

TABLE 2.—INDIVIDUAL PERMITS ISSUED BY REGION 4, SEPTEMBER 1996 THROUGH AUGUST 1997—Continued

Permittee	Permit No.	Action <sup>1</sup>	Issuance date
D. Patrick Ferral .....	824729	N	17-Mar-97.
Roy S. DeLotelle .....	825431	N	20-May-97.
Roy S. DeLotelle .....	825431	A	27-Aug-97.
Jonathan Milberg .....	826913	N	27-Mar-97.
Kevin W. Markham .....	826915	N	20-Jun-97.
Kathleen McKeown .....	827365	N	21-May-97.
Kathleen McKeown .....	827365	A	27-Aug-97.
James Kaehn .....	827371	N	21-Apr-97.
Robert J. Bruce .....	828143	N	21-Apr-97.
Gregory Crenko .....	828147	N	21-Apr-97.
Gregory Crenko .....	828147	A	23-Jun-97.
Wendell Neal .....	828153	N	17-Jun-97.
Gordon Bailey .....	828931	N	08-Jul-97.
Grant L. Kemmerer .....	829991	N	23-Jun-97.
Rob Carmichael .....	829992	N	23-Jun-97.
Kenneth Abramowitz .....	831195	N	02-Jul-97.
Graham T. Hall .....	831710	N	23-Jul-97.
Gregg Shalan .....	832542	N	31-Jul-97.
Steve Hollaway .....	832544	N	31-Jul-97.
Rich Chomiczewski .....	832868	N	07-Aug-97.
Robert James Bruce .....	833250	N	18-Aug-97.
Michael Hinds .....	833251	N	18-Aug-97.

1—A, amend existing permit.

N, issue new permit.

R, renew existing permit.

Additional information on these permit actions may be requested by contacting the U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345 (Attn: David Dell, Permit Biologist). Telephone: 404/679-7313; Facsimile: 404/679-7081.

Dated: September 25, 1997.

**Judy L. Jones,**

*Acting Regional Director.*

[FR Doc. 97-26126 Filed 10-1-97; 8:45 am]

BILLING CODE 4310-55-P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Notice of Availability of an Application Submitted by South Carolina Department of Natural Resources for a Statewide Incidental Take Permit Associated With Implementation of a "Safe Harbor" Program

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

**ACTION:** Notice.

**SUMMARY:** The South Carolina Department of Natural Resources (Applicant) has applied to the U.S. Fish and Wildlife Service (Service) for an incidental take permit (ITP) pursuant to Section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The proposed ITP 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 an environmental assessment (EA) and habitat conservation plan (HCP) for the incidental take application. Copies of the EA and/or HCP may be obtained by making a request to the 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 ITP 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 HCP. 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 National Environmental Policy Act Regulations (40 CFR 1506.6).

Although an EA has been prepared for this permit application, the Service is considering a Categorical Exclusion on the action (see SUPPLEMENTARY INFORMATION). The Service is soliciting

public comments and review on the applicability of a Categorical Exclusion to this application and HCP.

The Service specifically requests comment on the appropriateness of the "No Surprises" assurances should the Service determine that an ITP will be granted based upon the submitted HCP. Although not explicitly stated in the Service's EA or HCP, the Service has, since August 1994, announced its intention to honor a "No Surprises" policy for applicants seeking ITPs. Copies of the Service's "No Surprises" policy may be obtained by making a written request to the Regional Office (see ADDRESSES).

**DATES:** Written comments on the permit application, EA/FONSI, and HCP should be sent to the Service's Regional Office (see ADDRESSES) and should be received on or before November 3, 1997.

**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 following Field Offices: Field Supervisor, U.S. Fish and Wildlife Service, Post Office Box 12559, Charleston, South Carolina 29422-2559 (telephone 803/727-4707); 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 HCP should be submitted to the Regional Office. Comments must be submitted in writing to be processed. Please reference permit number PRT-834071 in such comments, or in requests of the documents discussed herein.

**FOR FURTHER INFORMATION CONTACT:** Mr. Rick G. Gooch, Regional Permit Coordinator, (see **ADDRESSES** above), telephone: 404/679-7110; or Ms. Lori Duncan, Fish and Wildlife Biologist, Charleston Field Office, (see **ADDRESSES** above), telephone: 803/727-4707 ext. 21.

**SUPPLEMENTARY INFORMATION:** The RCW is a territorial, nonmigratory cooperative 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 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 mature fire-maintained ecosystem. The RCW has declined primarily due to the conversion of mature 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 South Carolina, there are an estimated 1,000 active RCW clusters as

of 1992; 53 percent are on Federal lands, 7 percent are on State lands, and 40 percent are on private lands.

There has not been a complete inventory of RCWs in South Carolina so it is difficult to precisely assess the species' overall status in the State. However, the known populations on public lands are regularly monitored and generally considered stable. While several new active RCW clusters have been discovered on private lands over the past few years, many previously documented RCW clusters have been lost. It is expected that the RCW population on private lands in South Carolina will continue to decline, especially those from small tracts isolated from other RCW populations.

The Service and several other agencies/organizations are working cooperatively to develop an overall conservation strategy for the RCW population and the ecosystem upon which it depends. One component of this strategy is the proposed HCP that will implement the "safe harbor" program. 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 of South Carolina's private landowners 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 Service is proposing the "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 (e.g., hardwood midstory removal, cavity provisioning, etc.) or allows to be taken to improve RCW habitat on the property, and the time period within which those actions are to be taken and maintained. Participating landowners who enter into cooperative agreements with the Service will be included within the scope of the ITP by Certificates of Inclusion administered by the South

Carolina Department of Natural Resources. 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 except under the special circumstances that are described in the HCP. Further details about this program are found in the HCP.

The EA considers the environmental consequences of three alternatives, including the preferred alternative—to implement the "Safe Harbor" program. The likely effects of the no-action alternative are the continued decline of the RCW on private land and the continued lack of management of many of the natural pine stands that remain in the State. The third alternative involves offering interested landowners financial, rather than regulatory, incentives to undertake the desired land management activities for RCWs. This alternative is not being pursued because the Service is presently unable to fund such a program. The proposed action alternative is the issuance of an incidental take permit and implementation of the "Safe Harbor" program.

On Thursday, January 16, 1997, the Service published a notice in the **Federal Register** announcing the Final Revised Procedures for implementation of NEPA (NEPA Revisions), (62 FR 2375-2382). The NEPA Revisions update the Service's procedures, originally published in 1984, based on changing trends, laws, and consideration of public comments. Most importantly, the NEPA Revisions reflect new initiatives and Congressional mandates for the Service, particularly involving new authorities for land acquisition activities, expansion of grant programs and other private land activities, and increased Endangered Species Act permit and recovery activities. The revisions promote cooperating agency arrangements with other Federal agencies; early coordination techniques for streamlining the NEPA process with other Federal agencies, Tribes, the States, and the private sector; and integrating the NEPA process with other environmental laws and executive orders. Section 1.4 of the NEPA Revisions identify actions that may qualify for Categorical Exclusion. Categorical exclusions are classes of

actions which do not individually or cumulatively have a significant effect on the human environment. Categorical exclusions are not the equivalent of statutory exemptions. If exceptions to categorical exclusions apply, under 516 DM 2, Appendix 2 of the Departmental Manual, the departmental categorical exclusions cannot be used. Among the types of actions available for a Categorical Exclusion is for a "low effect" HCP/incidental take permit application. A "low effect" HCP is defined as an application that, individually or cumulatively, has a minor or negligible effect on the species covered in the HCP [Section 1.4(C)(2)].

The Service may consider the Applicant's project and HCP such a Categorical Exclusion. The Service is soliciting for public comments on this determination. Based upon public comments, the Service may make a final determination that this action is categorically excluded.

The Service has made a preliminary determination that the issuance of the 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. 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 Applicant has minimized impacts on the project site to the extent practicable.

4. Other than impacts to the threatened species as outlined in the documentation of this decision, the indirect impacts which may result from issuance of the ITP are addressed by other regulations and statutes under the jurisdiction of other government entities. The validity of the Service's ITP 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)(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 the ITP.

Dated: September 25, 1997.

**Judy L. Jones,**

*Acting Regional Director.*

[FR Doc. 97-26125 Filed 10-1-97; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Issuance of Permit for Marine Mammals

On July 24, 1997, a notice was published in the **Federal Register**, Vol. 62, No. 142, Page 39854, that an application had been filed with the Fish and Wildlife Service by Maurice Sterner, Spring Grove, PA for a permit (PRT-832102) to import a sport-hunted polar bear (*Ursus maritimus*) trophy,

taken from the Baffin Bay population, Northwest Territories, Canada for personal use.

Notice is hereby given that on September 17, 1997, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

Documents and other information submitted for these applications are available for review by any party who submits a written request to the U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Rm 430, Arlington, Virginia 22203. Phone (703) 358-2104 or Fax (703) 358-2281.

Dated: September 26, 1997.

**Karen Anderson,**

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

[FR Doc. 97-26098 Filed 10-1-97; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### Operation and Maintenance Rate Adjustment: Fort Belknap Irrigation Project, Montana

**ACTION:** Notice of proposed irrigation operation and maintenance (O&M) rate adjustment.

**SUMMARY:** The Bureau of Indian Affairs proposes to change the assessment rates for operating and maintaining the Fort Belknap Irrigation Project for 1998, 1999, 2000, 2001, 2002 and subsequent years. The following table illustrates the impact of the rate adjustment.

#### FORT BELKNAP IRRIGATION PROJECT; IRRIGATION RATE PER ASSESSABLE ACRE

[N/A—Not Applicable]

Year	Present 1997	Proposed 1998	Proposed 1999	Proposed 2000	Proposed 2001	Proposed 2002
Non-Indian .....	\$12.50	N/A	N/A	N/A	N/A	N/A
Indian .....	6.25	N/A	N/A	N/A	N/A	N/A
Rate (all) .....	N/A	\$12.50	\$13.00	\$13.50	\$14.00	\$14.50

**FOR FURTHER INFORMATION CONTACT:** Area Director, Bureau of Indian Affairs, Billings Area Office, 316 North 26th Street, Billings, Montana 59101-1362, telephone (406) 247-7998.

**DATES:** Interested parties may submit comments on the proposed rate adjustment. Comments must be

submitted on or before November 3, 1997.

**ADDRESSES:** All comments concerning the proposed rate change must be in writing and addressed to: Director, Office of Trust Responsibilities, Attn: Irrigation and Power, MS#4513-MIB, Code 210, 1849 "C" Street, NW,

Washington, D.C. 20240, Telephone (202) 208-5480.

**SUPPLEMENTARY INFORMATION:** The authority to issue this document is vested in the Secretary of the Interior by 5 U.S.C. 301 and the Act of August 14, 1914 (38 Stat. 583, 25 U.S.C. 385). The Secretary has delegated this authority to the Assistant Secretary-Indian Affairs