Minnesota 55111–4056, Telephone: 612/713–5343, Fax: 612/713–5292.

Field Supervisor, U.S. Fish and Wildlife Service, East Lansing Field Office, 2651 Coolidge Rd., Suite 101, East Lansing, Michigan 48823–6316, Telephone: 517/351–6274.

FOR FURTHER INFORMATION CONTACT: Pete Fasbender, Regional HCP Coordinator, U.S. Fish and Wildlife Service, Fort Snelling, Minnesota, telephone 612/713–5343.

SUPPLEMENTARY INFORMATION: Under Section 9 of the Act and applicable federal regulations, the ''taking'' of a species listed as endangered or threatened is prohibited. However, the Service, under limited circumstances, may issue permits to ''take'' listed species, provided such take is incidental to, and not the purpose of, an otherwise lawful activity. Regulations governing permits for endangered species are promulgated in 50 CFR 17.22 Regulations governing permits for threatened species are promulgated in 50 CFR 17.32.

Background

Piping plovers are sensitive to human disturbance and the effects of human activity throughout the Great Lakes and Atlantic Coast breeding range lead to its listing as an endangered species in 1985. Human activity remains the primary threat to the species survival in the Great Lakes region. The proposed residential development consists of 13 single family residences located within the forested portion of a 91 acre tract at the north end of Kehl Road in Leelanau Township, Leelanau County, Michigan (SW¼SE¼, SE¼SW¼ Section 14, T32N R11W). Of the total 91 acre parcel proposed for development, a maximum of 3 acres may be potential piping plover habitat. The shoreline beach/dune area is an average of 85 feet wide (1999) and consists of equal portions of non-vegetated beach and vegetated low dunes with an abrupt edge along the forested area. The beach within the proposed development is not good nesting habitat and there are no records of piping plover nesting or other use on the property. Excellent nesting habitat occurs 0.5 mile west of the proposed development. Three and two pairs of piping plovers nested within Leelanau State Park in 1998 and 1999, respectively. Seven young plovers fledged in 1998, while seven hatched but disappeared prior to fledging in 1999. The Service believes the Applicant's property provides valuable foraging habitat for plovers nesting nearby. There is also potential for future plover nesting on the Applicant's property if an expanded plover population exhibits variation in breeding habitat characteristics or natural forces alter current beach characteristics.

The open dune portion of the Applicant's property contains several hundred individual Pitcher's thistle (*Cirsium pitcheri*), a threatened plant species. Boardwalks may be constructed through the vegetated dunes, but otherwise the project will not result in any construction on or other physical alteration of the beach portion of the property. Construction of the proposed project would result in human activity along a section of beach presently associated with undeveloped land. The HCP provides conservation or protective measures which would minimize or avoid potential negative effects to piping plovers of the proposed development. Protective measures include seasonal restriction of human use of the beach, control of domestic animals and other wild or feral predators, control of garbage, and the presence of a piping plover steward during selected periods. Unregulated trespass of the proposed development is expected to be eliminated by the presence of residence owners. No critical habitat for listed species currently occurs on the project site. However its consideration as piping plover critical habitat is expected by June 2000. The Proposed Action consists of the issuance of an incidental take permit and implementation of the HCP, which includes measures to minimize or avoid impacts of the project on the piping plover. The EA considers four alternatives to the Proposed Action. We will evaluate the permit application, the HCP, and comments submitted thereon to determine whether the application meets the requirements of section 10(a) of the Act. If the requirements are met, the Service will issue a permit to Magic Carpet Woods Association for the incidental take of the piping plover from human activity associated with residential development on the Association property. The final permit decision will be made no sooner than 30 days from the date of this notice.

Dated: April 12, 2000.

T.J. Miller,

Acting Assistant Regional Director, Ecological Services, Region 3, Fort Snelling, Minnesota.

[FR Doc. 00–9673 Filed 4–19–00; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of a Draft Environmental Assessment, Preliminary Finding of No Significant Impact, and Notice of Receipt of an Application for an Enhancement of Survival Permit by The Nature Conservancy, Virginia Chapter, To Administer a ''Safe Harbor'' Program in Southeast Virginia

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The Nature Conservancy, Virginia Chapter, (Applicant) has applied to the U.S. Fish and Wildlife Service (Service) for an enhancement of survival permit (ESP) pursuant to Section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (Act). The proposed ESP would authorize the incidental take of a federally endangered species, the red-cockaded woodpecker, *Picoides borealis* (RCW). The permit would authorize incidental take only on land that is enrolled in the proposed Safe Harbor program. (See the **SUPPLEMENTARY INFORMATION** section below.)

The Service also announces the availability of a draft environmental assessment (EA) and safe harbor plan for the ESP application. Copies of the EA and/or safe harbor plan may be obtained by making a request to the Northeast Regional Office (see **ADDRESSES**). Requests must be in writing to be processed. This notice also advises the public that the Service has made a preliminary determination that issuing the ESP is not a major Federal action significantly effecting the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969, as amended (NEPA). The Finding of No Significant Impact (FONSI) is based on information contained in the EA and the safe harbor plan. The final determination will be made no sooner than 30 days from the date of this notice. An excerpt of the FONSI appears in the **SUPPLEMENTARY INFORMATION** section of this notice. This notice is provided pursuant to Section 10(c) of the Act and NEPA Regulations (40 CFR 1506.6).

DATES: Written comments on the permit application, EA/FONSI, and safe harbor plan should be sent to the Service's Northeast Regional Office (see **ADDRESSES**) and should be received on or before May 22, 2000.

ADDRESSES: Persons wishing to review the application, safe harbor plan, and

EA may obtain a copy by writing the Service's Northeast Regional Office, 300 Westgate Center Drive, Hadley, Massachusetts 01035. Documents will also be available for public inspection by appointment during normal business hours at the Regional Office, (Attn: Endangered Species Permits), or at the following Field Offices: Field Supervisor, Virginia Field Office, 6669 Short Lane, Gloucester, Virginia 23061; or Red-cockaded Woodpecker Recovery Coordinator, U.S. Fish and Wildlife Service, College of Forest and Recreational Resources, 261 Lehotsky Hall, Box 341003, Clemson, South Carolina 29634–1003 (telephone 864/656–2432). Written data or comments concerning the application, EA, or safe harbor plan should be submitted to the Regional Office. Requests for the documents must be in writing to be processed. Please reference permit number TE–0015147 in such comments, or in requests of the documents discussed herein.

FOR FURTHER INFORMATION CONTACT: Ms. Diane Lynch, Regional Permit Coordinator, (see **ADDRESSES** above), telephone: 413–253–8628; or Karen Mayne, Supervisor, Virginia Field Office, (see **ADDRESSES** above), telephone 804–693–6694 extension 103.

SUPPLEMENTARY INFORMATION: The RCW is a territorial, nonmigratory breeding bird species. RCWs live in social units called groups which generally consist of a breeding pair, the current year's offspring, and one or more helpers (normally adult male offspring of the breeding pair from previous years). Groups maintain year-round territories near their roost and nest trees. The RCW is unique among the North American woodpeckers in that it is the only woodpecker that excavates its roost and nest cavities in living pine trees. Each group member has its own cavity, although there may be multiple cavities in a single pine tree. The aggregate of cavity trees is called a cluster. RCWs forage for insects almost exclusively on pine trees and they generally prefer pines greater than 10 inches diameter at breast height. Foraging habitat is contiguous with the cluster. The number of acres required to supply adequate foraging habitat depends on the quantity and quality of the pine stems available.

The RCW is endemic to the pine forests of the Southeastern United States and was once widely distributed across 16 states. The species evolved in a fire-maintained mature pine forest ecosystem. The RCW has declined primarily due to the conversion of old stand pine forests to young pine plantations, agricultural fields, and residential and commercial developments, and to hardwood encroachment in existing pine forests due to fire suppression. The species is still widely distributed (presently occurs in 13 southeastern States), but remaining populations are highly fragmented and isolated. Presently, the largest known populations occur on federally owned lands such as military installations and national forests.

In Virginia, the majority of the known remaining RCWs (16 birds as of December, 1999), including all of the known breeding pairs, occur on The Nature Conservancy's Piney Grove Preserve in Sussex County. This is the northern most population of RCWs remaining. The Virginia Department of Game and Inland Fisheries, the U.S. Fish and Wildlife Service, and The Nature Conservancy concur that the future of the RCW in Virginia rests on management of the Piney Grove Preserve and the surrounding private lands.

The Service and several other agencies/organizations are working cooperatively to further develop an overall conservation strategy for the RCW population and the ecosystem upon which it depends. One component of this strategy is to expand the safe harbor program to other states and regions within the RCW's historic range. The Service recognizes that landowners presently have no legal or economic incentive to undertake proactive management actions, such as hardwood midstory removal, prescribed burning, or protecting future cavity trees, that will benefit and help recover the RCW. Indeed, landowners actually have a disincentive to undertake these actions because of land use limitations that could result if their management activities attract RCWs. However, some Virginia private landowners near the Piney Grove Preserve may be willing to take or permit actions that would benefit the RCW on their property if the possibility of future land use limitations could be reduced or eliminated.

Thus, the Applicant is proposing this Safe Harbor program, which is designed to encourage voluntary RCW habitat restoration or enhancement activities by relieving a landowner who enters into a cooperative agreement with the Service from any additional responsibility under the Act beyond that which exists at the time he or she enters into the agreement; *i.e.,* to provide a ''safe harbor.'' The cooperative agreement will identify any existing RCW clusters and will describe the actions that the landowner commits to take or allows to be taken to improve RCW habitat on the property (*e.g.*, hardwood midstory removal, establishment of cavities etc.), and the time period within which those actions are to be taken and maintained. Participating landowners who enter into cooperative agreements with the applicant will be included within the scope of the ESP by Certificates of Inclusion administered by The Nature Conservancy in coordination with the Virginia Department of Game and Inland Fisheries and the Service. A participating landowner must maintain the baseline habitat requirements on his/her property (*i.e.*, any existing RCW groups and associated habitat), but will be allowed to incidentally take RCWs at some point in the future on other habitat on the property if RCWs are attracted to the site by the proactive management measures undertaken by the landowner. No incidental taking of any existing RCW group is permitted under this program. Further details about this program are found in the safe harbor plan.

The EA considers the environmental consequences of two alternatives, including the preferred alternative—to implement the Safe Harbor program. The likely effects of the no-action alternative are the continued lack of management to benefit the RCW in many of the natural pine stands that remain near the Piney Grove Preserve, and the continued absence of RCWs on those lands. The proposed action alternative is the issuance of an enhancement of survival permit and implementation of the Safe Harbor program. The Service believes that the Safe Harbor will benefit the RCW in Virginia by providing additional habitat for future growth of the population.

The Service has made a preliminary determination that the issuance of the ESP is not a major Federal action significantly effecting the quality of the human environment within the meaning of Section 102(2)(C) of NEPA. 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 safe harbor plan. 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 ESP would not have significant effects on the human environment in the project area.

2. Implementation of the safe harbor plan will result in a net conservation benefit for the RCW.

3. The proposed take will not appreciably reduce the likelihood of

survival and recovery of the species in the wild.

4. The indirect impacts that may result from issuance of the ESP are addressed by other regulations and statutes under the jurisdiction of other government entities. The validity of the Service's ESP is contingent upon the Applicant's compliance with the terms of the permit 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 a Section 10(a)(1)(A) ESP 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 the ESP.

Dated: April 12, 2000.

Mamie Parker,

Deputy Regional Director, Region 5.

[FR Doc. 00–9888 Filed 4–19–00; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

The Rhinoceros and Tiger Conservation Act of 1998; Request for Public Input Into the Development and Execution of an Educational Outreach Program Action Plan; Announcement of Two Public Meetings

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The Rhinoceros and Tiger Conservation Act of 1994 was amended in 1998 to prohibit the sale, importation, or exportation of products labeled or advertised as containing rhinoceros or tiger products, and to carry out an associated educational outreach program. Prior to developing and carrying out such an educational outreach effort, we seek input and guidance from the public on the needed components for such an effort. To guide this effort, we have developed a draft interim educational plan with the goals of a long-term plan clearly identified but action items developed only for a short time frame until we can meet with the public and solicit input for the development of future action items.

With this notice, we request your comments and input on the draft Educational Outreach Program Interim Action Plan and seek partnerships to carry out the final plan, and we announce two public meetings to discuss the draft Educational Outreach Program Interim Action Plan and suggested modifications for future activities under a long-term plan.

DATES: (1) Draft Educational Outreach Program Interim Action Plan review: If you wish to view a copy of the draft Educational Outreach Program Interim Action Plan, please submit a written request for a copy of this document to the address listed below within 30 days of the date of publication of this notice. We will consider written comments and suggestions you submit regarding the Educational Outreach Program Interim Action Plan if we receive them by June 19, 2000.

(2) Public Meetings: You are invited to participate in one or both of our Educational Outreach Action Plan public meetings, one to be held on the east coast on May 18, 2000, 1:30–4:30 p.m., and the second to be held on the west coast on June 4, 2000, 1:30–4:30 p.m.

ADDRESSES: (1) Educational Outreach Program Interim Action Plan review: Office of Management Authority; U.S. Fish and Wildlife Service; 4401 North Fairfax Drive; Room 700; Arlington, VA 22203. Comments on the draft Educational Outreach Program Interim Action Plan may be submitted by any one of several methods. You may mail comments to the above address. You may also comment via E-mail to r9oma__cites@fws.gov. Please submit E-mail comments as an ASCII file, avoiding the use of special characters and any form of encryption. Please also include ''Attn: Rhinoceros and Tiger Conservation Act of 1998'' and your name and return address in your E-mail message. If you do not receive a confirmation from the system that we have received your E-mail message, contact us directly at the telephone number listed below. Finally, you may hand-deliver comments to the above address.

Comments and materials received will be available for public inspection, by appointment, from 8 a.m. to 4 p.m., Monday through Friday, at the above address.

(2) Public Meetings: The two public meetings will be held (see **DATES** above) to discuss the Educational Outreach Action Plan. The first meeting will be held in New York at The College of Insurance, 101 Murray Street, New York, NY and the second in San Francisco at The Galleria Park Hotel, 191 Sutter Street, San Francisco, CA.

Directions to either location can be obtained by contacting the Office of Management Authority (see **FOR FURTHER INFORMATION CONTACT** below). Please note that both locations are accessible to the handicapped and all persons planning to attend the meeting will be required to present photo identification when entering the building. Persons planning to attend the meeting who require interpretation for the hearing impaired should notify the Office of Management Authority as soon as possible.

FOR FURTHER INFORMATION CONTACT: Teiko Saito, Chief, Office of Management Authority, Branch of CITES Operations, phone 703/358–2095, fax 703/358–2298, E-mail: r9oma__cites@fws.gov.

SUPPLEMENTARY INFORMATION:

Background

Congress passed the Rhinoceros and Tiger Conservation Act of 1994 (the Act) to assist in the conservation of rhinoceroses and tigers by supporting critical conservation programs in nations whose activities directly or indirectly affect rhino and tiger populations. The Act also established the Rhinoceros and Tiger Conservation Fund to provide financial resources for on-the-ground conservation programs and to promote education to increase public awareness of the plight of rhinos and tigers in the wild.

Rhinoceroses and tigers are among the most critically endangered large mammals in the world and are the focus of extensive global conservation efforts aimed at halting their decline. Consumer demand for and trade in the parts and products of these species supply luxury markets as well as markets for cultural and medicinal needs. One of the most complex and far-reaching of these demands is for use in traditional medicines.

Commercial international trade of raw rhino horn and tiger bone and their derivative products is prohibited by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), in addition to domestic legislation in the United States and China. The Act of 1994 was amended and strengthened by the Rhinoceros and Tiger Conservation Act of 1998, which (a) outlined specific trade prohibitions of rhino and tiger products and (b) mandated a national educational outreach program.

(a) The Act of 1998 ''prohibits the sale, importation, exportation, or attempts to sell, import, or export, any product, item, or substance intended for human consumption or application, containing, or labeled or advertised as containing, any substance derived from any species of rhinoceros or tiger.''