

Wildlife Service's endangered species program. To help guide the recovery effort, the Service is working to prepare recovery plans for most of the listed species native to the United States. Recovery plans describe actions considered necessary for conservation of the species, establish criteria for the recovery levels for downlisting or delisting them, and estimate time and cost for implementing the recovery measures needed.

The Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*) requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act, as amended in 1988, requires that public notice and an opportunity for public review and comment be provided during recovery plan development. The Service will consider all information presented during a comment period prior to approval of each new or revised recovery plan. The Service and other Federal agencies will also take these comments into account in the course of implementing approved recovery plans.

The Oregon chub, which was listed as endangered in 1993, is a small fish that occurs only in western Oregon's Willamette River Valley. The species evolved in slack water off-channel habitats such as beaver ponds, oxbows, side channels, backwater sloughs, low gradient tributaries, and flooded marshes. In the last 80 years, backwater and off-channel habitats have disappeared because of changes in seasonal flows resulting from the construction of dams throughout the basin, channelization of the Willamette River and its tributaries, and agricultural practices. Current threats to Oregon chub include continued habitat alteration; the proliferation of non-native fish and amphibians; accidental chemical spills; runoff from herbicide or pesticide application on farms or along roadways, railways, and powerline rights-of way; desiccation of habitats; unauthorized water withdrawals, diversions, or fill and removal activities; and siltation resulting from timber harvesting in the watershed.

The recovery plan calls for restoration and protection of habitat for the Oregon chub mainly on public lands throughout the Mainstem Willamette, Middle Fork Willamette and Santiam Rivers. When completed, the plan will guide the actions of all Federal and State agencies whose actions affect the conservation of the Oregon chub.

Public Comments Solicited

The Service solicits written comments on the draft recovery plan described. All comments received by the date specified above will be considered prior to approval of the plan.

Authority

The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533 (f).

Thomas J. Dwyer,

Acting Regional Director.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability of an Environmental Assessment/Habitat Conservation Plan (EA/HCP) and Receipt of Application for Incidental Take Permit for Construction and Operation of a Residential and Commercial Development on Approximately 590 Acres of the 1,277-Acre Highlands of Lakeway Property, Lakeway, Travis County, Texas

SUMMARY: Lakeway Partners, L.L.C. (applicant) has applied to the 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 PRT-812696. 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 result of the construction and operation of a residential and commercial development on approximately 590 acres of the 1,277-acre parcel. All construction will occur on the 1,277-acre Highlands of Lakeway Property located in Austin, Travis County, Texas.

The Service has prepared the 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 the National Environmental Policy Act regulations (40 CFR 1506.6).

DATES: Written comments on the application should be received on or before May 21, 1998.

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 Sybil Vosler, Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, Texas 78758 (512/490-0063).

Documents will be available for public inspection by appointment only during normal business hours (8:00 a.m. to 4:30 p.m.) at the U.S. Fish and Wildlife Service, Austin, Texas office. Written data or comments concerning the application and EA/HCP should be submitted to the Field Supervisor, Ecological Field Office, U.S. Fish and Wildlife Service, 10711 Burnet Rd., Austin, Texas 78758. Please refer to permit number PRT-812696 when submitting comments.

FOR FURTHER INFORMATION CONTACT:

Sybil Vosler 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: Lakeway Partners, L.L.C. plans to construct a residential and commercial development on approximately 590 acres of the 1,277-acre tract and purchase 321 mitigation credits from the Lakeway Mitigation Account. The Lakeway Mitigation Account provided \$3.5 million to the City of Austin to enable the purchase of the approximately 942-acre Ivanhoe tract containing essential, high-quality golden-cheeked warbler habitat to be included in the Balcones Canyonlands Preserve in perpetuity. The construction will be located at the Highlands of Lakeway property located on the south side of Lake Travis immediately west of the City of Lakeway and approximately 18 miles west-northwest of the downtown City of Austin.

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

Geoffery L. Haskett,

Regional Director, Region 2, Albuquerque, New Mexico.

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