

The applicant proposes to compensate for this incidental take of golden-cheeked warbler habitat by purchasing 20 acres of mitigation credit from the Nature Conservancy of Texas, Inc. to acquire/manage lands for the conservation of the golden-cheeked warbler.

Alternatives to this action were rejected because selling or not developing the subject property with federally listed species present was not economically feasible.

Nancy M. Kaufman,  
Regional Director, Region 2, Albuquerque,  
New Mexico.

[FR Doc. 95-29944 Filed 12-7-95; 8:45 am]

BILLING CODE 4510-55-M

**Availability of an Environmental Assessment and Receipt of an Application for an Incidental Take Permit for the American Burying Beetle by Weyerhaeuser Company for Timber Harvesting and Management in Little River County, AR, and McCurtain County, OK**

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

**ACTION:** Notice.

**SUMMARY:** Weyerhaeuser Company (Applicant) is seeking an incidental take permit from the Fish and Wildlife Service (Service), pursuant to Section 10(a)(1)(B) of the Endangered Species Act (Act), as amended. The permit would authorize the take of the American Burying Beetle (*Nicrophorus americanus*), an endangered species, in Little River County, Arkansas, and McCurtain County, Oklahoma, for a period of 35 years. The proposed incidental take would result from normal forestry and other operational and management practices performed on the Applicant's lands.

The Service also announces the availability of a habitat conservation plan (HCP) and environmental assessment (EA). The Applicant's HCP describes conservation measures that will be taken to minimize and mitigate coincidentally with incidental take of the American burying beetle (ABB) by undertaking a research program into the long-term conservation needs of the affected species and by limiting certain ground-disturbing activities. Reporting and amendment procedures are included to ensure that the Applicant's management activities may continue to consider the latest scientific information pertaining to distribution and habitat requirements of the ABB and to address unforeseen circumstances. The EA prepared by the Service describes the

environmental consequences of issuing or denying the incidental take permit. As stated in the EA, the Service proposes to issue the requested permit. This proposal is based on a preliminary determination that the Applicant has satisfied the requirements for permit issuance and that the HCP provides conservation benefits to the ABB that exceed the impact of the expected level of incidental take. Copies of the EA and HCP may be obtained by making a written request to the Regional Office [See **ADDRESSES** below]. 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 received on or before January 8, 1996.

**ADDRESSES:** Persons wishing to review the application, HCP, and EA may obtain a copy by writing the Service's Southeast Regional Office, Atlanta, Georgia. Requests for the documents must be in writing to be processed. Documents will also be available for public inspection by appointment during normal business hours at the Regional Office, or the Jackson, Mississippi, Field Office. Written data or comments concerning the application, EA, or HCP should be submitted to the Regional Office. Please reference permit under PRT-809072 in such comments:

Regional Permit Coordinator, U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 200, Atlanta, Georgia (404-679-7110, fax 404-679-7081)  
Field Supervisor, U.S. Fish and Wildlife Service, 6578 Dogwood View Parkway, Suite A, Jackson, Mississippi 39213 (601-965-4900, fax 601-965-4340)

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

**SUPPLEMENTARY INFORMATION:** Section 9 of the Act, and implementing regulations, prohibits the take of RCWs. Take, 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 an otherwise lawful activity.

This application for incidental taking is associated with a three-way land exchange proposed in Arkansas and Oklahoma. It involves the Applicant, the Service, and the Forest Service. The proposed exchange was formulated in consultation with State and local

interests. The Applicant's openness to the proposal is based on its interest in consolidating ownership and obtaining land and timber more strategically located to its sawmills. Additionally, some of its existing lands with their associated non-timber values are better suited for public ownership and management. The Applicant and the two Federal agencies believe the proposed exchange satisfies the desire to place these lands in public ownership and better aligns the highest and best land uses with landowner interest and objectives.

The land exchange is approximately a 4 to 1 ratio, with the Applicant contributing the larger share. The Applicant will transfer approximately 150,000 acres to the Federal government. About 100,000 acres of this lies in southeast Oklahoma around Broken Bow Lake and near the McCurtain County Wilderness Area, a site operated by the Oklahoma Department of Wildlife Conservation. Other acreage consists of sites totalling approximately 25,000 acres near areas of strong public interest including Lake Ouachita, Little Missouri Wild and Scenic River, Glover River, Lower Mountain Fork River, Flatside Wilderness Area and other parts of the Ouachita National Forest. The Applicant will also transfer some 25,000 acres of nationally significant wetland habitat to the Service to be incorporated into the existing Cossatot National Wildlife Refuge to be managed for public benefits associated with wetland flora and fauna.

The Applicant will acquire approximately 40,000 acres from the Federal government, including 27,000 acres of the Tiak Ranger District of the Ouachita National Forest in McCurtain County, Oklahoma. The remaining acreage is in smaller, scattered tracts in Garland, Yell and Perry Counties, Arkansas. As a result of the land exchange described above, the Applicant will obtain ownership of land with known populations of ABB. The ABB is known to occur on or near the Tiak Ranger District, a substantial portion of which is to be received by the Applicant in the land exchange. This species is a carrion beetle, family Silphidae, and is also called the giant carrion beetle. It is the largest member of a guild of beetles that breed and rear their young on vertebrate carcasses. Like other burying beetles, the ABB is a highly social species that provides biparental care to its young. Once widely distributed throughout Eastern North America, this species is believed to have disappeared from most of its historic range. Very little is known