

for the purpose of enhancement of the survival of the species.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 430, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review, *subject to the requirements of the Privacy Act and Freedom of Information Act*, by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 430, Arlington, Virginia 22203. Phone: (703/358-2104); FAX: (703/358-2281).

Dated: September 13, 1996.

Mary Ellen Amtower,

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

[FR Doc. 96-23929 Filed 9-17-96; 8:45 am]

BILLING CODE 4310-55-M

Fish and Wildlife Service

Emergency Exemption: Issuance

On September 9, 1996, the U.S. Fish and Wildlife Service (Service) issued a permit (PRT-819483) to Charles Darwin Foundation, Falls Church, Virginia to import blood and tissue samples from Galapagos tortoises (*Geochelone nigra*). The 30-day public comment period required by section 10(c) of the Endangered Species Act was waived. The Service determined that an emergency affecting the health and life of the tortoises existed and that no reasonable alternative was available to the applicant, for the following reasons: (1) the Charles Darwin Research Station in the Galapagos Islands have lost 8 tortoises to an unknown disease and 9 more are showing symptoms of this disease; (2) by importing these samples, researchers hope to isolate the disease-causing agent in order to determine the best treatment to the disease and prevent further loss of this species.

Dated: September 13, 1996.

Mary Ellen Amtower,

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

[FR Doc 96-23930 Filed 9-17-96; 8:45 am]

BILLING CODE 4310-55-M

Notice of Receipt of an Application, and Availability of an Environmental Assessment and Finding of No Significant Impact for an Incidental Take Permit by Plantation Palms, L.L.C., for Construction of a Residential Project on the Fort Morgan Peninsula, Alabama

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: Plantation Palms, L.L.C., (Applicant), seeks 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 for a period of 30 years the incidental take of an endangered species, the Alabama beach mouse (*Peromyscus polionotus ammobates*), known to occupy a 4-acre tract of land owned by the Applicant on the Fort Morgan Peninsula, Baldwin County, Alabama. The project would be called Plantation Palms, which will include three condominium complexes, 38 single family/duplex lots, their associated landscaped grounds and parking areas, recreational amenities, and dune walkover structures.

The Service also announces the availability of an Environmental Assessment (EA) and Habitat Conservation Plan (HCP) for this incidental take application. Copies of the EA and/or HCP may be obtained by making a request in writing to the Regional Office (see ADDRESSES). This notice also advises the public that the Service has made preliminary determinations that issuing an ITP to the Applicant 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 Findings 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 October 18, 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 Daphne, Alabama, Field Office, 2001 Highway 98, Daphne East Office Plaza, Suite A, Daphne, Alabama 36526. 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(s) under PRT-816555 in such comments, or in requests for 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 Ms. Celeste South at the Daphne, Alabama, Field Office (see ADDRESSES above), telephone: 334/441-5181.

SUPPLEMENTARY INFORMATION: The Alabama beach mouse (ABM), *Peromyscus polionotus ammobates*, is a subspecies of the common oldfield mouse *Peromyscus polionotus* and is restricted to the dune systems of the Gulf Coast of Alabama. The known current range of ABM extends from Fort Morgan eastward to the western terminus of Alabama Highway 182, including the Perdue Unit on the Bon Secour National Wildlife Refuge. The sand dune systems inhabited by this species are not uniform; several habitat types are distinguishable. The species inhabits primary dunes, interdune areas, secondary dunes, and scrub dunes. The depth and area of these habitats from the beach inland varies. Population surveys indicate that this subspecies is usually more abundant in primary dunes than in secondary dunes, and usually more abundant in secondary dunes than in scrub dunes. Optimal ABM habitat is currently considered dune systems with all dune types. Though fewer ABM inhabit scrub dunes, these high dunes can serve as refugia during devastating hurricanes that overwash, flood, and destroy or alter secondary and frontal dunes. ABM surveys on the Applicants' properties reveal habitat occupied by ABM. The Applicants' properties contain designated critical habitat for the ABM. Construction of the project may result in the death of, or injury to, ABM. Habitat alterations due to condominium placement and subsequent human habitation of the project may reduce

available habitat for food, shelter, and reproduction.

The EA considers the environmental consequences of several alternatives for each project. One action proposed for each project is the issuance of the ITP based upon submittal of the HCP as proposed. This alternative provides for restrictions that include placing no habitable structures seaward of the designated ABM critical habitat, establishment of walkover structures across designated critical habitat, a prohibition against housing or keeping pet cats, ABM competitor control and monitoring measures, scavenger-proof garbage containers, creation of educational and information brochures on ABM conservation, and the minimization and control of outdoor lighting. Further, the HCP proposes to provide an endowment to acquire ABM habitat off-site or otherwise perform some other conservation measure for the ABM. The HCPs provide funding sources for these mitigation measures. Another alternative is consideration of different project designs that further minimize permanent loss of ABM habitat. A third alternative is no-action, or the request for authorization to incidentally take the ABM.

As stated above, the Service has made a preliminary determination that the issuance of this ITP is not a major Federal action significantly affecting the quality of the human environment within the meaning of Section 102(2)(C) of NEPA and will result in the FONSI. This preliminary information may be revised due to public comment received in response to this notice and is based on information contained in the EA and HCP. An appropriate excerpt from the FONSI reflecting the Service's finding on the application is provided below:

Based on the analysis conducted by the Service, it has been determined that:

1. Issuance of an ITP would not have significant effects on the human environment in the project area.

2. The proposed take is incidental to an otherwise lawful activity.

3. The Applicants have ensured that adequate funding will be provided to implement the measures proposed in the submitted HCP.

4. Other than impacts to endangered and threatened species as outlined in the documentation of this decision, the indirect impacts which may result from issuance of the ITPs are addressed by other regulations and statutes under the jurisdiction of other government entities. The validity of the Service's ITPs are contingent upon the Applicants' compliance with the terms of their permits and all other laws and regulations under the control of State,

local, and other Federal governmental entities.

The Service will also evaluate whether the issuance of either Section 10(a)(1)(B) ITP complies with Section 7 of the Act by conducting an intra-Service Section 7 consultation. The results of the biological opinion, in combination with the above findings, will be used in the final analysis to determine whether or not to issue either ITP.

Dated: September 10, 1996.

Jerome M. Butler,

Acting Regional Director.

[FR Doc. 96-23849 Filed 9-17-96; 8:45 am]

BILLING CODE 4310-55-P

Bureau of Indian Affairs

Cow Creek Band of Umpqua Tribe of Indians Liquor Code

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This Notice is published in accordance with authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8, and in accordance with the Act of August 15, 1953, 67 Stat. 586, 18 U.S.C. § 1161. I certify that by Resolution No. 96-11, the Cow Creek Band of Umpqua Tribe of Indians Liquor Ordinance was duly adopted by the Board of Directors of the Cow Creek Band of Umpqua Tribe of Indians on May 8, 1996. The Ordinance provides for the regulation of the sale, possession and consumption of liquor on the Cow Creek Band of Umpqua Indian Reservation and is in conformity with the laws of the State of Oregon.

DATES: This Ordinance is effective as of September 18, 1996.

FOR FURTHER INFORMATION CONTACT:

Bettie Rushing, Division of Tribal Government Services, 1849 C Street N.W., MS 4603-MIB, Washington, D.C. 20240-4001; telephone (202) 208-3463.

SUPPLEMENTARY INFORMATION: The Cow Creek Band of Umpqua Tribe of Indians Liquor Ordinance is to read as follows:

Law and Order Code of the Cow Creek Band of Umpqua Tribe of Indians

Title 12—Liquor Code

12-10 Authorization and Definitions

12-10-010 Authorization and Repeal of Inconsistent Legislation

The Cow Creek Band of Umpqua Tribe of Indians (the "Tribe") is organized under the Indian Reorganization Act of June 18, 1934 (48

Stat. 984) and the provisions of the Cow Creek Band of Umpqua Tribe of Indians Recognition Act of December 29, 1982 (Pub. L. 97-391), as amended by the Cow Creek Band of Umpqua Tribe of Indians Distribution of Judgement Funds Act of October 26, 1987 (Pub. L. 100-139), and the Cow Creek Tribal Constitution, duly adopted pursuant to a federally-supervised constitutional ballot, on July 8, 1991 (the "Tribal Constitution").

Pursuant to Article III, Section 1 of the Tribal Constitution, the Cow Creek Tribal Board of Directors (the "Board") is the governing body of the Tribe. Pursuant to Article VII, Section I (d) of the Tribal Constitution, the Board has the authority to "administer the affairs and assets of the Tribe * * *" Pursuant to Article VII, Section I (i) of the Tribal Constitution, the Board has the power to "enact ordinances and laws governing the conduct of all persons or tribally-owned land; to maintain order and protect the safety, health, and welfare of all persons within the jurisdiction of the Tribe; and to enact any ordinances or laws necessary to govern the administration of justice, and the enforcement of all laws, ordinances or regulations * * *" Pursuant to Article VII, Section I (t) of the Tribe's Constitution, the Board has "such other powers and authority necessary to meet its obligations, responsibilities, objectives, and purposes as the governing body of the Tribe."

This Title 12 of the Law and Order Code of the Cow Creek Band of Umpqua Tribe of Indians is established for the purpose of strengthening Tribal self-government and providing for the protection of the members and property of the Tribe. Adoption hereof is an exercise of the inherent sovereignty of the Tribe, and is undertaken by the Tribal Board of Directors pursuant to its constitutional authority to do so. Any prior Tribal law which is inconsistent with the purpose and procedures established by this Title 12 are hereby repealed to the extent of any such inconsistency.

The Tribe has decided to open all lands within its jurisdiction to the possession, consumption, and sale of Liquor by enacting this Title 12 ("Title 12") to the Tribal Law and Order Code. This Title 12 is adopted pursuant to the Act of August 15, 1953 (Pub. L. 83-277, 67 Stat. 588, 18 U.S.C. § 1161) and shall serve as the "liquor ordinance" referenced therein.

This Title 12 shall govern all Liquor Sales and distribution on the Reservation and will increase the ability of the Tribe to control Reservation Liquor distribution and possession.