

Representatives. Each Secretary's Representative is redelegated limited authority to issue waivers of Department directives, including handbook provisions, concerning fair housing and equal opportunity in Department programs for the geographic area for which the Secretary's Representative is responsible. The Secretary's Representative is concurrently redelegated the same authority to waive Department directives concerning fair housing and equal opportunity in Department programs as resides with the Directors of FHEO for the Field Offices in the geographic area. The Program Director and the Secretary's Representative must jointly concur in all requests for waivers, whether the request is granted or denied. If the Secretary's Representative and the Program Director do not agree, the matter will be referred to the Assistant Secretary for FHEO for resolution. If the Secretary's Representative further redelegates his or her authority to a State and Area Coordinator, and the Program Director and State and Area Coordinator disagree on a waiver request, the State and Area Coordinator will refer the matter to the Secretary's Representative.

Accordingly, the Assistant Secretary for Fair Housing and Equal Opportunity redelegates as follows:

Section A. Authority redelegated

The Assistant Secretary for Fair Housing and Equal Opportunity concurrently redelegates to each Secretary's Representative the following authority to waive Department directives, including handbook provisions, concerning fair housing and equal opportunity in Department programs for the geographic area for which the Secretary's Representative is responsible. This authority includes the same authority to waive directives pertaining to fair housing and equal opportunity in Department programs as is redelegated to Directors of FHEO in the geographic area. Each waiver granted shall be in writing, specify the grounds for the waiver, and shall be transmitted in writing to the Assistant Secretary for FHEO. The Assistant Secretary for FHEO will publish any changes or amendments to its redelegations of authority to Directors of FHEO in the field.

Section B. Authority to further redelegate

The authority redelegated pursuant to Section A., above, may be further redelegated to the State and Area Coordinators for the geographic region of the Secretary's Representative. If the

Secretary's Representative redelegates this authority to a State and Area Coordinator, the redelegation shall include the requirement that each waiver granted shall be in writing, specify the grounds for the waiver, and shall be transmitted in writing simultaneously to the appropriate Secretary's Representative and to the Assistant Secretary for FHEO.

Authority: Sec. 7(d) of the Department of Housing and Urban Development (42 U.S.C. 3535(d)).

Dated: June 18, 1996.

Elizabeth K. Julian,

Assistant Secretary for Fair Housing and Equal Opportunity.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Revised Record of Decision on Gull Hazard Reduction Program for John F. Kennedy International Airport

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The Port Authority of New York and New Jersey (PA) has applied for a permit to take migratory birds, including several species of gulls at John F. Kennedy International Airport (JFKIA). The Lead Agency for this Final Environmental Impact Statement (FEIS) was Animal Damage Control (ADC). The U.S. Fish and Wildlife Service (Service) was a cooperating agency with jurisdiction by law and actively participated in the scoping, drafting and reviewing of the Draft Environmental Impact Statement (DEIS) and the FEIS. Pursuant to the Council on Environmental Quality Regulations (Part 1506.3, Title 40 CFR) for Implementing Provisions of the National Environmental Policy Act (NEPA), and the Department of the Interior, Departmental Manual at 516 DM 1.1-6.6, the Service adopted the above FEIS as prepared by the U.S. Department of Agriculture in 1994. The Service used the information and analyses in the DEIS and FEIS to make its own independent Record of Decision (ROD) for this project, which was published on June 3, 1994 in the Federal Register. Based on its independent evaluation and review, the Service selected an alternative similar to the Integrated Management Program, Department of the Interior Policy (IMP/DOI) as its preferred alternative (FEIS, pp. 6-7 to 6-9). The conditions contained in the

IMP/DOI were designed to minimize environmental harms and constitute a viable monitoring and enforcement program.

The PA has not to date fully implemented all of the actions identified in the original ROD, and as a result the Service has been unable to issue the PA a Special Purpose Permit to support the bird hazard reduction program at JFKIA. However, the Service did issue limited permits in 1994, 1995, and 1996 to address emergency conditions associated with gulls during the summer months. These emergency conditions were documented by the Federal Aviation Administration (FAA) and by data collected by ADC biologists in those years. The current environmental situation at JFKIA remains essentially the same as was addressed in the 1994 FEIS. The data collected by ADC biologists since 1994 complements, but does not materially change the analysis of impacts of alternatives bearing on the revised decision. These data are available by contacting the person listed in this notice. Since issuing the original ROD, the Service has been involved in lengthy negotiations with the PA, but has been unable to find the PA in full compliance with the ROD, as published on June 3, 1994. The Service believes that significant bird hazards do occur at JFKIA, as are documented in the FEIS, and that a Special Purpose Permit is needed to address emergencies and to facilitate migratory bird management programs on JFKIA. In addition, the Service recognizes that the PA has implemented many of the actions identified in this ROD, and the Service hereby amends its original ROD to support a limited Special Purpose Permit action for the bird hazard program at JFKIA.

ADDRESSES: Copies of the referenced ADC data, the 1994 ROD and the 1994 FEIS may be obtained from George Haas, 300 Westgate Center Drive, Hadley, Massachusetts 01035 (413/253-8576).

Background

JFKIA is one of three major airports in the New York Metropolitan Region, servicing approximately 28 million passengers per year. It is located at the eastern end of Jamaica Bay, immediately adjacent to the Jamaica Bay National Wildlife Refuge, which is part of Gateway National Recreation Area (GNRA) [administered by the National Park Service (NPS)]. The interaction of birds and aircraft at JFKIA is a serious problem, creating significant hazards to human safety, as well as causing financial losses due to aircraft

destruction, equipment damage, runway closures, and associated personnel costs. The airport is constructed on a filled-wetland within a major estuary on the Atlantic Coast and within a major migratory bird corridor in the Atlantic Flyway. This location has contributed to an unusually high incidence of bird strikes at JFKIA. As early as 1975 a Service study concluded that gulls (herring, ring-billed and great black-backed) constituted the principal bird hazard at JFKIA. This problem was severely exacerbated by the establishment and rapid growth of a breeding colony of laughing gulls on the salt marsh islands in Jamaica Bay located at the southeast end of Runway 22R/4L. As the colony grew from 15 pairs in 1979 to more than 7,000 pairs in 1990, the number of laughing gulls involved in bird strikes increased from 2 to as many as 187 per year, and the percentage of bird strikes involving laughing gulls increased from less than 2 percent to approximately 50 percent. Other gulls accounted for approximately 25 percent of JFKIA's bird strikes. Fifty-eight other bird species have accounted for approximately 23 percent of the air strikes and 25 percent of the damage delays (1979-93).

Throughout the 1960's, 1970's, and 1980's, the PA and Federal, New York State and New York City natural resource management agencies have conducted activities to evaluate, control, and monitor JFKIA's bird strike hazard. These activities have included, but were not limited to the following: experimental laughing gull egg-oiling project; international panel review; ecological studies; non-lethal harassment programs; and interim shooting programs. Despite implementation by the PA of a multi-faceted bird hazard reduction program and closure of nearby landfills, strikes by laughing gulls continued to increase. In response to the increase, a temporary, on-airport gull hazard reduction program was conducted by the ADC unit of the U.S. Department of Agriculture from 1991 through 1993. Between May and August of each year gulls entering JFKIA airspace were shot. ADC biologists killed 14,191 laughing gulls in 1991, 11,847 in 1992, and about 6,500 in 1993. By the third year, this program reduced the number of bird strikes involving laughing gulls by more than 90 percent.

In 1992, the concern for potential cumulative impacts associated with the shooting program demonstrated the need to explore issues involved in reduction of the hazards of gull/aircraft interaction at JFKIA. Consequently, the preparation of an Environmental Impact

Statement (EIS) was initiated to explore all reasonable alternatives which might be implemented to reduce the number of gull/aircraft collisions at JFKIA in an effective, safe, environmentally sound manner in compliance with all applicable laws and regulations.

The EIS process, including early public participation, began when a Notice of Intent to prepare the DEIS was published in the December 4, 1992 Federal Register. At that time, the Service became a cooperating agency. One scoping meeting and one public meeting were held at JFKIA. The Notice of Availability of the DEIS was published in the February 11, 1994 Federal Register. Prior to the release of the DEIS for public review, the Service reviewed several preliminary drafts. The comment period of the DEIS ended April 25, 1994, however, comments were accepted through April 28, 1994. The Service reviewed and commented on a preliminary FEIS, and all substantive comments were incorporated into the FEIS released to the public. The Notice of Availability of the FEIS appeared in the May 6, 1994 Federal Register. The Service published its "Record of Decision on Gull Hazard Reduction Program for John F. Kennedy International Airport" in the June 3, 1994 Federal Register.

The 1994 Record of Decision

The Service's 1994 ROD closely resembles the IMP/DOI policy, which is set forth in pages 6.6 through 6.9 of the FEIS. The 1994 ROD contains more specific actions and time frames than are found in the FEIS discussion of the IMP, which appears on page 6.11. Specific measures identified in the June 3, 1994 Federal Register (taken verbatim from the 1994 ROD and enclosed in quotes) and the Service's evaluation of each measure are as follows:

The 1994 ROD identifies the following specific action:

"The PA will hire a person trained in ornithology, or wildlife biology, or in a related field as the supervisor for the Bird Control Unit (BCU) by August 1, 1994. This supervisor will be trained to the Master of Science level in either ornithology or wildlife biology and will be capable of developing and evaluating the bird hazard management program at JFKIA and developing monitoring programs for birds in the JFKIA area."

The Service's evaluation of this specific action is as follows:

The Service believes that this measure was met, but not according to schedule. This biologist does not directly supervise the BCU. The BCU and biologist report to the Manager, Aeronautical Services Division for

JFKIA. The biologist influences BCU activities through his supervisor.

The 1994 ROD identifies the following specific action:

"The PA must apply to the Service for the October 1994 BCU permit by September 15, 1994, and should indicate in its application how it has complied with hiring the BCU supervisory biologist (#1 above) and the reorganization of the Bird Hazard Task Force (BHTF). With this application the PA may include its assessment of the BCU's personnel capabilities and expertise. This assessment, if provided, should address needs for increases in staff size, changes in professional capabilities of staff, and training. It should also identify BCU equipment and support requirements, as well as document how the BCU will conduct the collection of biological field data, surveys and monitoring program described in the IMP/DOI and this document."

The Service's evaluation of this specific action is as follows:

This measure was not accomplished in 1994, and no longer applies to this issue.

The 1994 ROD identifies the following specific action:

"The PA will reorganize the BHTF to serve as an advisory committee to the Port Authority for the evaluation of the BCU program and the gull shooting program by August 1, 1994. The BHTF will suggest improvements to this program, recommend additional research and monitoring needs and establish criteria to be used for initiation of Category 2 measures. The agencies currently composing the BHTF would remain. The chairmanship would be rotated on an annual basis; however, the Service would chair the task force during this reorganization period."

The Service's evaluation of this specific action is as follows:

The Service believes that this measure has been met, but not within the schedule.

The 1994 ROD identifies the following specific action:

"The PA will increase staff size for the BCU to 10 permanent, full-time members by November 1, 1994. All BCU employees will be qualified to consistently and accurately collect biological field data and to conduct surveys and monitoring programs with the minimum professional training of a Bachelors of Science or equivalent substantive course work and field experience. The BCU will include at least one person trained in entomology and pesticides."

The Service's evaluation of this specific action is as follows:

The Service believes that this measure has not been met. There are not 10 permanent, full-time members of the BCU and all members of the BCU do not possess the minimum professional training of a Bachelors of Science degree or equivalent. However, the PA has

provided some training to members of the BCU over the past year relating to bird control, which may improve the ability of the BCU to do its job. The PA has one staff person trained in entomology and pesticides within a separate section and this one staff person is available to the BCU. The Service recognizes that the PA has improved the profession capability of the BCU and that BCU employees currently conduct bird surveys at JFKIA. However, the staff size of the BCU has only been increased by the addition of the biologist, and with the exception of the biologist the Service believes that the other members of the BCU lack the equivalent of a Bachelor of Science training in data collection or population monitoring programs.

The 1994 ROD identifies the following specific action:

"The PA will provide sufficient equipment and vehicles to support the improved BCU by November 15, 1994. This includes equipment to disperse water following rain storms, pyrotechnics, speaker systems in all vehicles, firearms, and safety equipment."

The Service's evaluation of this specific action is as follows:

The PA has assured the Service that this equipment is available to the BCU.

The 1994 ROD identifies the following specific action:

"The PA will train and authorize all BCU employees to conduct all harassment methods, including the firing of firearms for lethal and non-lethal harassment by November 15, 1994. This includes the development of a training plan for all employees."

The Service's evaluation of this specific action is as follows:

The PA provided training to all employees associated with the BCU, but this training was not provided within the above stated schedule. However, the PA does not permit all members of the BCU to conduct all harassment methods. Specifically the use of firearms is restricted to shift supervisors.

The 1994 ROD identifies the following specific action:

"The BCU staff requires 7 people to perform its bird harassment responsibilities (1 supervisor, 2 employees per shift, 2 shifts per day, 7 days a week). In order to increase the capability of the BCU, the Service has determined that three additional people are required, as well as improving the professional training and capabilities of the BCU and assuring that the BCU is adequately equipped to do its job."

The Service's evaluation of this specific action is as follows:

The Service does not believe that the increase in staff size and capability has been accomplished.

The 1994 ROD identifies the following specific action:

"On or before January 31, 1995, the PA will develop and implement monitoring programs to assess the following: (1) Evaluation of the effectiveness of the gull shooting program and JFKIA's bird hazard management program; (2) identification of criteria that could be used to determine when a gull shooting program should begin or end; (3) identification of criteria, with the involvement of the BHTF, that could be used to determine when Category 1 elements have become ineffective; (4) evaluation of off-airport attractants that encourage gulls to fly through JFKIA airspace; and (5) continuing evaluation of potential on-airport attractants."

The Service's evaluation of this specific action is as follows:

The PA provided the Service with a document addressing these issues in February 1995 and provided the Service with information addressing these five issues in a report entitled "Wildlife Management Plan" in 1996. In addition, ADC annually reviews the effectiveness of the gull shooting program (action 1); the last interagency review of JFKIA's bird hazard management program was in 1994 (action 1); ADC and the Service cooperated in the development of criteria for determining when a gull shooting program should begin in 1994 and 1995 (action 2); NPS has been working on the identification of criteria which could be used to determine when Category 1 elements have become ineffective since 1994 (action 3); the PA collected data on off-airport attractants for gulls in 1995 (action 4); and the PA presented information concerning on-airport attractants in their "Wildlife Management Plan" (action 5).

The 1994 ROD identifies the following specific action:

"3. Prepare written plans for vegetation, insect control, solid waste, water management and other on-airport issues that address bird hazard management."

The PA will produce written management plans for vegetation, insect, water, and solid waste management on JFKIA by December 29, 1994. These plans will document the existing programs and the overall management strategies for these programs."

The Service's evaluation of this specific action is as follows:

The PA has provided the Service with a series of drafts for these management plans, but not within the above stated schedule. The most recent version is dated April 1996 and entitled "Wildlife Management Plan". The Service merely stipulated that these plans be prepared in its ROD and did not stipulate any criteria about plan quality. However, the Service is concerned about the quality of this draft and previous drafts. These concerns are shared by BHTF member

agencies. The plan continues to be under development.

The 1994 ROD identifies the following specific action:

"4. As a part of the effort to develop data on bird species contributing to hazards at JFKIA and to a determination of when Category 2 measures may be appropriate, the NPS is committed to participating in seasonal surveys in 1994 to monitor gull populations and distribution in the Jamaica Bay area and will provide these data to the BCU and BHTF."

The Service's evaluation of this specific action is as follows:

The NPS participated in these surveys in 1994, 1995, and 1996.

The Service received assurance that "... the Port Authority wishes to reaffirm our commitment and demonstrate the extent of our effort to satisfy the elements of the ROD's scope," in a letter dated August 31, 1994 and signed by Mr. Robert J. Kelly, Chief Operations Officer, Aviation Department, for the PA. The PA did not meet the deadlines identified in the ROD, but has made progress with reaching all but one action. The PA has not met the action entitled "1. Additional enhancement of the profession capability of the BCU". Specifically, the PA has not increased the staff size for the BCU to 10 permanent, full-time members with the minimum professional training of a Bachelors of Science or equivalent substantive course work and field experience. In addition, the BCU is not directly supervised by the wildlife biologist.

Service Actions Following the 1994 ROD

1994 Actions

The Service issued Special Purpose Permits to ADC to allow the 1994 shooting program and to PA to allow the 1994 BCU program. ADC's permit expired on August 20, 1994, and the PA's permit expired on October 1, 1994. The Service took this action on the ADC permit, in consideration of the FAA's determination of a need for emergency actions at JFKIA (letter dated May 24, 1994) and the information presented in the FEIS concerning the hazards presented by gulls at JFKIA. This action was identified in the Service's ROD. The Service authorized ADC personnel to kill no more than 14,500 laughing gulls, 1,500 herring, 200 great black-backed and 200 ring-billed gulls, when found flying into JFKIA airspace and creating a hazard to aircraft. This permit was issued when data collected by ADC personnel demonstrated this emergency existed at JFKIA. In 1994, 3,688

laughing gulls, 184 herring gulls, 73 great black-backed gulls, and 36 ring-billed gulls were taken under these permits. Following release of the ROD, the Service met with the PA on August 22 and November 29 in 1994; attended three related meetings with our governmental agencies; and sent letters to the PA dated June 6, June 14, June 27, August 19 and November 10, 1994, concerning the additional organizational measures identified in the Service's ROD. However, the PA did not fully accomplish these ROD actions in 1994.

1995 Actions

The Service issued a Special Purpose Permit to the PA to allow the 1995 shooting program. The PA was not in full compliance with the Service's ROD at that time. The Service took this action on the PA permit, in consideration of the FAA's determination of a need for emergency actions at JFKIA (letter dated May 12, 1995) and actions taken by the PA to meet the Service's ROD. The Service authorized the PA to kill no more than 14,500 laughing gulls, 1,500 herring, 200 great black-backed, 200 ring-billed gulls and 20 Canada geese, when found flying into JFKIA airspace and creating a hazard to aircraft. This permit was issued when data collected by ADC personnel demonstrated this emergency existed at JFKIA. In 1995, 6,302 laughing gulls, 430 herring gulls, 97 great black-backed gulls, 65 ring-billed gulls and 20 Canada geese were taken under this permit. The Service met with the Port Authority on February 7, February 10, March 15, March 16, May 2, October 5, and November 30 in 1995, attended five related meetings with other governmental agencies; and sent letters to the PA dated February 23, April 24, June 6, and June 7, 1995, concerning the organizational improvements identified in the Service's ROD. However, the PA did not fully accomplish these actions in 1995.

1996 Actions

The Service met with the PA on February 12 and March 19 in 1996; attended one related meeting with other governmental agencies; and sent letters to the PA dated March 19, April 26, May 16, May 17 and June 5, 1996, concerning the actions identified in the Service's ROD. However, the PA did not fully accomplish these actions in 1996. The Service has concluded that the PA will not completely accomplish the actions identified in its 1994 ROD in the foreseeable future. The Service believes that a serious human safety risk exists at JFKIA, given its location in the middle of a major estuary within a major migratory bird corridor, and that

a program which includes gull shooting will always be needed. The Service believes that authority to shoot gulls and certain other species of migratory birds is necessary to the overall IMP/DOI.

Given the Service's experiences working with the PA since June 1994, the Service believes that the PA will not fully implement the management measures contained in the ROD, which the Service believes would improve the ability of all interested parties to understand the behavior of gulls entering JFKIA airspace. When it crafted its 1994 ROD, the Service determined that an expanded, full-time, professionally-trained BCU was needed to monitor year-round bird movements and behavior in the JFKIA area, which would allow improved airport safety decisions and reduce the take resulting from the gull shooting program. The Service acknowledges that while some members of the BCU do possess practical experience with gulls gained from their years at JFKIA, the Service does not believe the present staff, both in terms of numbers and training, has the capability to conduct the necessary monitoring programs and studies.

During the preparation of the EIS, the Service and NPS urged the PA and EIS preparers to also analyze the other migratory bird species that frequent JFKIA and the threats that these species pose to aircraft and human safety. JFKIA is located in a major estuary within the Atlantic Flyway and a wide variety of migratory birds breed, winter and/or migrate through this area. Given the unpredictable nature of these species using JFKIA airspace, the Service has vigorously urged the PA to implement these personnel changes needed to properly identify, monitor and respond to new patterns of bird behavior or changing conditions.

The Service has expended over one person-year of staff time working with the PA to implement this program since issuance of its original ROD. Given the Service's limited staff and wide breadth of responsibilities for trust resources, it is an impractical and inefficient expenditures of resources given that no further progress is occurring.

On June 13, 1996 the PA notified the Service that an American Airlines Airbus-300 accident earlier that day had been caused by one laughing gull, and had resulted in damage to the turbo blades in one engine. On June 14 and June 17 the FAA notified the Service by two separate letters concerning the existence of a serious hazard to aircraft at JFKIA. On June 14 the Service requested any relevant data on bird activity from ADC and PA, as had been

done in 1994 and 1995 to support an emergency permit action. Data received by June 17 did not suggest increased flights by laughing gulls into JFKIA airspace. Data provided by NPS identified a complete loss of laughing gull nests on the colony near JFKIA due to flooding. Increased flights by laughing gulls into JFKIA airspace and increased risks to aircraft have previously been associated with the care of nestling gulls prior to fledging on the nearby rookery. This was not the case in 1996, where re-nesting caused by flooding has delayed egg-hatching. The 1996 incident confirms the Service's concern that an expanded, full-time, professionally-trained BCU would improve JFKIA airport safety decisions. However, (1) since the Service intends to issue the PA a Special Purpose Permit as soon as this Revised ROD is published in the Federal Register, (2) in normal years increased flights of laughing gulls into JFKIA airspace would occur at this time associated with nestling care, and (3) the American Airlines accident has occurred; the Service has issued the PA an emergency permit covering the June 17-30 period, which allows shooting up to 1,000 laughing gulls and up to 100 other gulls (herring, great black-backed and ring-billed gulls in any combination). The Service took this emergency action to address a human safety hazard at JFKIA, but notes that improvements to the BCU identified in the 1994 ROD, but not implemented, might have improved the ability of the PA to address this hazard.

Service Authority

Statutory authority for the Service's actions is as follows:

Migratory birds listed in treaties with Great Britain (Canada), Mexico, Japan, and the former Soviet Union are protected and activities involving them are regulated in the United States by the Migratory Bird Treaty Act. The Secretary of the Interior under 16 United States Code (USC) Sections 703-712 has responsibility for management of those migratory birds, including the issuance of permits to take those birds. Criteria for issuance of Special Purpose permits is further defined by regulations found in Title 50 CFR Part 21.

Specifically, 16 U.S.C. 704 provides:

"Subject to the provisions and in order to carry out the purposes of the conventions, the Secretary * * * is authorized and directed from time to time, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of such birds, to determine, when, to what extent, if at all, and by what means, it is compatible with the terms of the conventions to allow, * * * taking * * * of any such bird * * *"

Generally, all species of gulls are listed in the treaties and further identified in 50 CFR 10.13, List of Migratory Birds. Prohibited activities involving these listed migratory birds are more clearly identified in 50 CFR 21.11 which provides: "No person shall take * * * any migratory bird * * * except as permitted under the terms of a valid permit * * *."

The regulations then provide for issuance of permits for general standardized activities (import/export, banding and marking, scientific collecting, taxidermy, waterfowl sale and disposal, and falconry activities) utilizing standard form permits. They also provide for issuance of Special Purpose permits which authorize otherwise prohibited activities involving migratory birds, not otherwise covered by the standard form permits, when: " * * * an applicant * * * submits a written application containing the general information and certification required by part 13 [50 CFR 13] and makes a sufficient showing of * * * compelling justification." (50 CFR 21.27)

These Special Purpose Permit regulations give the Service broad authorities to address human safety issues at JFKIA. The Preferred Alternative is compatible with all conventions and treaties and the Service Actions identified within this Preferred Alternative are compatible with the intent of these conventions, treaties, and associated regulations. The compelling justification for these Service Actions is the issue of human safety at JFKIA.

Revised Service Decision

The Service amends its original ROD to allow issuance of a Special Purpose Permit to the PA authorizing the take of no more than 100 herring gulls, 100 great black-backed gulls, 100 ring-billed gulls, 100 laughing gulls, and 50 Canada geese or Canada goose nests each year. This permit will also authorize during the period of June 12th through August of each year the additional shooting of up to 8,000 laughing gulls, 1,400 herring gulls, 200 great black-backed gulls, and 200 ring-billed gulls when posing a threat to airplanes on JFKIA. The Service will issue this permit for a three year period beginning in 1996.

The laughing gull nesting colony near JFKIA has not declined significantly during the course of the shooting program. ADC concluded in its evaluation of the 1991-95 shooting programs that the annual kill of laughing gulls " * * * represented about 1-6% of the estimated adult population in nesting colonies on the Atlantic coast from Virginia to Maine * * *". Takes of other species under this permit represent approximately 1% of the regional adult herring gull population and less than 1% of the regional adult populations for great black-backed gulls, ring-billed gulls, and Canada geese. The

program, which is supported by this Revised ROD, will likely result in takes of migratory birds of the following magnitudes: 3,688-8,100 laughing gulls, 184-1,600 herring gulls, 73-300 great black-backed gulls, 36-300 ring-billed gulls, and up to 50 Canada geese or their nests. Given the high productivity of the gull species and the number of gulls taken during the 1991-95 period, the Service believes that the environmental impact of this Revised ROD will be the same as, or less than the impacts discussed in the FEIS.

In April 1996 the PA presented the Service with a proposal to use falconry to reduce the numbers of migratory birds flying through JFKIA airspace by both killing and harassment. Unfortunately, this proposal contains no meaningful evaluation plan, and it will be impossible to judge whether the use of raptors to harass birds at JFKIA will reduce the number of strikes in 1996 without such a plan. However, the Service will incorporate conditions in the 1996 permit that would allow the experimental use of falconry at JFKIA, provided this activity is restricted to only PA property and monitored appropriately. Also, the Service intends to consider future modifications of the PA permit for the JFKIA bird hazard management program to accommodate other experimental approaches that might result in a reduced kill of migratory birds, while maintaining at a minimum the current level of risk at JFKIA to bird strikes.

Having reviewed and considered the FEIS and the 1994 ROD for the gull hazard management program at JFKIA, the Service finds as follows:

1. The requirements of NEPA and implementing regulations have been satisfied; and
2. Consistent with social, economic, programmatic and environmental considerations from among the reasonable alternatives thereto, the Revised ROD is one which minimizes or avoids adverse environmental effects to the maximum extent, practicable, including the effects discussed in the FEIS; and,
3. Consistent with the social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the EIS process will be minimized or avoided by incorporating as conditions those mitigative measures identified in the Preferred Alternative in the FEIS and its supporting appendices; and,
4. The limitations on the numbers of gulls and other migratory bird species which may be taken under this permit are compatible with the terms of the

Migratory Bird Conventions and are made with due regard to their distribution, abundance, breeding habits, and migratory patterns; and

5. The compelling necessity for public safety at JFKIA, which is documented in the FEIS, is addressed by the proposed actions; and

6. The PA have made a sufficient showing of compelling justification for these permits; and

7. All improvements to the BCU, BHTF, and JFKIA management programs, as specified in the June 3, 1994 Federal Register with the amendments identified above in the Service Actions section are hereby adopted as part of this finding and will be used to guide future migratory bird permit decisions.

Having made the above findings, the Service has decided to proceed with implementation of the Revised Record of Decision as indicated above.

This Revised Record of Decision will serve as the written facts and conclusions relied on in reaching this decision. This Revised Record of Decision was approved by the Regional Director of the Service on June 24, 1996.

Dated: June 24, 1996.

Jaime Geiger,

Acting Regional Director.

[FR Doc. 96-17128 Filed 7-5-96; 8:45 am]

BILLING CODE 4310-55-M

Ruffe Control Committee Meeting

AGENCY: Department of the Interior, Fish and Wildlife Service.

ACTION: Notice of meeting.

SUMMARY: This notice announces a meeting of the Ruffe Control Committee, a committee of the Aquatic Nuisance Species Task Force. The Committee will meet to develop action plans to meet three new objectives of the Ruffe Control Program. These are: bait fish management; fish community management; and, Chicago Ship and Sanitary Canal. The meeting is open to the public. Interested persons may make oral statements to the Committee or may file written statements for consideration.

DATES: The Ruffe Control Committee will meet from 1:00 to 5:00 p.m. on Tuesday, July 30, 1996, and 8:00 a.m. to 12:00 p.m. on Wednesday, July 31, 1996.

ADDRESSES: The meeting will be held at the Holiday Inn, 1000 U.S. 23 North, Alpena, Michigan 49707.

FOR FURTHER INFORMATION CONTACT: Tom Busiahn, Ruffe Control Committee Chairperson, U.S. Fish and Wildlife Service, at (715) 682-6185.