

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4163-C-02]

NOFA for Emergency Shelter Grants Set-Aside for Indian Tribes and Alaskan Native Villages; Correction

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice of funding availability; correction.

SUMMARY: This notice corrects information that was provided in the notice of funding availability (NOFA) for Emergency Shelter Grants (ESG) Set-Aside for Indian Tribes and Alaskan Native Villages for fiscal year 1997, published in the **Federal Register** on April 11, 1997 (62 FR 17970). This notice clarifies that new construction is not an eligible activity under the ESG program.

DATES: This notice does not affect the deadline date provided in the April 11, 1997 NOFA. Applications must still be received by the appropriate HUD Office of Native American Programs (ONAP) by no later than 3 p.m. local time (i.e., the time in the office to which the application is submitted) on May 23, 1997.

ADDRESSES: This notice does not affect the application submission information provided in the April 11, 1997 NOFA. Application packages are available from the HUD Offices of Native American Programs (ONAPs) listed in Appendix 1 to the NOFA.

FOR FURTHER INFORMATION CONTACT: Applicants may contact the appropriate Office of Native American Programs (ONAPs), listed in Appendix 1 to the April 11, 1997 NOFA, for further information.

SUPPLEMENTARY INFORMATION: On April 11, 1997 (62 FR 17970), HUD published in the **Federal Register** the Notice of Funding Availability (NOFA) for the Emergency Shelter Grants (ESG) Set-Aside for Indian Tribes and Alaskan Native Villages for fiscal year (FY) 1997. The April 11, 1997 NOFA provided, in section III.B.(2), that the selection process for the ESG program for Indian tribes includes a preliminary threshold review (62 FR 17971). The NOFA further provided in paragraph (d) of that section that HUD will review each application proposing new construction to determine whether all proposed buildings are in compliance with section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA).

The provision regarding new construction mistakenly implies that new construction is an eligible activity under the ESG program. In accordance with the provisions of 24 CFR 576.21 of the ESG program regulations, however, emergency shelter grant amounts may not be used for new construction. Therefore, the provision regarding new construction in the April 11, 1997 NOFA should be removed. As provided in § 576.57(a), however, grantees must comply with nondiscrimination and equal opportunity requirements, as applicable, when conducting the eligible activities listed in § 576.21.

Accordingly, FR Doc. 97-9305, the NOFA for Emergency Shelter Grants Set-Aside for Indian Tribes and Alaskan Native Villages, published in the **Federal Register** on April 11, 1997 (62 FR 17970), is amended on page 17971, column 2, by correcting section III.B.(2) (a), (b), and (c) to read as follows:

III. Application Process

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B. Eligibility and Threshold Requirements

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(2) **Thresholds.** The selection process for the Indian tribe set-aside program includes a preliminary threshold review. The applicant must clearly demonstrate and HUD will review each application to determine whether:

- (a) The application is adequate in form, time, and completeness;
- (b) The applicant is eligible; and
- (c) The proposed activities and persons to be served are eligible for assistance under the program.

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Dated: May 6, 1997.

Kevin Emanuel Marchman,

Acting Assistant Secretary for Public and Indian Housing.

[FR Doc. 97-12453 Filed 5-12-97; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability of an Application Submitted by Friendfield Plantation for an Incidental Take Permit for Red-cockaded Woodpeckers in Association With the Sale of the White Oak Bay Tract in Georgetown County, South Carolina

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: Friendfield Plantation (Applicant) has applied to the U.S. Fish

and Wildlife Service (Service) for an incidental take permit (ITP) pursuant to Section 10(a)(1)(B) of the Endangered Species Act of 1973 (Act), as amended. The proposed ITP would authorize the incidental take of a federally endangered species, the red-cockaded woodpecker *Picoides borealis* (RCW) known to occur on property owned by the Applicant in Georgetown County, South Carolina. The Applicant is requesting an ITP associated with the sale of the White Oak Bay tract. The White Oak Bay Tract consists of 792 acres and the extant RCW population currently consists of one group. The proposed ITP would authorize incidental take of one group of RCWs at the White Oak Bay Tract; the expectation of the Applicant is to sell or otherwise develop the parcel for economic reasons incompatible to RCW conservation on-site. The proposed ITP would authorize incidental take in exchange for mitigation elsewhere as described further in the **SUPPLEMENTARY INFORMATION** Section below. The mitigation and minimization strategy in the HCP involves creating two new recruitment clusters on Friendfield Plantation tract, and relocating the one RCW group from the White Oak Bay Tract to Friendfield Plantation. The Friendfield Plantation tract is also owned by the Applicant. (See the **SUPPLEMENTARY INFORMATION** Section below.) By consolidating the two populations in two separate tracts onto one tract, the Applicant will increase the stability of the extant population.

The Service also announces the availability of the Applicant's habitat conservation plan (HCP) for the incidental take application. Copies of the HCP may be obtained by making a request to the Regional Office (see **ADDRESSES**). Requests must be in writing to be processed. The Service specifically requests comment on the appropriateness of the "No Surprises" assurances should the Service determine that an ITP will be granted and based upon the submitted HCP. Although not explicitly stated in the HCP, the Service has, since August 1994, announced its intention to honor a "No Surprises" Policy for applicants seeking ITPs. Copies of the Service's "No Surprises" Policy may be obtained by making a written request to the Regional Office (see **ADDRESSES**). The Service has considered this a Categorical Exclusion on the action under the National Environmental Policy Act (see **SUPPLEMENTARY INFORMATION**). The Service is soliciting public comments and review the

applicability of the "No Surprises" Policy to this application and HCP.

DATES: Written comments on the permit application and HCP should be sent to the Service's Regional Office (see **ADDRESSES**) and should be received on or before June 12, 1997.

ADDRESSES: Persons wishing to review the application and HCP 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, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345 (Attn: Endangered Species Permits), or at the following Field Offices: Field Supervisor, U.S. Fish and Wildlife Service, P.O. Box 12559, Charleston, South Carolina 29422-2559 (telephone 803/727-4707); Red-cockaded Woodpecker Recovery Coordinator, U.S. Fish and Wildlife Service, College of Forest and Recreational Resources, 261 Lehotsky Hall, Box 341003, Clemson, South Carolina 29634-1003 (telephone 864/656-2432). Written data or comments concerning the application or HCP should be submitted to the Regional Office. Comments must be submitted in writing to be processed. Please reference permit under PRT-827374 in such comments, or in requests of the documents discussed herein.

FOR FURTHER INFORMATION CONTACT: Mr. Rick G. Gooch, Regional Permit Coordinator, (see **ADDRESSES** above), telephone: 404/679-7110; or Ms. Lori Duncan, Fish and Wildlife Biologist, Charleston Field Office, (see **ADDRESSES** above), telephone: 803/727-4707 extension 21.

SUPPLEMENTARY INFORMATION: The RCW 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 the 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 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, and 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 known populations occur on federally owned lands such as military installations and national forests.

In South Carolina, there are an estimated 1,000 active RCW clusters as of 1992; 53 percent are on Federal lands, 7 percent are on State lands, and 40 percent are on private lands.

There has not been a complete inventory of RCWs in South Carolina, so it is difficult to precisely assess the species' overall status in the State. However, the known populations on public lands are regularly monitored and generally considered stable. While several new active RCW clusters have been discovered on private lands over the past few years, many previously documented RCW clusters have been lost. It is expected that the RCW population on private lands in South Carolina will continue to decline, especially those from small tracts isolated from other RCW populations.

There is only one known RCW cluster at White Oak Bay. The cluster consists of two active cavity trees. Two RCWs are known to occupy the cluster. The nearest known concentration of RCW groups occurs on the Francis Marion National Forest, approximately 20 miles away from the White Oak Bay tract. The Applicant proposes to sell the White Oak Bay property, unencumbered by RCWs as soon as possible. The White Oak Bay tract has serious midstory problems and is relatively isolated from other RCW populations. Without management, the midstory would continue to encroach and the RCW would most likely abandon the tract.

The HCP provides for an off-site mitigation strategy focusing on creating two clusters in designated recruitment sites at Friendfield Plantation through cavity provisioning. The Friendfield Plantation clusters (including the recruitment sites) and the Williamsburg County clusters (also owned by the Applicant) will be managed and

protected for the RCW. The Applicant, via their consultant, will attempt to translocate the RCWs from White Oak Bay to the main Plantation. The HCP provides a funding source for the above-mentioned mitigation and minimization measures.

On Thursday, January 16, 1997, the Service published a notice in the **Federal Register** announcing the Final Revised Procedures for implementation of NEPA (NEPA Revisions), (62 FR 2375-2382). The NEPA revisions update the Service's procedures, originally published in 1984, based on changing trends, laws, and consideration of public comments. Most importantly, the NEPA revisions reflect new initiatives and Congressional mandates for the Service, particularly involving new authorities for land acquisition activities, expansion of grant programs and other private land activities, and increased Endangered Species Act permit and recovery activities. The revisions promote cooperating agency arrangements with other Federal agencies; early coordination techniques for streamlining the NEPA process with other Federal agencies, Tribes, the States, and the private sector; and integrating the NEPA process with other environmental laws and executive orders. Section 1.4 of the NEPA Revisions identify actions that may qualify for Categorical Exclusion. Categorical exclusions are classes of actions which do not individually or cumulatively have a significant effect on the human environment. Categorical exclusions are not the equivalent of statutory exemptions. If exceptions to categorical exclusions apply, under 516 DM 2, Appendix 2 of the Departmental Manual, the departmental categorical exclusions cannot be used. Among the types of actions available for a Categorical Exclusion is for a "low effect" HCP/ITP. A "low effect" HCP is defined as an application that, individually or cumulatively, has a minor or negligible effect on the species covered in the HCP [Section 1.4(C)(2)].

The Service considers the Applicant's project and HCP a Categorical Exclusion, since the impacts of issuing the ITP involve only a single RCW group. The Service is soliciting for public comments on this determination.

Dated: May 6, 1997.

Sam D. Hamilton,

Acting Regional Director.

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