

lawful activities. Regulations governing permits for endangered species are at 50 CFR 17.22.

#### Applicant

The Volente Group, Inc. plans to construct a lakefront mixed-use development and associated roads and utilities on 1,746 acres of the 2,572.8-acre Reed Estate Property. A more detailed description of the proposed development is available in the EA/HCP. This action will eliminate 1 to 5 black-capped vireo territories and approximately 557 acres in 23 warbler territories on the Jonestown tract. A total of 640 acres of warbler habitat and 29 warbler territories occur on the Volente tract and approximately 201 acres and 5 of the Warbler territories will be eliminated during development.

The applicant proposes to compensate for this incidental take of golden-cheeked warbler habitat by preserving and maintaining a 827-acre conservation area on the Volente tract, in perpetuity. Approximately 439 acres of the 640 acres of golden-cheeked warbler habitat will be included in the 827-acre conservation area and will include 24 of the 29 golden-cheeked warbler territories. The applicant will also include approximately 33 acres of vireo habitat on the Jonestown tract in a vireo open space preserve.

The conservation area will be within the Cypress Creek Macrosite Preserve and the Applicant will manage the conservation area until such time as the Lower Colorado River Authority (LCRA) or other public or private non-profit agency accepts fee title dedication and management responsibility of the land. A deed restriction will be recorded on the conservation area prohibiting uses of the area that are incompatible with the conservation needs of the golden-cheeked warbler and black-capped vireo. The proposed action and other mitigative measures are explained in detail in the EA/HCP.

Alternatives to this action were rejected because selling or not developing the subject property with federally listed species present was not economically feasible.

Nancy M. Kaufman,  
Regional Director, Region 2, Albuquerque,  
New Mexico.

[FR Doc. 96-18397 Filed 7-18-96; 8:45 am]

BILLING CODE 4510-55-M

#### **Notice of Availability of an Environmental Assessment/Habitat Conservation Plan and Receipt of Application to Amend Incidental Take Permit PRT-782829 to Allow Construction and Operation of a Residential and Commercial Development on Davenport Ranch in Austin, Travis County, Texas**

**SUMMARY:** Davenport Limited (applicant) has applied to the Fish Wildlife Service (Service) to amend incidental take permit PRT-782829 pursuant to Section 10(a)(1)(b) of the Endangered Species Act (Act). The requested amendment, 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 development of 185 residential lots and 2 commercial lots with associated streets and utilities on roughly 209 acres of a 272-acre parcel in Davenport Ranch located in Austin, Travis County, Texas.

The Service has prepared the Environmental Assessment/Habitat Conservation Plan (EA/HCP) for the amendment. A determination of whether jeopardy to the species is likely to result, or a Finding of No Significant Impact (FONSI), will not be made before 30 days from the date of publication of this notice.

This notice is provided pursuant to Section 10(a) 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 August 19, 1996.

**ADDRESSES:** Persons wishing to review the application may obtain a copy by writing 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 Mary Orms, 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 Field Office, Austin, Texas (see **ADDRESSES** above). Please refer to permit number PRT-782829 when submitting comments.

**FOR FURTHER INFORMATION CONTACT:** Mary Orms 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 or amend issued permits to take endangered wildlife species when such taking is incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for endangered species are at 50 CFR 17.22.

#### Applicant

Davenport Limited plans to construct 185 residential lots and two commercial lots on a 272-acre parcel in Davenport Ranch. The construction will be located on the south end of approximately 112 acres of habitat and will impact two warbler territories. The applicant proposes to compensate for this loss of golden-cheeked warbler habitat by purchasing 55 acres of the 128-acre Vaughn Tract located north of F.M. 2769, roughly 1.6 miles west of its intersection with Bullick Hollow Road, within the Cypress Creek macrosite preserve area of the Balcones Canyonlands Conservation Plan are, in Travis County. The land will be donated to the Lower Colorado River Authority and funding will be provided for operation and maintenance of the acquired habitat.

Alternatives to this action were rejected because selling or not developing the subject property with federally listed species present was not economically feasible.

Nancy M. Kaufman,  
Regional Director, Region 2, Albuquerque,  
New Mexico.

[FR Doc. 96-18399 Filed 7-18-96; 8:45 am]

BILLING CODE 4510-55-M

#### **Notice of Availability of a Draft Environmental Assessment on Development of a Bilateral Agreement Between the United States and Russia for the Conservation of Polar Bears and Notice of Public Meetings To Seek Comments**

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

**ACTION:** Notice of availability and public meetings.

**SUMMARY:** This notice announces the availability to the public of a draft Environmental Assessment (EA) regarding the proposal to develop a United States/Russia Bilateral Agreement for the Conservation of Polar Bears in the Chukchi/Bering Seas. The Chukchi/Bering Seas and a portion of the Eastern Siberian Sea stock of polar

bears, hereafter referred to as the Alaska-Chukotka population, is shared between Russia and the United States. The U.S. Fish and Wildlife Service, the agency responsible for management and conservation of polar bears (*Ursus maritimus*) in the United States, proposes to develop a conservation agreement for the Chukchi/Bering Seas stock of polar bears as part of the Service's natural resource stewardship responsibilities in the management and conservation of this international resource. This notice also announces two public meetings that will be held by the Service to consider the draft EA.

**DATES:** Written comments on the draft EA should be submitted no later than September 17, 1996. Two public meetings are scheduled to promote discussion of the draft EA. The public meetings will be held as follows:

1. August 14, 1996, 7:30 p.m., Anchorage, Alaska.
2. August 21, 1996, 10 a.m., Washington, DC.

**ADDRESSES:** To request a copy of the draft EA or to submit comments, contact Supervisor, Marine Mammals Management, U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska 99503 (telephone 907/786-3800; FAX 907/786-3816). The location of public meetings follows:

1. In Anchorage, Alaska: Wilda Marston Theater, 1st floor, Loussac Library, 3600 Denali Street.
2. In Washington, DC: U.S. Department of the Interior, Main Interior Building Auditorium, 1849 C Street NW.

**FOR FURTHER INFORMATION CONTACT:** Scott Schliebe, Marine Mammals Management, U.S. Fish and Wildlife Service, 800/362-5148 or 907/786-3812.

**SUPPLEMENTARY INFORMATION:** In 1973, Canada, Denmark (on behalf of Greenland), Norway, Russia, and the United States signed the international Agreement on the Conservation of Polar Bears (1973 Agreement). Each country is obligated to develop conservation programs to comply with the 1973 Agreement. The United States relies largely on the Marine Mammal Protection Act (MMPA) to comply with the terms of the 1973 Agreement. Also, in 1988 a local Native-to-Native subsistence users agreement was developed between the Inupiat of the North Slope Borough in the United States and the Inuvialuit of the Northwest Territories, Canada, to provide further protection for the shared Beaufort Sea polar bear population. No such agreement exists for the Alaska-Chukotka population that is shared

between the United States and Russia. Section 113(d) of the 1994 Amendments to the Marine Mammal Protection Act states, ". . . the Secretary of the Interior, acting through the Secretary of State and in consultation with the Marine Mammal Commission and the State of Alaska, shall consult with the appropriate officials of the Russian Federation on the development and implementation of enhanced cooperative research and management programs for the conservation of polar bears in Alaska and Russia. . . ." The Service, in consultation with the Department of State, the Marine Mammal Commission, and the State of Alaska proposes to enter into a government-to-government Bilateral Conservation Agreement with the Russian Federation, and the Natives from Alaska and Chukotka, Russia, plan to enter into a Native-to-Native implementation agreement for the Alaska-Chukotka population.

The draft EA describes three alternatives for entering into conservation agreements. The purpose of the agreements is to unify management regimes, regulate take, enhance protection for polar bears and their habitat, and provide for non-consumptive uses such as eco-tourism, as well as consumptive uses.

Alternative 1 is the status quo where the U.S. Federal Government takes no new action. It describes three possible scenarios: (a) Neither country takes action; (b) Russia takes action independent of the U.S.; or (c) an Alaska/Chukotka Native-to-Native agreement is implemented. Under the first scenario, each country would retain its current conservation and management strategies. In Russia, the existing ban on polar bear hunting would likely remain in effect, and unquantified hunting would continue to pose a threat to the population. In Alaska, subsistence take of polar bears would continue provided the population remains non-depleted. Ongoing habitat protection would continue through the existing system of reserves in Russia, and parks and refuges in Alaska, and other existing authorities.

Under the second scenario, Russia could sanction hunting independent of cooperation with the U.S. This would likely increase the numbers of polar bears removed from the population and could have an impact on the availability of the polar bears for subsistence hunters in Alaska.

Under the third scenario, Alaska and Chukotka Natives could enter directly into cooperative agreements with each other without formal participation from

their respective Federal governments. Such an agreement would not have official standing, harvest level restrictions would not be binding, and research and monitoring programs, habitat protection, and enforcement would continue to be conducted unilaterally by the governments of each country or as a part of existing international programs. Varying degrees of participation and coordination with Natives from each country would occur.

In Alternative 2, a unilateral cooperative agreement within each country between the Federal government and Natives would be developed. International bilateral conservation and co-management strategies would not be initiated. Subsistence hunting in Alaska would continue provided the population remains at a non-depleted level, and harvest level restrictions would not be binding. The population status could be affected by the level of unquantified hunting in Russia, and lack of enforcement. Research, monitoring, and enforcement would continue at current levels with little or no bilateral coordination. In Alaska, habitat protection would rely on the existing legal authority of the MMPA and other legislation.

The preferred alternative (Alternative 3) of the draft EA describes a bilateral management scenario where a government-to-government agreement establishes the guiding framework and ultimate oversight role for an Alaska-Chukotka Native-to-Native agreement. A harvest system would be established by an international joint commission composed of one Federal and one Native representative from each country. Harvest levels would be binding. Joint research and management, population and harvest monitoring, enforcement, and habitat protection would be the primary elements of the agreement. Alternative 3 is the preferred alternative because it provides the basis for a comprehensive and coordinated conservation program. The agreement would provide guidance for the Russian and American governments and Native entities to manage the shared population stock, and it would support Russian efforts to curb threats to polar bears associated with illegal, unquantified hunting and lack of enforcement. A government-to-government bilateral agreement would also ensure closer coordination and involvement in management decisions by the primary users, namely the Native peoples of Alaska and Chukotka.

The Service requests interested persons to submit comments, information, and suggestions concerning

these actions. Copies of the draft EA and this notice will be distributed to persons who have expressed a prior interest in this or related polar bear conservation issues. Copies are available upon request at the location under the **ADDRESSES** section. As identified above in the DATES Section, the Service will also conduct two public meetings to promote discussion of the draft EA. Comments and materials received in response to this action will be available for public inspection at this address during normal working hours of 8:00 a.m. to 4:30 p.m., Monday through Friday.

Discussions regarding development of a unified management approach between Russia and the United States were initiated in Sochi, Russia in October 1988, at the International Union for Conservation of Nature and Natural Resources (IUCN) Polar Bear Specialists Group Meeting. Further talks occurred in May 1990, and correspondence supporting the development of a bilateral agreement followed. Between 1992 and 1995, protocols of agreement were developed between the natural resources agencies of the respective countries and the Native users of Alaska and Chukotka. During this period numerous discussions between the Service and Native representatives occurred on the possible development of a government-to-government conservation agreement and a companion Native-to-Native agreement. These agreements would be consistent with the terms of the 1973 Agreement and include the principles of sustainable yield, support for research and the collection of biological information and local knowledge, and habitat protection. In April 1994, a "Protocol of Intentions Between the Indigenous Peoples of Chukotka and Alaska on the Conservation, Protection, Management, and Study of the Bering and Chukchi Seas Shared Polar Bear Population" was signed. In the United States representatives of the Service, the Department of State, the Department of the Interior, the Marine Mammal Commission, the Alaska Department of Fish and Game, the North Slope Borough, the Alaska Nanuuq Commission, and the Audubon Society have met several times to discuss principles for a draft conservation agreement. The need for public input and review led to the development of the draft EA in June 1996. The Service plans to submit a request to the Department of State for authority to enter into formal negotiations with Russia, pending the consideration of

public comments and development of a final EA.

Dated: July 16, 1996.

Gary Edwards,

*Assistant Director—Fisheries, U.S. Fish and Wildlife Service.*

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BILLING CODE 4310-55-M

## Bureau of Land Management

[NM-070-4320-03]

### Temporary Closure of Public Land to Public Use

**AGENCY:** Bureau of Land Management (BLM), Interior.

**ACTION:** Notice of closure of public lands known as the Rancho Largo Allotment #5119 to public use.

**SUMMARY:** Notice is hereby given in accordance with 43 CFR 8364.1, that the Farmington District, Bureau of Land Management (BLM) is closing the public land known as the Rancho Largo Allotment, No. 5119, to public use (see legal description below) to provide for public safety during livestock impoundment proceedings. Only the area involved in the impoundment will be closed to all public uses. The closure will be effective throughout the execution of the impoundment proceedings, with the time and date retained for safety reasons.

Legal Description of the Rancho Largo Allotment

NMPM

T. 25 N., R. 6 W.,

Sec. 1, all public land within section;  
Sec. 11 all public land within section;  
Sec. 12 all;  
Sec. 13 all;  
Sec. 14 all public land within section;  
Sec. 19 all public land within section;  
Sec. 20 all public land within section;  
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Sec. 22 all public land within section;  
Sec. 23 all public land within section;  
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Sec. 25 all;  
Sec. 26 all;  
Sec. 27 all public land within section;  
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Sec. 30 all public land within section;  
Sec. 31 all;  
Sec. 32 all public land within section;  
Sec. 33 all public land within section;  
Sec. 34 all public land within section;  
Sec. 35 all public land within section;

T. 24 N., R. 6 W.,

Sec. 1 all public land within section;  
Sec. 3 all public land within section;  
Sec. 4 all public land within section;  
Sec. 5 all public land within section;  
Sec. 6 all public land within section;  
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Sec. 29 all public land within section;  
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Sec. 33 all;  
Sec. 34 all;  
Sec. 35 all public land within section;

T. 23 N., R. 6 W.,

Sec. 1 all;  
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T. 25 N., R. 7 W.,

Sec. 17 all public land within section;  
Sec. 18 all public land within section;  
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Sec. 34 all;  
Sec. 35 all.

T. 24 N., R. 7 W.,

Sec. 1 all public land within section;  
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