

listed below (see **FURTHER INFORMATION**). Finally, you may hand deliver comments to the Service office listed below (see **ADDRESSES**). Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the administrative record. We will honor such requests to the extent allowable by law. There may also be other circumstances in which we would withhold from the administrative record a respondent's identity, as allowable by law. If you wish us to withhold your name and address, you must state this prominently at the beginning of your comments. We will not, however, consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

DATES: Written data or comments on these applications must be received, at the address given below, by July 3, 2000.

ADDRESSES: Documents and other information submitted with these applications are available for review, *subject to the requirements of the Privacy Act and Freedom of Information Act*, by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345 (Attn: Ken Graham, Permits Biologist). Telephone: 404/679-7358; Facsimile: 404/679-7081.

FOR FURTHER INFORMATION CONTACT: Ken Graham, Telephone: 404/679-7358; Facsimile: 404/679-7081.

SUPPLEMENTARY INFORMATION:

Applicant: Christopher A. Taylor, Illinois Natural History Survey, Champaign, Illinois, TE027337-0

The applicant requests a permit to capture the Nashville crayfish, *Orconectes shoupi*, and to collect one specimen for genetic/systematics research on the species, in order to clarify species classification and for enhancement of management and survival of the species.

Applicant: Dr. Paul Yokely, Jr., Florence, Alabama, TE027307-0

The applicant requests authorization to take (capture, identify, release, collect dead freshwater snail and mussel shells, and to relocate captured specimens upstream away from potential harm due

to construction activities) federally-listed fish, snails, and mussels during the course of aquatic surveys throughout Alabama, Georgia, Mississippi, and Tennessee. Any taking would occur during routine biological surveys and monitoring, for the purpose of enhancement of survival of the species.

Applicant: Michael R. Hurst, Chattahoochee-Oconee National Forest, Gainesville, Georgia, TE027344-0

The applicant requests authorization to take (capture, band, and harass during nest monitoring, construction of artificial cavities, and placement of restrictor plates) the endangered red-cockaded woodpecker, *Picoides borealis*, on and adjacent to the Oconee National Forest in Georgia, for the purpose of enhancement of survival of the species.

Applicant: Stuart W. McGregor, Geological Survey of Alabama, Tuscaloosa, Alabama, TE027346-0

The applicant requests authorization to take (survey for, capture, handle, identify, and release) 44 species of federally-listed freshwater mussels that could be potentially encountered during routine biological surveys throughout Alabama and in the upper Tombigbee River system in Mississippi, for the purpose of conducting status surveys and enhancement of survival of the species.

Applicant: Steven D. Maloney, Griggs & Maloney Incorporated, Murfreesboro, Tennessee, TE027376-0

The applicant requests authorization to take (capture, identify, and relocate) the endangered Nashville Crayfish, *Orconectes shoupi*, throughout the species range in Tennessee, for the purpose of enhancement of survival of the species.

Dated: May 25, 2000.

H. Dale Hall,

Acting Regional Director.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability of a Safe Harbor Agreement With Assurances and Receipt of an Application for an Incidental Take Permit for Activities on Certain State Lands, by the Arizona Department of Transportation

SUMMARY: The Arizona Department of Transportation (Applicant) has applied to the U.S. Fish and Wildlife Service (Service) for an enhancement of survival

permit pursuant to Section 10(a) of the Endangered Species Act (Act). The Applicant has been assigned permit number TE-026887-0. The requested permit, which is for a period of 10 years, would authorize the incidental take of the endangered Gila topminnow (*Poeciliopsis occidentalis*) and the endangered desert pupufish (*Cyprinodon macularius*). The proposed take may occur on certain State Lands owned by the Arizona Department of Transportation in the State of Arizona.

Non-federal landowners, who commit to implementing conservation for listed species through a Safe Harbor Agreement, will receive assurances from the Service. The assurances are that additional conservation measures will not be required and additional land, water, or resource use restrictions will not be imposed. The Service has prepared the Categorical Exclusion for the enhancement of survival permit application. A determination of whether jeopardy to the species would occur will not be made until at least 30 days from the date of publication 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 application should be received on or before July 3, 2000. The agreement, along with any supporting documentation, is available for public review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents within the comment period to the address specified below.

ADDRESSES: Persons wishing to review the application may obtain a copy by writing to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Persons wishing to review the Safe Harbor Agreement and Categorical Exclusion may obtain a copy by contacting Doug Duncan, U.S. Fish and Wildlife Service, Ecological Services Tucson Sub Office, 300 West Congress, Room 6J, Tucson, AZ 85701 (520/670-4860) or David Harlow, U.S. Fish and Wildlife Service, Arizona Ecological Services Field Office, 2321 West Royal Palm Road, Suite 103, Phoenix, Arizona 85021 (602/640-2720; fax 602/640-2730). Documents will be available for public inspection by written request, by appointment only, during normal business hours (7:30 to 4:30) at the offices above. Written data or comments concerning the application, Safe Harbor Agreement, and Categorical Exclusion should be submitted to the Field

Supervisor, Ecological Services Field Office, Phoenix, AZ, (see address above). Please refer to permit number TE-026887-0 when submitting comments. All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public.

FOR FURTHER INFORMATION CONTACT:

Doug Duncan at the above Tucson Sub Office.

SUPPLEMENTARY INFORMATION: Section 9 of the Act prohibits the "taking" of threatened and endangered species such as the Gila topminnow and desert pupfish. However, the Service, under limited circumstances, may issue permits to take threatened or endangered wildlife species incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for endangered species are at 50 CFR 17.22.

The proposed action is issuance of an enhancement of survival permit and implementation of the Safe Harbor Agreement as submitted by the Applicant. The Safe Harbor Agreement provides for actions that promote conservation and recovery of the Gila topminnow and desert pupfish by providing refugia sites. One refugium site in Tempe, Arizona, is proposed for release of Gila topminnow and desert pupfish. Other sites owned by the Arizona Department of Transportation within the natural ranges of the species may be used as refugia for either species. Sites will be determined mutually by the Service and the Arizona Department of Transportation. The Safe Harbor Agreement is designed to provide a net conservation benefit to the Gila topminnow and desert pupfish. The Safe Harbor Agreement has stipulations for monitoring of species populations and habitats and functioning of the Safe Harbor Agreement. The Safe Harbor Agreement also provides for funding the mitigation measures and monitoring.

APPLICANT: The Arizona Department of Transportation intends to manage certain retention basins and other sites for Gila topminnow and desert pupfish. The incidental take of these fish may occur at the release sites during certain management activities. The Service anticipates that this Safe Harbor Agreement will provide a net

conservation benefit for these two species of native Arizona fish.

Geoffrey L. Haskett,

Regional Director, Region 2, Albuquerque, New Mexico.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of a Draft Environmental Assessment and Preliminary Finding of No Significant Impact, and Receipt of an Application for an Incidental Take Permit for Residential, Commercial, and School Board Development in Northern Indian River County, FL

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

Indian River County Board of County Commissioners and City of Sebastian City Council (Applicants) request an incidental take permit (ITP) pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973 (U.S.C. 1531 *et seq.*), as amended (Act). The Applicants anticipate taking up to seven families of the threatened Florida scrub-jay (*Aphelocoma coerulescens*) (scrub-jay), over the next 30 years incidental to the clearing of land associated with residential construction in northern Indian River County, including infill in the existing Sebastian Highlands subdivision located within the city limits of Sebastian. Take is also requested for commercial development on about 88 acres of property owned by the City of Sebastian. Indian River County School Board anticipates that take of scrub-jays may also occur in the future due to expansion of school facilities on about four acres. The anticipated take and measures to minimize and mitigate these takings will occur in sections 18, 19, 20, 29, and 30, Township 31 South, Range 39 East and sections 13, 14, 23, 24, 25, and 26, Township 31 South, Range 38 East, northern Indian River County, Florida.

The issuance of land clearing permits by the City of Sebastian will destroy about 79 acres of habitat occupied by the scrub-jay in residential areas. Another 88 acres of habitat within commercial property owned by the City of Sebastian and about 4 acres of property owned by the School Board is currently unoccupied by scrub-jays, but may become occupied due to proposed habitat management activities. Future development within these parcels may also result in take of scrub-jays.

Measures to mitigate for taking of scrub-jays are proposed by the Applicants. A more detailed description of the mitigation and minimization measures to address the effects of the Project to the scrub-jay are outlined in the Applicant's Habitat Conservation Plan (HCP), the Service's draft Environmental Assessment (EA), and in the **SUPPLEMENTARY INFORMATION** section below.

The Service also announces the availability of a draft EA and HCP for the incidental take application. Copies of the draft EA and/or HCP may be obtained by making a request to the Regional Office (see **ADDRESSES**). Requests must be in writing to be processed. This notice also advises the public that the Service has made a preliminary determination that issuing the ITP 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 (NEPA). The preliminary Finding of No Significant Impact (FONSI) is based on information contained in the draft 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 of the Act and NEPA regulations (40 CFR 1506.6).

The Service specifically requests information, views, and opinions from the public via this Notice on the federal action, including the identification of any other aspects of the human environment not already identified in the Service's draft EA. Further, the Service is specifically soliciting information regarding the adequacy of the HCP as measured against the Service's ITP issuance criteria found in 50 CFR parts 13 and 17.

If you wish to comment, you may submit comments by any one of several methods. You may mail comments to the Service's Regional Office (see **ADDRESSES**). You may also comment via the internet to "david_dell@fws.gov". Please submit comments over the internet as an ASCII file avoiding the use of special characters and any form of encryption. Please also include your name and return address in your internet message. If you do not receive a confirmation from the Service that we have received your internet message, contact us directly at either telephone number listed below (see **FURTHER INFORMATION**). Finally, you may hand deliver comments to either Service office listed below (see **ADDRESSES**). Our practice is to make comments, including names and home addresses of respondents, available for public review