

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 26, 1995.

Garland B. Pardue,

Acting Regional Director.

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Availability of an Environmental Assessment and Receipt of an Application Submitted by Jack Primus Partners, L.P. for an Incidental Take Permit for Red-cockaded Woodpeckers in Association With the Sale and Development of a Property in Berkeley County, South Carolina

AGENCY: Fish and Wildlife, Interior.

ACTION: Notice.

SUMMARY: Jack Primus Partners, L.P. (Applicant) has applied to the Fish and Wildlife Service for an incidental take permit pursuant to Section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The proposed permit would authorize for a period of 99 years the incidental take of a federally endangered species, the red-cockaded woodpecker *Picoides borealis* (RCW) known to occur on a property owned by the Applicant in Berkeley County, South Carolina. The Applicant proposes to sell the 996-acre property located on the Cainhoy Peninsula, 5 miles northeast of North Charleston, for development purposes. The proposed permit would authorize incidental take of RCWs on this property in exchange for mitigation elsewhere as described further in 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 or HCP may be obtained by making a request to the Regional Office address below. This notice also advises the public that the Service has made a preliminary determination that issuing the incidental take permit is not a major Federal action significantly affecting the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969, as amended. The Finding of No Significant Impact 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. This notice is provided pursuant to Section 10(c) of the Act and National Environmental Policy Act Regulations (40 CFR 1506.6).

DATES: Written comments on the permit application, EA and HCP should be sent to the Regional Permit Coordinator in Atlanta, Georgia, at the address below and should be received on or before September 1, 1995.

ADDRESSES: Persons wishing to review the application, HCP, or 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; or the Asheville, North Carolina, Field Office. Written data or comments concerning the application, EA, or HCP should be submitted to the Regional Office. Please reference permit number PRT-804465 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, 160 Zillicoa Street, Asheville, North Carolina 28801, (telephone 704/258-3939).

FOR FURTHER INFORMATION CONTACT: Ms. Janice Nicholls at the Asheville, North Carolina, Field Office, or Mr. Rick G. Gooch at the Atlanta, Georgia, Regional Office.

SUPPLEMENTARY INFORMATION: The red-cockaded woodpecker is a territorial, non-migratory 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 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 used by a breeding group 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, 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 populations occur on federally owned lands such as military installations and national forests.

In South Carolina there are an estimated 681 active RCW clusters as of 1994; 67 percent are on Federal lands, 6 percent are on State lands, and 27 percent are on private lands. The populations on public lands are generally stable, and in some cases are increasing. The overall population trend on private lands in South Carolina, on the other hand, is downward. Most RCW populations on private lands are relatively small and isolated.

The Applicant's land in Berkeley County hosts a small and isolated population of RCWs. As of 1993, there were two active RCW clusters; one breeding group and one solitary adult male. The nearest known RCW groups occur on private lands approximately 1 to 2 miles to the north of the Jack Primus Tract. The nearest known population occurs several miles away on the Francis Marion National Forest to the northeast, and on the privately owned Medway Plantation located opposite the Cooper River from the Jack Primus Tract. The Applicant proposes to sell the Jack Primus Tract for development. Development of the tract may result in death of, or harm to, any remaining RCWs through the loss of nesting and foraging habitat.

The EA considers the environmental consequences of three alternatives, including the proposed action. The proposed action alternative is issuance of the incidental take permit and implementation of the HCP as submitted by the Applicant. The HCP will provide for the provisioning of six clusters with artificial starts and cavities on suitable habitat on the Medway Plantation. The Medway Plantation is under a long-term conservation easement with the primary objective of perpetuating and conserving the natural values of the property, which includes managing a portion of the property to perpetuate a mature