

**Fish and Wildlife Service****Availability of an Environmental Assessment and Receipt of an Application for an Incidental Take Permit for a Project Called Windsor Estates Subdivision, a Single Family Residence Subdivision, in Brevard County, Florida**

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

**ACTION:** Notice.

**SUMMARY:** Forte Macaulay Development Co., Incorporated, (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 3 years. The proposed taking is incidental to construction of 205 single family homes, including the necessary infrastructure, on approximately 98 acres (Project). Within the Project, 25 acres are occupied by Florida scrub jays and will be permanently altered. The Project is called Windsor Estates, and it is located on the mainland of Brevard County, north of the city of Melbourne due west of the intersection of Pineda Causeway and Wickham Road, Brevard County, Florida.

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 April 19, 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-799977 in such comments.

Regional Permit Coordinator, U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 200, 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 with a different mitigation strategy focusing on management of existing lands surrounding the project area. The proposed action alternative is issuance of the incidental take permit. This provides for restrictions of construction activity, purchase of offsite habitat for the Florida scrub jay, the establishment of an endowment fund for the offsite

acquired habitat, and donation of additional offsite habitat. The HCP provides a funding mechanism for these mitigation measures.

Dated: March 13, 1995.

**Noreen K. Clough,**

*Acting Regional Director.*

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**Endangered and Threatened Species Permit Application**

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

**ACTION:** Re-opening of Comment Period for Availability of a Draft Environmental Assessment and Notice of an Application for an Incidental Take Permit for La Costa Villages, Carlsbad, California, by the City of Carlsbad and Fieldstone/La Costa Associates; Notice.

**SUMMARY:** This notice advises the public that the U.S. Fish and Wildlife Service (Service) has re-opened the comment period for a draft environmental assessment (EA) and application for an incidental take permit, pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The permit application includes a Habitat Conservation Plan (HCP), two HCP addendums, and an Implementing Agreement (IA). The EA package includes an EA, EA addendum, and a draft Finding of No Significant Impact for La Costa Villages, a housing and road project proposed by the applicants: Fieldstone/La Costa Associates and the City of Carlsbad, California (Applicants).

The Applicants have applied to the Service for an incidental take permit and have included a proposed pre-listing Implementation Agreement and HCP for a proposed 1,940 acre project (HCP area) in the southeastern corner of Carlsbad, California. Completion of the grading and construction activities associated with the proposed project would result in direct impacts to the federally threatened coastal California gnatcatcher (*Poliptilla californica californica*).

This notice supplements an earlier notice published on October 28, 1994 (59 FR 54207). That initial comment period closed November 28, 1994. The Service re-opened the comment period from January 31, 1995 to March 2, 1995 (60 FR 5945) to allow for public comment on the National Environmental Policy Act (NEPA) documents and the complete application package, as revised. The applicants request that 66 species be covered by the HCP and that 1 or more