

**ACTION:** Notice of receipt of permit application.

**SUMMARY:** The following applicant has applied for a scientific research permit to conduct certain activities with endangered species pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Permit Number TE-009901

**Applicant:** Alaska Biological Science Center, Anchorage, Alaska

The applicant requests a permit to take (direct) one to three fronds from 10 Aleutian shield fern (*Polystichum aleuticum*) plants for the purpose of enhancing this species survival.

**DATES:** Written comments on this permit application must be received on or before May 17, 1999.

**ADDRESSES:** Written data or comments should be submitted to the Field Supervisor, Ecological Services Field Office, Anchorage, U. S. Fish and Wildlife Service, 605 W. 4th Ave. Rm G-62, Anchorage, AK 99501; Fax: 907/271-2786. Please refer to the respective permit number for each application when submitting comments. All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public.

**FOR FURTHER INFORMATION CONTACT:** Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents within 20 days of the date of publication of this notice to the address above; telephone: (907) 271-2888. Please refer to the respective permit number for each application when requesting copies of documents.

Dated: April 1, 1999.

**David B. Allen,**

*Regional Director, Region 7, Anchorage, Alaska.*

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BILLING CODE 4310-55-U

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Endangered and Threatened Species; Golden-Cheeked Warbler, et al.

**ACTION:** Notice of receipt of seven applications.

**SUMMARY:** This notice advises the public that GDF Realty Investments, Ltd.

(applicant), in conjunction with Mr. R. James George, Jr., Purcell Investments L.P., Parke Properties I, L.P. and Parke Properties II, L.P., each entity of Austin, Texas, has applied to the U.S. Fish and Wildlife Service (Service) for seven incidental take permits pursuant to Section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The applications have been assigned application file numbers PRT-838754, PRT-841088, PRT-841090, PRT-841093, PRT-841117, PRT-841120 and PRT-841125. The requested, permits, if issued, would each be for a period of 30 years, and would authorize the incidental take of the endangered golden-cheeked warbler (*Dendroica chrysoparia*), black-capped vireo (*Vireo atricapillus*), Tooth Cave pseudoscorpion (*Microcreagris texana*), Tooth Cave spider (*Leptoneta myopica*), Tooth Cave ground beetle (*Rhadine persephone*), Kretschmarr Cave mold beetle (*Texamaurops reddelli*), Bee Cave Creek harvestman (*Texella reddelli*), and Bone Cave harvestman (*Texella reyesi*). The Applicant plans to construct and operate commercial and/or residential developments on 216.4 acres of habitat in the area known as the Hart Triangle and used by the golden-cheeked warbler, black-capped vireo, Tooth Cave pseudoscorpion, Tooth Cave spider, Tooth Cave ground beetle, Kretschmarr Cave mold beetle, Bee Cave Creek harvestman, and/or Bone Cave harvestman. The proposed incidental take would occur as a result of the construction and operation of these developments on FM 620 at Bullock Hollow Road (FM 2222) in Travis County, Texas.

The Applicant has prepared Habitat Conservation Plans (HCPs) to accompany these incidental take permit applications.

**DATES:** Written comments on the applications and HCPs should be received on or before May 17, 1999.

**ADDRESSES:** Persons wishing to review the applications and HCPs may obtain copies by contacting the Regional Director, U.S. Fish and Wildlife Service, Division of Ecological Services, P.O. Box 1306, 500 Gold Avenue, S.W., Albuquerque, New Mexico 87102 (505/248-6920). Documents will be available for public inspection by written request, by appointment only, during normal business hours (8:00 to 4:30) at the Albuquerque Regional Office address above. Written data or comments concerning the applications and HCPs should be submitted to the Regional Director (Attention: Ecological Services) at the above address, in Albuquerque, New Mexico. Please refer to application

file permit numbers PRT-838754, PRT-841088, PRT-841090, PRT-841093, PRT-841117, PRT-841120 and PRT-841125 when submitting comments.

**FOR FURTHER INFORMATION CONTACT:** Leslie Dierauf at the Regional Office address noted above (505/248-6651).

**SUPPLEMENTARY INFORMATION:** Section 9 of the Act prohibits the "taking" of endangered species such as the golden-cheeked warbler, black-capped vireo, Tooth Cave pseudoscorpion, Tooth Cave spider, Tooth Cave ground beetle, Kretschmarr Cave mold beetle, Bee Cave Creek harvestman, and/or Bone Cave harvestman. However, the Service, under limited circumstances, may issue permits to take endangered wildlife species when such taking is incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for endangered species are at 50 CFR 17.22.

The seven tracts are within the Balcones Canyonlands Preserve (BCP) permit area (Incidental Take Permit PRT-788841) and within or adjacent to the Tooth Cave karst fauna area, known as the Four Points cave cluster. The Tooth Cave karst fauna area underlies a large portion of the total acreage of these seven tracts. The Tooth Cave area contains two of the four caves (50%) known to contain Tooth Cave spiders, three of the five caves (60%) known to contain Tooth Cave pseudoscorpions, and three of the four caves (75%) known to contain Kretschmarr Cave mold beetles. Therefore, this property contains a large proportion of the known range of three of the six listed cave invertebrates in Travis County. Although the full extent of the interconnectivity of the karst features in this area is not known, karst is by nature an interconnected network of voids, and preserving this interconnectivity and the relationship of the karst to activities on the surface is vital on these properties.

The applicant proposes to intensely develop 216.4 acres. The applicant has proposed the following for each of the incidental take permit applications:

**PRT-838754** [19.6 acres; parcel 8; Tract F; GDF Realty] Shopping center on 60% of the property, with bermed stormwater detention facilities in areas on the remainder of the property. Minimization, mitigation and monitoring measures include the following: run-off routed to avoid impacts to the cave preserve, fire ant control measures, pesticide and herbicide use to EPA guidelines, all run-off directed away from Tooth Cave, all development will occur below the 1050 contour interval, a contractor who will

monitor all excavation during the construction phase of the development, human use will be restricted to passive recreation, such as hiking, and undeveloped areas to be monitored for three years to detect warbler, vireo, blue jay, scrub jay and brown-headed cowbird populations.

**PRT-841088** [9.74 acres; parcel 3; Tract B; Purcell Investments] Shopping center, 60% impervious cover, with stormwater detention facilities in areas on remainder of tract. Minimization, mitigation and monitoring measures include the following: run-off routed to avoid impacts to the cave preserve, fire ant control measures, pesticide and herbicide use to EPA guidelines, all run-off directed away from Tooth Cave, a contractor who will monitor all excavation during the construction phase of the development, human use will be restricted to passive recreation, such as hiking, and undeveloped areas to be monitored for three years to detect warbler, vireo, blue jay, scrub jay and brown-headed cowbird populations.

**PRT-841090** [7.6 acres; parcel 9; Tract G; GDF Realty] Shopping center on 60% of property, bermed stormwater detention facilities in areas on the remainder of the property. According to this HCP, none of the property has been found to be suitable habitat for the warbler or vireo. Nevertheless, this HCP states that clearing in occupied warbler or vireo habitat will occur only during times of the year when birds are not present, human use will be restricted to passive recreation, such as hiking, and undeveloped areas to be monitored for three years to detect warbler, vireo, blue jay, scrub jay and brown-headed cowbird populations. The tract contains karst habitat.

**PRT-841093** [30.47 acres; parcel 7; Tract E; Purcell Investments] Residential development on flatter acreage (no acreage or site plan submitted), bermed stormwater detention facilities in undeveloped areas, road construction mentioned, but the access route not included on any map. According to this HCP, none of the property has been found to be suitable habitat for the warbler or vireo. Nevertheless, this HCP states that clearing in occupied warbler or vireo habitat will occur only during times of the year when birds are not present, human use will be restricted to passive recreation, such as hiking, and undeveloped areas to be monitored for three years to detect warbler, vireo, blue jay, scrub jay and brown-headed cowbird populations.

**PRT-841117** [28 acres, parcels 1 & 2; Tract A; Purcell Investments] Shopping center, 60% impervious cover, bermed

stormwater detention facilities to be located on the remaining 40%. Minimization, mitigation and monitoring measures include the following: run-off routed to avoid impacts to caves, fire ant control measures, pesticides and herbicides used according to EPA guidelines, a contractor to monitor all excavation during the construction phase, human recreation will be restricted to passive recreation, such as hiking, and undeveloped areas to be monitored for three years to detect warbler, vireo, blue jay, scrub jay and brown-headed cowbird populations.

**PRT-841120** [47 acres; parcel 5 & 6; Tract D; Purcell Investments] Mixed-use development on 60% of the property, bermed stormwater detention facilities in the remaining areas (the site plan submitted suggests slightly less intense use). Minimization, mitigation and monitoring measures include the following: run-off from proposed commercial development routed to avoid impacts to cave preserves, fire ant control measures, pesticides and herbicides used according to EPA guidelines, all run-off directed from adjacent preserve, a contractor to monitor all excavation during the construction phase of development, human use will be restricted to passive recreation, such as hiking, and undeveloped areas to be monitored for three years to detect warbler, vireo, blue jay, scrub jay and brown-headed cowbird populations.

**PRT-841125** [74 acres; parcel 4; Tract C; Purcell Investments] Office and multi-family development on 60% of site, stormwater detention facilities located in areas on the remainder of the site, not otherwise developed. Minimization, mitigation and monitoring measures include the following: run-off to be routed to avoid impacts to the cave preserve, fire ant control measures, pesticide and herbicide use according to EPA guidelines, a contractor to monitor all excavation during the construction phase, human use will be restricted to passive recreation, such as hiking, and undeveloped areas to be monitored for three years to detect warbler, vireo, blue jay, scrub jay and brown-headed cowbird populations.

The HCPs which the applicant has provided do not provide detailed descriptions of long-term funding. The summary of environmental effects that may occur due to the actions of these projects contain factual errors. The draft environmental assessments submitted by the applicant also do not contain details of alternative analyses conducted during development of the HCPs.

During the HCP development phase, the Service discussed with the applicant various options for minimizing or avoiding species impacts. Nevertheless, the applicant has requested that the Service proceed with processing the seven applications as submitted.

**Applicant:** GDF Realty Investments, Ltd., in conjunction with Mr. R. James George, Jr., Purcell Investments L.P., Parke Properties I, L.P. and Parke Properties II, L.P., each entity of Austin, Texas, plans to construct and operate seven commercial and/or residential developments in Travis County, Texas. These actions will take place on 216.4 acres of habitat in the area known as the Hart Triangle and used by the endangered golden-cheeked warbler, black-capped vireo, Tooth Cave pseudoscorpion, Tooth Cave spider, Tooth Cave ground beetle, Kretschmarr Cave mold beetle, Bee Cave Creek harvestman, and/or Bone Cave harvestman.

**Nancy M. Kaufman,**

*Regional Director, Region 2, Albuquerque, New Mexico.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Incidental Take Permits; Williamson Co., TX

Notice of Availability of a Environmental Assessment/Habitat Conservation Plan and Receipt of Application for Incidental Take Permit for Construction and Operation of the Buttercup Creek's Section 4 and Phase V and Extension of Lakeline Boulevard (275 acres of the 438 acres), Williamson County, Texas.

**SUMMARY:** Lumbermen's Investment Corporation (Applicant) has applied to the Fish and Wildlife Service (Service) for an incidental take permit pursuant to Section 10(a) of the Endangered Species Act (Act). The Applicant has been assigned permit number PRT-836384. The requested permit, which is for a period of 30 years, would authorize the potential incidental take of the endangered Tooth Cave ground beetle (*Rhadine persephone*). The proposed take would occur as a result of the construction of single-family and multi-family residences on 275 acres of the 438 acres at the intersection of Buttercup Blvd. and Lakeline Blvd. in Williamson County, Texas.

The Service has prepared the draft Environmental Assessment/Habitat Conservation Plan (EA/HCP) for the