

Dated: February 7, 1995.

**Gary Slagel,**

*Acting District Manager.*

[FR Doc. 95-3505 Filed 2-9-95; 8:45 am]

BILLING CODE 4310-DN-P

## Fish and Wildlife Service

### Availability of an Environmental Assessment and Receipt of an Application for an Incidental Take Permit From Mr. Robert Farr, in Baldwin County, AL

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

**ACTION:** Notice.

**SUMMARY:** Mr. Robert Farr (Applicant), has applied to the Fish and Wildlife Service (Service) for an incidental take permit pursuant to Section 10(a)(1)(B) of the Endangered Species Act (Act). The proposed permit would authorize for a period of 30 years the incidental take of an endangered species, the Alabama beach mouse (*Peromyscus polionotus ammobates*), known to occupy lands owned by the Applicant in Baldwin County, Alabama. The Application proposed to construct and use a single family residence on less than 0.5 acres of privately owned land, which is in the Cabana Beach subdivision.

The Service also announces the availability of an environmental assessment (EA) and habitat conservation plan (HCP) for the incidental take application. Copies of the EA or HCP may be obtained by making requests to the addresses below. The Service is soliciting data on *Peromyscus polionotus ammobates* in order to assist in the requirement of the intra-Service consultation. 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 March 13, 1995.

**ADDRESSES:** Persons wishing to review the application may obtain a copy by writing the Service's Southeast Regional

Office, Atlanta, Georgia. Persons wishing to review the EA or HCP may obtain a copy by writing the Regional Office or the Jackson, Mississippi, Field Office. Documents will also be available for public inspection, by appointment, during normal business hours at the Regional Office, or the Field Office. Written data or comments concerning the application, EA, or HCP should be submitted to the Regional Office. Please reference permit under PRT-798697 in such comments.

Regional Permit Coordinator (TE), U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 210, Atlanta, Georgia 30345, (telephone 404/679-7110, FAX 404/679-7280).

Field Supervisor, U.S. Fish and Wildlife Service, 6578 Dogwood View Parkway, Suite A, Jackson, Mississippi 39213 (telephone 601/965-4900, FAX 601/965-4340).

**FOR FURTHER INFORMATION CONTACT:** Will McDearman at the above Jackson, Mississippi, Field Office.

**SUPPLEMENTARY INFORMATION:** The Alabama beach mouse (AMB), *Peromyscus polionotus ammobates*, is a subspecies of the common oldfield mouse *Peromyscus polionotus* and is restricted to the dune systems of the Gulf Coast of Alabama. The known current range of ABM extends from Fort Morgan eastward to the western terminus of Alabama Highway 182, including the Perdue Unit on the Bon Secour National Wildlife Refuge. The sand dune systems inhabited by this species are not uniform; several habitat types are distinguishable. The species inhabits primary dunes, interdune areas, secondary dunes, and scrub dunes. The depth and area of these habitats from the beach inland varies. Population surveys indicate that this subspecies is usually more abundant in primary dunes than in secondary dunes, and usually more abundant in secondary dunes than in scrub dunes. Optimal habitat consists of dune systems with all dune types. Though fewer ABM inhabit scrub dunes, these high dunes can serve as refugia during devastating hurricanes that overwash, flood, and destroy or alter secondary and frontal dunes. ABM surveys have not been conducted on the Applicant's property. Suitable habitat in the form of secondary and scrub dunes exist on the Applicant's property. These habitats are likely to be occupied by ABM. The Applicant's property resides in designated critical habitat for the ABM. Construction of the single family residence on about 0.1-0.2 acres of the Applicant's property may result in the death of, or injury to, ABM. Habitat alterations due to house placement and

its subsequent use may reduce available habitat for food, shelter, and reproduction.

The EA considers the environmental consequences of three alternatives. The proposed action alternative is the issuance of the incidental take permit. This provided for restrictions that include house placement landward of the frontal crest of the scrub dune line, establishment of a walkover structure across that scrub dune, a prohibition against housing or keeping pet cats, scavenger-proof garbage containers, no landscaping, and the minimization and control of outdoor lighting. The HCP provides a funding source for these mitigation measures.

Dated: February 3, 1995.

**Jerome M. Butler,**

*Acting Regional Director.*

[FR Doc. 95-3353 Filed 2-9-94; 8:45 am]

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### Availability of an Environmental Assessment and Receipt of an Application for an Incidental Take Permit for a Project Called Cypress Creek (Phase I), a Single Family Residence Subdivision, in Brevard County, FL

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

**ACTION:** Notice.

**SUMMARY:** RNR Properties, Ltd., (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* in Brevard County, Florida, for a period of 10 years. The proposed taking is incidental to construction of 148 single family homes, including the necessary infrastructure, on approximately 225 acres (Project). Within the Project, 28.7 acres are occupied by Florida scrub jays and will be permanently altered. The Project is called Cypress Creek (Phase I), and it is located on the mainland of Brevard County, in the Town of Grant.

The Service also announces the availability of an environmental assessment (EA) and 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 March 13, 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-798698 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 404/679-7280).

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:** *Aphelocoma coerulescens coerulescens* is geographically isolated from other subspecies of scrub jays found in Mexico and the Western United States. The Florida scrub jay is found almost exclusively in peninsular Florida and is restricted to scrub habitat. The total estimated population is between 7,000 and 11,000 individuals. Due to habitat loss and degradation throughout the State of Florida, it has been estimated that the Florida scrub jay population has been reduced by at least half in the last 100 years. Surveys have indicated that two families of Florida scrub jays inhabit the Project site. Construction of the Project's infrastructure and subsequent construction of the individual homesites will likely result in death of, or injury to, *Aphelocoma coerulescens coerulescens* incidental to the carrying out of these otherwise lawful activities. Habitat alteration

associated with property development will reduce the availability of feeding, shelter, and nesting habitat.

The EA considers the environmental consequences of three alternatives. The no action alternative may result in loss of habitat for *Aphelocoma coerulescens coerulescens* and exposure of the Applicant under Section 9 of the Act. A third alternative is the proposed Project that is designed to reduce the impacts to *Aphelocoma coerulescens coerulescens* by restricting the Project's total buildable area. The proposed action alternative is issuance of the incidental take permit. This provides for restrictions of construction activity, purchase of off-site habitat for the Florida scrub jay, the establishment of an endowment fund for the off-site acquired habitat, and donation of additional off-site habitat. The HCP provides a funding mechanism for these mitigation measures.

Dated: February 3, 1995.

**Jerome M. Butler,**

Acting Regional Director.

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### Endangered and Threatened Species Permit Application

**AGENCY:** Forest Service, Interior.

**ACTION:** Notice of availability.

Availability of a Draft Environmental Impact Statement and Receipt of an Application for an Incidental Take Permit for Desert Tortoises in Clark County, Nevada.

**SUMMARY:** This notice advises that Clark County; the cities of Mesquite, Las Vegas, North Las Vegas, Henderson, and Boulder City; and Nevada Department of Transportation (Applicants) have applied to the U.S. Fish and Wildlife Service (Service) for an incidental take permit pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The proposed permit would authorize the incidental take of the threatened desert tortoise (*Gopherus agassizii*). The permit application is accompanied by a Habitat Conservation Plan (HCP) entitled the *Clark County Desert Conservation Plan* (CCDCP) and an implementing agreement.

The Service also announces the availability of a draft Environmental Impact Statement (EIS) for the incidental take permit application. This EIS, the CCDCP, and the implementing agreement are available for public review. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as

amended, and National Environmental Policy Act (NEPA) regulations (40 CFR 1506.6). Comments and suggestions are requested.

The permitted take would be in association with various proposed public and private development projects. Two alternatives are being considered. The proposed action would allow for development to occur on up to 113,900 acres of desert tortoise habitat. Take would be minimized through a pick-up and collection service for desert tortoises encountered in harm's way, implementation of a public information and education program, and specific measures for Nevada Department of Transportation to implement during roadway maintenance and construction. The Applicants propose to mitigate impacts to desert tortoise by providing at least \$1 million per year for State and Federal resource managers to implement desert tortoise recovery measures recommended in the *Desert Tortoise (Mojave Population) Recovery Plan*, providing funding to address the needs of other sensitive plants and animals in Clark County, and purchasing a conservation easement for more than 85,000 acres of non-Federal land in Clark County.

**DATES:** Written comments are requested by April 11, 1995.

**ADDRESSES:** Comments should be addressed to: Sheryl L. Barrett, U.S. Fish and Wildlife Service, 4600 Kietzke Lane, Building C, Room 125, Reno, Nevada 89502.

**FOR FURTHER INFORMATION CONTACT:** Sheryl L. Barrett at the above Reno, Nevada address, telephone (702) 784-5227. Individuals wishing copies of the permit application, HCPURPA, implementing agreement, and draft EIS for review should immediately contact the above individual or Dr. Dolores Savignano at U.S. Fish and Wildlife Service, 1500 North Decatur Boulevard, #01, Las Vegas, Nevada 89108, telephone (702) 646-3499. Copies of the above documents have been sent to all agencies and individuals who participated in the scoping process and to all others who have already requested copies.

**SUPPLEMENTARY INFORMATION:** On April 2, 1990, the Service issued a final rule that determined the desert tortoise to be a threatened species (55 FR 12178). This regulation became effective on the date of its publication in the Federal Register. Because of its listing as a threatened species, the desert tortoise is protected by the Act's prohibition against "taking." The act defines "take" to mean: to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or