

- To compensate for the destruction of 18 acres of FSJ habitat by preserving, restoring, and managing about 37 acres of xeric uplands. Seventeen acres of the proposed mitigation will be implemented within the boundaries of the Project.

- The Applicant will conserve an additional 20 acres of FSJ habitat, via a perpetual management agreement, within Serene Estates (section 20, Township 40 East, Range 24 South, Charlotte County), a 200 acre parcel of land controlled by the Applicant.

- Within the larger 200 acre parcel owned by the Applicant, the Applicant has also agreed to preserve and manage an additional 80 acres of xeric uplands. Although not intended for the mitigation needs of the Project, the Applicant has requested that the 80 acres of habitat be available for use as a future private mitigation bank.

- Funding and perpetual management of the on-site conserved area encompassing 17 acres and the 20 acre off-site mitigation area will be provided via terms and conditions of the ITP and an Implementation Agreement (IA), respectively. The IA will be executed between the Service and the Applicant, and will outline specific funding and management commitments for the on-site and off-site mitigation areas for a 99 year period. A copy of the final IA will be provided to interested parties upon request.

- Clearing of vegetation and/or construction would not be allowed within 150 feet of any active FSJ nest during the nesting season, approximately March 1 to June 30 to comply with State law.

The EA considers the environmental consequences of four alternatives. Two alternatives involve a project design of a lesser construction footprint (e.g., lesser number of homesites and associated infrastructure). The no action alternative may result in loss of habitat for FSJ and exposure of the Applicant under Section 9 of the Act. The proposed action alternative is issuance of the ITP according to the HCP as submitted and described above. Under the proposed alternative, the effect of the minimization and mitigation strategy will be that the majority of the FSJ habitat on site will be conserved for FSJ use, even after the Project is completed. Further, the restoration/conservation of the 20 acres of off site FSJ habitat, along with the Applicant's commitment to manage an additional 80 acres of FSJ habitat, will result in a protected and managed area capable of supporting about five families of FSJ under optimal habitat. Though the proposed mitigation bank will be used

to off-set future impacts to FSJ in portions of southwest Florida, the Service believes that the protection of an 80 acre block of xeric habitat along with the 20 acres needed for mitigating Project impacts will enhance FSJ survival in this part of the state.

Suitable or restorable FSJ habitat also exists on property surrounding the Serene Estates mitigation site. Future land acquisition by the County, State, or for other mitigation needs may result in additional protected lands adjoining the off-site mitigation area. Increases in the size of protected and managed FSJ habitat in this area will increase the probability of FSJ persistence in northern Charlotte County.

As stated above, the Service has made a preliminary determination that the issuance of the ITP is not a major Federal action significantly effecting the quality of the human environment within the meaning of Section 102(2)(C) of NEPA. This preliminary information may be revised due to public comment received in response to this notice and is based on information contained in the EA and HCP. An appropriate excerpt from the FONSI reflecting the Service's finding on the application is provided below:

Based on the analysis conducted by the Service, it has been determined that:

- Issuance of the ITP will not appreciably reduce the likelihood of survival and recovery of the affected species in the wild.
- The HCP contains provisions which sufficiently minimize and/or mitigate the impacts of issuing the ITP.
- Issuance of the ITP would not have significant effects on the human environment in the project area.
- The proposed take is incidental to an otherwise lawful activity.
- Adequate funding will be provided to implement the measures proposed in the submitted HCP and authorizing ITP.

The Service will also evaluate whether the issuance of a Section 10(a)(1)(B) ITP complies with Section 7 of the Act by conducting an intra-Service Section 7 consultation. The results of the biological opinion, in combination with the above findings, will be used in the final analysis to determine whether or not to issue the ITP.

Dated: December 4, 1997.

H. Dale Hall,

Deputy Regional Director.

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DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Draft Department of the Interior and Department of Health and Human Services Internal Agency Procedures Manual for Contracting Under Title I of the Indian Self-Determination and Education Assistance Act

AGENCY: Bureau of Indian Affairs and Indian Health Service, Interior.

ACTION: Notice.

SUMMARY: The congress has declared that each provision of the Indian Self-Determination and Education Assistance Act (Act) and each provision of contracts entered into thereunder shall be liberally construed for the benefit of the Indian tribes or tribal organizations (T/TO). To carry out this policy, the Department of the Interior and Department of Health and Human Services Internal Agency Procedures Manual for Contracting Under Title I of the Indian Self-Determination and Education Assistance Act (Manual) was drafted to facilitate and enhance contracting with T/TOs under Title I of the Act, as amended, 25 U.S.C. 450 *et seq.*, and the regulations promulgated thereunder, 25 CFR part 900 (published in the **Federal Register** on June 24, 1996, and effective on August 23, 1996). The public is invited to review and comment on the draft Manual.

DATES: All written comments on the Manual should be submitted by January 15, 1998.

ADDRESSES: Written comments must be addressed to: Merry L. Elrod, Office of Tribal Programs, Indian Health Service, 5600 Fishers Lane, Room 6A-05, Rockville, Maryland 20857.

FOR FURTHER INFORMATION CONTACT: For additional information and/or to receive copies of the manual and letter dated October 30, 1997, to tribal leaders and other interested parties inviting comments on the draft Manual, the public may contact either: James Thomas, Division of Self-Determination Services, Bureau of Indian Affairs, 1949 C Street, NW., MS 4603-MIB, Washington, D.C., 20240, telephone 202/208-5727, or Merry Elrod, Office of Tribal Programs, Indian Health Service, 5600 Fishers Lane, Parklawn Building, Room 6A-05, Rockville, MD, 20857, telephone 301/443-1044.

Dated: December 9, 1997.

Hilda A. Manuel,

Deputy Commissioner of Indian Affairs.

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