

Written data or comments concerning the application, EA, or HCP should be submitted to the Regional Office. Please reference permit under PRT-804406 in such comments.

Regional Permit Coordinator, U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345, (telephone 404/679-7110, fax 404/679-7280)

Field Supervisor, U.S. Fish and Wildlife Service, 6578 Dogwood View Parkway, Jackson, Mississippi 39213, (telephone 601/965-4900, fax 601/965-4340)

FOR FURTHER INFORMATION CONTACT: Will MacDearman at the Jackson, Mississippi, Field Office, or Rick G. Gooch at the Atlanta, Georgia, Regional Office.

SUPPLEMENTARY INFORMATION: The gopher tortoise, *Gopherus polyphemus*, is listed as a threatened species in the western part of its range, from the Tombigbee and Mobile Rivers in Alabama west to southeastern Louisiana. As a native burrowing species of the fire-maintained longleaf pine ecosystem, typical gopher tortoise habitat consists of frequently burned longleaf pine or longleaf pine/scrub oak uplands on moderately well-drained to xeric soils. About 80 percent of the original habitat for gopher tortoises has been lost due to urbanization and agriculture. Certain forest management practices in remaining upland pine habitats have also adversely affected the gopher tortoise. Silvicultural systems using intensive site preparation, dense plantations and stands of loblolly pine or slash pine, and infrequent fire have reduced or eliminated the open forest and sunny forest floor of grasses and forbs where gopher tortoises burrow, nest, and feed. Though gopher tortoises are widely distributed in south Mississippi, most populations are fragmented, small in size, and functionally non-viable.

Section 9 of the Act, and implementing regulations, prohibits taking the gopher tortoise. Taking, in part, is defined as an activity that kills, injures, harms, or harasses a listed endangered or threatened species. Section 10(a)(1)(B) of the Act provides an exemption, under certain circumstances, to the Section 9 prohibition if the taking is incidental to, and not the purpose of otherwise lawful activities.

Gopher tortoise surveys conducted by the Applicant have identified at least one tortoise and six other burrows in the landfill operations area. Two of these burrows exhibited signs of recent gopher tortoise use within the past year.

This area will consist of four waste disposal cells and sites for the excavation and stocking of soil to be used to cover solid wastes. Tortoises within this area would be expected to be taken as an incidental consequence of landfill construction and operation. Heavy equipment operations can directly kill or injure tortoises as a result of their becoming crushed or entombed in burrows. The HCP describes measures the Applicant will take to avoid and mitigate such taking. Prior to landfill construction, the Applicant will survey the operations area to identify, trap, and relocate gopher tortoises to an adjacent site designated as a permanent gopher tortoise habitat conservation area. The conservation area, owned by the Applicant, consists predominately of suitable habitat, a longleaf pine/blackjack oak upland, that is partially occupied by other gopher tortoises. The Applicant will manage the conservation area using a program of prescribed fire and tree thinning to maintain and improve habitat conditions for the gopher tortoise. Without such active management, particularly the use of prescribed fire, gopher tortoise habitat would deteriorate as a natural consequence of ecological succession.

Also, a temporary conservation area will be managed using the same methods as in the permanent conservation area. About one-half of the temporary area contains solid waste cells that are forecast to be used about 20 years from now. No tortoises currently occupy this portion, though habitat is suitable. The remaining portion of the temporary area, which is occupied by tortoises, may be used within 5-10 years to provide soil for waste overfill. Tortoises in this remaining portion will be relocated to the permanent conservation area prior to landfill operations.

The EA considers the environmental consequences of two alternatives; issue the requested permit as conditioned by the HCP, or take no action (deny permit). The Service has made a preliminary determination that the Applicant has satisfactorily complied with the statutory and regulatory criteria for permit issuance. The Service's proposed alternative is to issue the requested incidental take permit. The principal environmental consequence of permit issuance, in the Service's assessment, is to the gopher tortoise. Permits authorizing the disposal and management of solid wastes at the landfill are otherwise administered according to Federal and State statutory/regulatory standards by the Environmental Protection Agency, the Mississippi Department of

Environmental Quality, and the Mississippi Permit Board.

Dated: July 6, 1995.

Noreen K. Clough,

Regional Director.

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Bureau of Land Management

[NV-060-1990-01; N64-95-001P]

Notice of Intent to Prepare an Environmental Impact Statement for the Ruby Hill Mining Plan of Operation

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Intent to prepare an Environmental Impact Statement for the Homestake Mining Company of California (HMC) Ruby Hill Project Plan of Operation for mining in Eureka County, Nevada, and notice of scoping period and public meetings.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969 as amended, and to 43 Code of Federal Regulations Part 3809, the Bureau of Land Management, Battle Mountain District (BLM) will be directing the preparation of an Environmental Impact Statement (EIS) for the proposed development of an open pit mine and associated facilities, in Eureka County, Nevada. The EIS will be prepared by a third party consultant and funded by the proponent, HMC. The BLM invites comments and suggestions on the scope of the analysis.

DATES: Scoping meetings will be held on August 7, 1995, from 6-8 p.m. at the Opera House in Eureka, Nevada, 10201 Main St.; and on August 9, 1995, from 7-9 p.m. at the Airport Plaza Hotel, 1981 Terminal Way, in Reno, Nevada. The purpose of these meetings is to identify issues to be addressed in the EIS, and to encourage public participation in the NEPA process. BLM representatives will present an overview of the NEPA process, public involvement, and anticipated environmental impacts resulting from the project. HMC representatives will be summarizing the Plan of Operations. Additional briefing meetings will be held as necessary. Written comments on the scope of the EIS will be accepted through September 5, 1995.

ADDRESSES: Scoping comments may be sent to: BLM, Battle Mountain District Manager, 50 Bastian Rd., P.O. Box 1420, Battle Mountain, NV 89820 ATTN: John Noneman.