

criteria for the acquisition of lands, or interests in lands, where such acquisition would meet objectives of the various resource programs. The plan allocates approximately 1,367 acres as right-of-way exclusion areas and 151,091 acres as right-of-way avoidance areas.

**Special Recreation and Visual Resource Management Areas:** The ARMP/ROD identifies seven Special Recreation Management Areas (SRMA), including one existing (Shotgun Recreation Site) and six new SRMA (Upper Lake Creek, Lower Lake Creek, Gilkey Creek, Row River, McKenzie River, Siuslaw River). The existing SRMA totals approximately 277 acres and the new SRMAs total approximately 24,454 acres. The ARMP/ROD allocates approximately 1,265 acres of BLM administered lands for 39 existing or potential recreation sites. The plan also allocates lands for 26 existing or potential trails, totaling approximately 102 miles. The plan also identifies management objectives for three Visual Resource Management classifications.

**Mineral and Energy Resource Management:** Most BLM administered lands will remain available for mineral leasing and location of mining claims, but 52 acres are closed to leasing for oil and gas resources by law, and 15,230 acres will be closed to location of claims.

Dated: June 13, 1995.

**Judy Ellen Nelson,**

*Eugene District Manager.*

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## Fish and Wildlife Service

### Availability of a Draft Environmental Impact Statement and Receipt of an Application for an Incidental Take Permit for Desert Tortoises in Washington County, Utah

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

**ACTION:** Notice.

**SUMMARY:** Washington County, Utah (Applicant) has applied to the Fish and Wildlife Service (Service) for an incidental take permit pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The Applicant has been assigned Permit Number PRT-803842. The proposed permit would authorize the incidental take of the threatened desert tortoise (*Gopherus agassizii*).

The Service announces that the Applicant's incidental take permit application, draft environmental impact

statement, and Washington County Habitat Conservation Plan are available for public review. Copies of the above documents have been sent to all agencies and individuals who participated in the scoping process and to all others who have already requested copies. This notice is provided pursuant to section 10(c) of the Act, and National Environmental Policy Act regulations (40 CFR 1506.6). Comments are requested.

**DATES:** Written comments on the draft environmental impact statement, incidental take permit application, and habitat conservation plan must be received on or before August 28, 1995.

**ADDRESSES:** Requests for any of the above documents and comments or materials concerning them should be sent to the Assistant Field Supervisor, Fish and Wildlife Service, 145 East 1300 South, Suite 404, Salt Lake City, Utah 84115. The documents and comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Robert D. Williams, Assistant Field Supervisor (see **ADDRESSES** above) (telephone 801-524-5001, facsimile 801-524-5021).

**SUPPLEMENTARY INFORMATION:** Section 9 of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*), prohibits the "taking" of any threatened or endangered species, including the desert tortoise. However, the Fish and Wildlife Service (Service), under limited circumstances, may issue permits to take threatened and endangered wildlife species if such taking is incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for threatened and endangered species are at 50 CFR 17.22.

Washington County, Utah (Applicant) submitted an application to the Service for a permit to incidentally take desert tortoise, pursuant to section 10(a)(1)(B) of the Act, in association with various private projects in Washington County. The proposed permit would allow incidental take of desert tortoise for a period of 20 years, resulting from development of up to 12,298 acres of private lands in the vicinity of the Upper Virgin River Desert Tortoise Recovery Unit in Washington County. The Upper Virgin River Desert Tortoise Recovery Unit is described in the Desert Tortoise Recovery Plan published by the Service, and contains desert tortoise habitat ranging from west of the town of Ivins on the west to the town of Springdale on the east, but does not

include the Beaver Dam Slope Desert Wildlife Management Area of the Northeastern Mojave Desert Tortoise Recovery Unit. The Beaver Dam Slope Desert Wildlife Management Area, located in the extreme southwestern corner of the State of Utah, is not addressed in this permit application. The permit application was received on June 15, 1995, and was accompanied by the Washington County Habitat Conservation Plan (HCP), which describes the Applicant's proposed measures to minimize, monitor, and mitigate the impacts of their proposed take on the desert tortoise.

The Applicant proposes to minimize incidental take through design of a desert habitat reserve of the largest size practicable that will meet recommendations for the Upper Virgin River Recovery Unit, as detailed in the Desert Tortoise Recovery Plan. Other methods to minimize incidental take will include fencing, law enforcement, education, and translocation research. Fencing is an important component of both minimization and mitigation measures, as it will be designed to minimize desert tortoise mortality, including human-caused injury and death. As mitigation, fencing will also serve to enhance habitat within the proposed reserve, allowing habitat preservation and rehabilitation.

Consolidation of desert habitat into a reserve managed for desert tortoise and other species, and removal of competing uses will comprise the primary mitigation for proposed take. The Applicant proposes establishment of a 60,969-acre desert habitat reserve, within the Upper Virgin River Desert Tortoise Recovery Unit. The proposed reserve extends from the western boundary of the Paiute Indian tribal lands on the west to the City of Hurricane on the east. Within this area, uses will be carefully controlled and all management actions will place desert tortoise and desert tortoise habitat conservation as the highest priority. The reserve also will provide habitat for numerous Federal candidate and State sensitive species. Outside the reserve, Federal activities in desert tortoise habitat will be subject to the Act section 7 consultations with the Service. Mitigation for the proposed take also will include fencing of plant reserve areas for endangered plant species, purchase of cattle grazing permits, and mineral right withdrawal within the desert habitat reserve.

For implementation and monitoring of minimization and mitigation actions, the Applicant will collect a county-wide fee of 0.2 percent of building construction costs for all new

residential, commercial, and industrial construction, along with a county-wide fee of \$250/acre for platted subdivisions, condominiums, townhomes, and planned unit developments. The implementing agreement describes the mechanisms of implementation of the measures in the HCP.

Three alternatives are under consideration in the draft Washington County Habitat Conservation Plan Environmental Impact Statement (Statement). Issuance of the permit with the mitigation, minimization, and monitoring measures outlined in the HCP is the Service's preferred action and is discussed above. The Statement also outlines alternative measures that may be considered by the Service in issuing the permit. The second alternative analyzed is somewhat similar to the first alternative, except that a smaller desert habitat reserve is proposed. The proposed reserve under this alternative is 44,451 acres, and the incidental take area is 15,128 acres. Unlike the preferred alternative, and counter to what is recommended in the desert Tortoise Recovery Plan, this alternative excludes Zones 1 and 2 (west of Utah Highway 18) from the reserve. This alternative was not identified as the preferred alternative primarily because the small size of the reserve would not allow for the long-term survival of the desert tortoise, and accordingly, would preclude the possibility of recovery of the species (i.e., removal from the endangered species list). The third alternative selected for detailed evaluation is an alternative of no action. The No Action alternative was not identified as the preferred alternative because it would diffuse existing regional conservation planning efforts for the desert tortoise and possible concentrate activity on individual project needs and not meet the purpose and need of the Applicant. Development of private lands in desert tortoise habitat would be governed by the Act section 7 (if applicable) and section 9. Additionally, the No Action alternative would not provide the benefits of long-term recovery efforts for the desert tortoise identified in the HCP. Without protection, this population of desert tortoise would likely not persist in proximity to these urban areas over the long-term without comprehensive, long-term conservation measures.

In the development of the Statement, the Service initiated action to ensure compliance with the purpose and intent of National Environmental Policy Act (NEPA). Scoping activities were undertaken preparatory to development of the Statement with a variety of

Federal, State, and local entities. A Notice of Intent to prepare the Statement was published on December 2, 1991 (56 FR 61259), five public scoping meetings pursuant to NEPA were held in December 1991 in Washington County, and an additional public open house and question-and-answer session was held in St. George, Utah, on February 22, 1995. The purpose of this meeting was to update the public on changes made to the previous draft of the HCP.

Key issues addressed in the Statement include: (1) Impacts to the economy of Washington County, (2) Impacts on threatened, endangered, and sensitive species, (3) impacts on multiple-use activities in reserve areas, (4) impacts on State school trust lands, (5) impacts to private landowners, (6) impacts to livestock grazing and other agricultural practices, and (7) impacts on Virgin River flows.

The underlying goal of the proposed action is to develop and implement a program designed to ensure the continued existence of the species, while resolving potential conflicts that may arise from otherwise lawful private projects. The HCP creates an ongoing administration for the purposes of minimizing, mitigating, and monitoring impacts on the desert tortoise, as well as a framework for providing protection for candidate and sensitive species.

#### Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) and the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*).

Dated: June 27, 1995.

**Terry T. Terrell,**

*Deputy Regional Director.*

[FR Doc. 95-16788 Filed 7-13-95; 8:45 am]

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#### National Park Service

##### Maine Acadian Culture Preservation Commission; Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92-463) that the Maine Acadian Culture Preservation Commission will meet on Thursday, August 17, 1995. The meeting will convene at 7:00 p.m. in the chapel of the former church now maintained as a cultural center by *l'association culturelle et historique—Mont Carmel* on U.S. Route 1 in Lille, Aroostook County, Maine. Lille, on the banks of the St. John River, is located midway

between Van Buren and Madawaska, Maine.

The eleven-member Maine Acadian Culture Preservation Commission was appointed by the Secretary of the Interior pursuant to the Maine Acadian Culture Preservation Act (Pub. L. 101-543). The purpose of the Commission is to advise the National Park Service with respect to:

- The development and implementation of an interpretive program of Acadian culture in the state of Maine; and
- The selection of sites for interpretation and preservation by means of cooperative agreements.

The Agenda for this meeting is as follows:

1. Review and approval of the summary report of the meeting held April 7, 1995.
2. Report on the commission workshop held at Roosevelt Campobello International Historic Park and visit to Saint Croix Island International Historic Site, June 21—23, 1995.
3. Reports of Maine Acadian Culture Preservation Commission working groups.
4. Report of the National Park Service planning team and project staff.
5. Opportunity for public comment.
6. Proposed agenda, place, and date of the next Commission meeting.

The meeting is open to the public. Further information concerning Commission meetings may be obtained from the Superintendent, Acadia National Park. Interested persons may make oral/written presentations to the Commission or file written statements. Such requests should be made at least seven days prior to the meeting to: Superintendent, Acadia National Park, P.O. Box 177, Bar Harbor, ME 04609-0177; telephone (207) 288-5472.

Dated: July 7, 1995.

**George Price,**

*Acting Deputy Field Director.*

[FR Doc. 95-17300 Filed 7-13-95; 8:45 am]

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#### INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 32732]

##### East Penn Railways, Inc.—Modified Rail Certificate

On June 26, 1996, East Penn Railways, Inc. (EPRY), filed a notice for a modified certificate of public convenience and necessity under 49 CFR 1150, subpart C, to operate three rail lines as follows: (1) The Perkiomen Branch, USRA Line No. 906, between milepost 22.38 at