

fishes was developed to provide protection to all native fishes in the Sacramento-San Joaquin Delta (Delta) estuary in Sacramento, San Joaquin, Contra Costa, and Solano Counties, California. Species selected in the recovery plan included "indicator species" that, if protected, would provide protection to the entire Delta estuary. The delta smelt (*Hypomesus transpacificus*) is listed as a threatened species. The Sacramento Splittail (*Pogonichthys macrolepidotus*) was proposed as a threatened species on January 6, 1994. Longfin smelt (*Spirinchus thaleichthys*) and green sturgeon (*Acipenser transmontanus*) are category 2 species. Spring-run, late fall-run, and San Joaquin fall-run chinook salmon (*Oncorhynchus tshawytscha*) are potential candidates for threatened or endangered status in the future. Information is also included on Sacramento perch (*Archoplites interruptus*), a species believed to be extirpated from the Delta at this time. The reasons these species have been listed, or are proposed for listing, are degradation and loss of estuarine habitat, entrainment in water diversions, upstream or reverse flows of rivers entering the Delta estuary and upstream encroachment of saline water which limits the low salinity habitat to deep-water river channels of the interior Delta. If the measures in draft recovery plan for Sacramento-San Joaquin Delta native fishes are implemented as proposed, areas including the Delta estuary and Suisun Marsh will be protected. The Service is currently soliciting comments for approval of the plan.

#### Public Comments Solicited

The Service solicits written comments on the recovery plan described. All comments received by the date specified will be considered prior to approval of the plan.

#### Authority

The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: December 29, 1994.

#### David L. McMullen,

Acting Regional Director.

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#### Availability of a Revised Environmental Assessment and Receipt of a New Application for an Incidental Take Permit for a Project Called The Cloisters, a Single Family Residence Subdivision, in Brevard County, Florida

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

**SUMMARY:** The Cavalear Companies (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 of 1973 (Act), as amended. The permit would authorize the take of two families of the threatened Florida scrub jay, *Aphelocoma coerulescens* *coerulescens*, and several of the threatened Eastern Indigo Snake, *Drymarchon corais couperi*, in Brevard County, Florida, for a period of 5 years. The proposed taking is incidental to construction of 266 single family homes including the necessary infrastructure on approximately 104 acres (Project), 15.5 acres of which is occupied by Florida scrub jay habitat to be permanently altered. The Project is called The Cloisters, and is located along State Road A1A, south of the Terrace Shores subdivision, in the south beaches area of Brevard County, Florida.

The Service also announces the availability of a *new* environmental assessment (EA) and *revised* 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 received on or before February 6, 1995.

**ADDRESSES:** Persons wishing to review the application, HCP, and 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 Jacksonville, Florida, Field Office. Written data or comments concerning the application, EA, or HCP should be submitted to the Regional Office. Please reference permit under PRT-795856 in such comments.

Regional Permit Coordinator, U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 210, Atlanta, Georgia 30345, (telephone 404/679-7110, fax 404/679-7081).

Field Supervisor, U.S. Fish and Wildlife Service, 6620 Southpoint Drive, South, Suite 310, Jacksonville, Florida 32216-0912, (telephone 904/232-2580, fax 904/232-2404).

#### FOR FURTHER INFORMATION CONTACT:

Dawn Zattau at the Jacksonville, Florida, Field Office, or Rick G. Gooch at the Atlanta, Georgia, Regional Office.

**SUPPLEMENTARY INFORMATION:** The notice announces the availability of a *revised* HCP and application for the Project. This notice modifies a previous one published for the Project in the **Federal Register** appearing on October 28, 1994 (**Federal Register** 59:54207). As a result of the public comment period on the original application, 15 comments were received. The majority of the comments identified several deficiencies in the original HCP and application. Subsequent to discussions between the Service and the applicant, the applicant withdrew the original application from consideration. The applicant has resubmitted a revised HCP and application to address the identified deficiencies.

The following is a summary of the revised HCP and application:

- The total acreage of habitat occupied by the Florida scrub jay is determined to be 15.5 acres, not 12 acres as originally stated. Mitigation of 31.5 acres is now proposed in the revised HCP (versus an original mitigation of 24 acres in fee-simple acquisition).
- The revised HCP has added a request for incidental take of the threatened Eastern Indigo Snake on the Project, and several listed plants are now included in the Service's analysis of biological impacts from the Project.
- The revised HCP is seeking incidental take of two families of Florida scrub jays (versus one family of jays in the original application).

Dated: December 30, 1994.

#### John T. Brown,

Acting Regional Director.

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