originate in Canada, Greenland, or Alaska. The management plans will include (1) biological criteria for a harvest of peregrine falcons, (2) implementation criteria for the harvest, and (3) procedures for evaluating and adjusting harvest in an adaptive-management framework. The management plans will provide overall guidance for take of peregrines. Within the framework provided by each plan, the States will be responsible for decisions about harvest.

To avoid compromising the restoration of peregrine populations in North America, our preliminary objectives for the combined plans are:

(1) Protect from harvest to the extent possible, nestling and dispersing juvenile American peregrines from natal areas in eastern Canada and eastern United States.

(2) Allow a conservative and sustainable level of take of migrant juvenile peregrines originating from the Alaskan and Canadian arctic and Greenland.

(3) Allow a conservative and sustainable level of take of nestling peregrines from healthy populations in the western United States and Alaska.

The Environmental Assessments will likely include several alternatives, such as various harvest levels from particular management groups. Possible harvest levels include no take, take of 5 percent or 10 percent of annual production, or no restrictions on take beyond the existing falconry regulations (i.e., no management plan).

Because take of nestlings is a United States issue, we expect to complete this plan ahead of the plan for migrants, which will require international coordination with Canada, Greenland, and Mexico. We hope to complete the plan and EA for nestlings by spring and for migrants by fall, 2000, respectively.

The Service has a statutory obligation under the ESA to monitor the status of delisted species in cooperation with the States. The purpose of the ESA monitoring plan is to ensure that recovery is sustained. We intend to publish a draft ESA monitoring plan for the American peregrine falcon in the **Federal Register** in the near future. Take of American peregrines under the MBTA pursuant to the management plans that are the subject of this current notice will be considered during the ESA monitoring program. However, the management plans under MBTA, which will govern take of all North American subspecies of peregrine, and the monitoring plan for the American

peregrine subspecies under ESA are otherwise unrelated.

Dated: September 27, 1999.

**Jamie Rappaport Clark,**

*Director, Fish and Wildlife Service.*

[FR Doc. 99-25734 Filed 10-1-99; 8:45 am]

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**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**Letters of Authorization to Take Marine Mammals**

**AGENCY:** U.S. Fish and Wildlife Service.

**ACTION:** Notice of issuance of Letters of Authorization to take marine mammals incidental to oil and gas industry activities.

**SUMMARY:** In accordance with section 101(a)(5)(A) of the Marine Mammal Protection Act of 1972, as amended, and the U.S. Fish and Wildlife Service implementing regulations [50 CFR 18.27(f)(3)], notice is hereby given that Letters of Authorization to take polar bears and Pacific walrus incidental to oil and gas industry exploration, development, and production activities have been issued to the following companies:

Company	Activity	Date issued
BP Exploration (Alaska) Inc. ....	Development .....	September 10, 1999.

**FOR FURTHER INFORMATION CONTACT:** Mr. John W. Bridges at the U.S. Fish and Wildlife Service, Marine Mammals Management Office, 1011 East Tudor Road, Anchorage, Alaska 99503, (800) 362-5148 or (907) 786-3810.

**SUPPLEMENTARY INFORMATION:**

Letters of Authorization were issued in accordance with U.S. Fish and Wildlife Service Federal Rules and Regulations "Marine Mammals; Incidental Take During Specified Activities (58 FR 60402; November 16, 1993); modified and extended (60 FR 42805; August 17, 1995)."

Dated: September 20, 1999.

**Gary Edwards,**

*Acting Regional Director.*

[FR Doc. 99-25723 Filed 10-1-99; 8:45 am]

BILLING CODE 4310-55-M

consecutive weeks, in the *Juneau Empire*. Copies of the decision may be obtained by contacting the Alaska State Office of the Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513-7599 ((907) 271-5960).

Any party claiming a property interest which is adversely affected by the decision, an agency of the Federal government or regional corporation, shall have until November 3, 1999 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management at the address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR part 4, subpart E, shall be deemed to have waived their rights.

**Patricia A. Baker,**

*Land Law Examiner, Branch of ANCSA Adjudication.*

[FR Doc. 99-25688 Filed 10-1-99; 8:45 am]

BILLING CODE 4310-01-P

and Fishing Access Areas are closed to camping year round. The trailheads are located on public lands administered by the Bureau of Land Management (BLM), Cody Field Office. The Four Bear Trailhead is located on the north side of U.S. Highway 14-16-20 approximately 19 miles west of Cody in Park County, Wyoming. The Twin Creek Trailhead and Fishing Access Site is located on the north side of Park County Road 6WX approximately 23 miles west of Cody in Park County, Wyoming. This closure also applies to the public land surrounding the developed sites as described in this notice. Day use is allowed as well as overnight parking of unattended vehicles (including horse trailers).

This action is being taken because the sites are small and were designed to serve as trailheads and parking areas for fishermen, hikers, and horseback riders. The sites and immediate surroundings are not designed to provide camping and are not suitable for camping. Camping in the parking lot would fill up the lot and would make parking spots unavailable to persons seeking to use the trailhead. No camping at either location will be allowed unless permitted by the Authorized Officer (BLM Cody Field Manager).

In addition, the Twin Creek Trail is subject to a seasonal closure. Easements exist along the west fork of Twin Creek allowing public access through private lands to the Shoshone National Forest. These easements are subject to a seasonal closure. Consistent with that closure, the BLM portion of the trail is closed to all use from January 1 through April 30 of each year. This trail crosses the South Fork of the Shoshone River. The seasonal closure is in effect where the trail begins on the west side of the river. River bank access will remain open on both sides of the South Fork of the Shoshone River for activities such as fishing and sightseeing. The purpose of

**DEPARTMENT OF THE INTERIOR**

**Bureau of Land Management**

[AK-962-1410-00-P]

[AA-14015]

**Notice for Publication; Alaska Native Claims Selection**

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 14(h)(8) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(h)(8), will be issued to Sealaska Corporation for approximately 186.77 acres. The lands involved are within the Tongass National Forest in southeast Alaska.

Copper River Meridian, Alaska

T. 75 S., R. 82 E.,  
Secs. 21 and 30.

T. 73 S., R. 85 E.,  
Sec. 12.

A notice of the decision will be published once a week, for four (4)

**DEPARTMENT OF THE INTERIOR**

**Bureau of Land Management**

[WY-020-1220-00]

**Notice of Closure to Camping at the Four Bear Trailhead and the Twin Creek Trailhead and Fishing Access Area and Notice of Seasonal Closure to Public Use Along Twin Creek Trail on Public Land in Park County, WY, Cody Field Office**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of closures.

**SUMMARY:** Notice is hereby given that effective October 4, 1999 the Four Bear Trailhead and the Twin Creek Trailhead