

**ADDRESSES** above), telephone: 904/232-2580, extension 114.

**SUPPLEMENTARY INFORMATION:** The Florida scrub-jay is geographically isolated from other species of scrub-jays found in Mexico and the western United States. The Florida scrub-jay is found 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.

Historically, the eastern indigo snake occurred throughout Florida and into the coastal plain of Georgia, Alabama, and Mississippi. Georgia and Florida currently support the remaining, endemic populations of eastern indigo snake. Over most of its range, the eastern indigo snake frequents a diversity of habitat types such as pine flatwoods, scrubby flatwoods, xeric sandhill communities, tropical hardwood hammocks, edges of freshwater marshes, agricultural fields, coastal dunes and human altered habitats. Due to its relatively large home range, this snake is especially vulnerable to habitat loss, degradation, and fragmentation. The wide distribution and territory size requirements of the eastern indigo snake make evaluation of status and trends very difficult.

Surveys have indicated that two families of Florida scrub-jays (5 individuals) utilize habitat associated with the coastal scrub habitat on the Project site. Approximately 9.11 acres of occupied scrub-jay habitat are proposed to be impacted. Additionally, 41.1 acres of potential habitat for the eastern indigo snake are proposed for development. Eastern indigo snakes have not been observed on the project site. Construction of the Project's infrastructure and residential buildings will likely result in death of, or injury to, Florida scrub-jay and eastern indigo snake incidental to carrying out these otherwise lawful activities. Habitat alteration associated with property development will reduce the availability of habitat used for feeding, nesting, and shelter.

The draft EA considers the environmental consequences of two alternatives. The no action alternative may result in loss of habitat for the Florida scrub-jay and eastern indigo snake, and exposure of the Applicant under section 9 of the Act. The applicant's proposed action alternative is issuance of the ITP with on-site

mitigation. The on-site preservation would restore and preserve 10.75 acres of unoccupied scrub-jay habitat and 15.95 acres of occupied scrub-jay habitat along the coastal dune east of the old SR A1A roadbed. This on-site habitat would remain suitable for any eastern indigo snakes in the Project area. The affirmative conservation measures outlined in the HCP to be employed to offset the anticipated level of incidental take to the protected species are the following:

1. The impacts associated with the proposed project include 9.11 acres of permanent impacts associated with infrastructure and lot development. To mitigate for the proposed impacts to occupied habitat the applicant will restore and preserve habitat within two areas of the project site. Approximately 10.75 acres of unoccupied scrub habitat and 15.95 acres of occupied habitat will be enhanced and preserved east of, and including, the old SR A1A roadbed. This amount provides mitigation at a ratio of 2.9:1 (2.9 acres restored for every one acre impacted). Management of the mitigation sites will be conducted on a regular basis by the applicant and funding will be provided by the applicant and homeowners association dues. After initial habitat restoration of the 27.1-acre on-site mitigation area, the property would be set apart through an easement, requiring preservation and management for Florida scrub-jays and eastern indigo snakes into perpetuity.

2. No construction activities would occur within 150 feet of an active Florida scrub-jay nest during the nesting season.

3. The HCP provides a funding mechanism for these mitigation measures. Funding will be provided by the applicant and the homeowners association dues.

As stated above, the Service has made a preliminary determination that the issuance of 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 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 draft 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:

1. Issuance of an ITP would not have significant effects on the human environment in the project area.

2. The proposed take is incidental to an otherwise lawful activity.

3. The Applicant has ensured that adequate funding will be provided to implement the measures proposed in the submitted HCP.

4. Other than impacts to endangered and threatened species as outlined in the documentation of this decision, the indirect impacts which may result from issuance of the ITP are addressed by other regulations and statutes under the jurisdiction of other government entities. The validity of the Service's ITP is contingent upon the Applicant's compliance with the terms of the permit and all other laws and regulations under the control of State, local, and other Federal governmental entities.

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: August 3, 2001.

**J. Mitch King,**

*Acting Regional Director.*

[FR Doc. 01-21273 Filed 8-22-01; 8:45 am]

**BILLING CODE 4310-55-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Receipt of a Permit Application (Beathard) for Incidental Take of the Houston Toad

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

**ACTION:** Notice of availability.

**SUMMARY:** Gerry and Mary Beathard (Applicants) have applied for an incidental take permit (TE-046419-0) pursuant to Section 10(a) of the Endangered Species Act (Act). The requested permit would authorize the incidental take of the endangered Houston toad. The proposed take would occur as a result of the construction and occupation of a single-family residence and the expansion of an existing pond on approximately 0.75 acres of a 23.751-acre property on FM 2104, Bastrop County, Texas.

**DATES:** Written comments on the application should be received on or before September 24, 2001.

**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, Room 4102, Albuquerque, New Mexico 87103. Persons wishing to

review the EA/HCP may obtain a copy by contacting Clayton Napier, U.S. Fish and Wildlife Service, 10711 Burnet Road, Suite 200, Austin, Texas 78758 (512/490-0057). Documents will be available for public inspection by written request, by appointment only, during normal business hours (8:00 to 4:30) at the U.S. Fish and Wildlife Service, Austin, Texas. Written data or comments concerning the application and EA/HCP should be submitted to the Supervisor, U.S. Fish and Wildlife Service, Austin, Texas, at the above address. Please refer to permit number TE-046419-0 when submitting comments.

**FOR FURTHER INFORMATION CONTACT:** Clayton Napier at the above U.S. Fish and Wildlife Service, Austin Office.

**SUPPLEMENTARY INFORMATION:** Section 9 of the Act prohibits the "taking" of endangered species such as the Houston toad. However, the Fish and Wildlife Service (Service), under limited circumstances, may issue permits to take 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 Service has prepared the Environmental Assessment/Habitat Conservation Plan (EA/HCP) for the incidental take application. A determination of jeopardy to the species or a Finding of No Significant Impact (FONSI) 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).

#### **Applicant**

Gerry and Mary Beathard plan to construct a single-family residence and expand an existing pond, within 5 years, on approximately 0.75 acres of a 23.751-acre property on FM 2104, Bastrop County, Texas. This action will eliminate 0.75 acres or less of Houston toad habitat and result in indirect impacts within the lot. The Applicant proposes to compensate for this incidental take of the Houston toad by providing \$3,000.00 to the Houston Toad Conservation Fund at the National Fish and Wildlife Foundation for the specific purpose of land acquisition and management within Houston toad habitat.

**Steven M. Chambers,**

*Acting Regional Director, Region 2.*

[FR Doc. 01-21274 Filed 8-22-01; 8:45 am]

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## **DEPARTMENT OF THE INTERIOR**

### **Fish and Wildlife Service**

#### **Receipt of a Permit Application (Clayton) for Incidental Take of the Houston Toad**

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

**ACTION:** Notice of availability.

**SUMMARY:** James and Wanda Clayton (Applicants) have applied for an incidental take permit (TE-046417-0) pursuant to Section 10(a) of the Endangered Species Act (Act). The requested permit would authorize the incidental take of the endangered Houston toad. The proposed take would occur as a result of the construction and occupation of a single-family residence on approximately 0.5 acres of a 10.0-acre property on Dube Lane, Bastrop County, Texas.

**DATES:** Written comments on the application should be received on or before September 24, 2001.

**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, Room 4102, Albuquerque, New Mexico 87103. Persons wishing to review the EA/HCP may obtain a copy by contacting Clayton Napier, U.S. Fish and Wildlife Service, 10711 Burnet Road, Suite 200, Austin, Texas 78758 (512/490-0057). Documents will be available for public inspection by written request, by appointment only, during normal business hours (8:00 to 4:30) at the U.S. Fish and Wildlife Service, Austin, Texas. Written data or comments concerning the application and EA/HCP should be submitted to the Supervisor, U.S. Fish and Wildlife Service, Austin, Texas, at the above address. Please refer to permit number TE-046417-0 when submitting comments.

**FOR FURTHER INFORMATION CONTACT:** Clayton Napier at the above U.S. Fish and Wildlife Service, Austin Office.

**SUPPLEMENTARY INFORMATION:** Section 9 of the Act prohibits the "taking" of endangered species such as the Houston toad. However, the Fish and Wildlife Service (Service), under limited circumstances, may issue permits to take 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 Service has prepared the Environmental Assessment/Habitat Conservation Plan (EA/HCP) for the

incidental take application. A determination of jeopardy to the species or a Finding of No Significant Impact (FONSI) 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).

*Applicant:* James and Wanda Clayton plan to construct a single-family residence, within 5 years, on approximately 0.5 acres of a 10.0-acre property on Dube Lane, Bastrop County, Texas. This action will eliminate 0.5 acres or less of Houston toad habitat and result in indirect impacts within the lot. The Applicant proposes to compensate for this incidental take of the Houston toad by providing \$2,000.00 to the Houston Toad Conservation Fund at the National Fish and Wildlife Foundation for the specific purpose of land acquisition and management within Houston toad habitat.

**Steven M. Chambers,**

*Acting Regional Director, Region 2.*

[FR Doc. 01-21275 Filed 8-22-01; 8:45 am]

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## **DEPARTMENT OF THE INTERIOR**

### **Fish and Wildlife Service**

#### **Receipt of a Permit Application (Little) for Incidental Take of the Houston Toad**

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

**ACTION:** Notice of availability.

**SUMMARY:** Timothy Little (Applicant) has applied for an incidental take permit (TE-045265-0) pursuant to Section 10(a) of the Endangered Species Act (Act). The requested permit would authorize the incidental take of the endangered Houston toad. The proposed take would occur as a result of the construction and occupation of a single-family residence on approximately 0.5 acres of a 16.71-acre property on FM 2104, Bastrop County, Texas.

**DATES:** Written comments on the application should be received on or before September 24, 2001.

**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, Room 4102, Albuquerque, New Mexico 87103. Persons wishing to review the EA/HCP may obtain a copy by contacting Clayton Napier, U.S. Fish and Wildlife Service, 10711 Burnet Road, Suite 200, Austin, Texas 78758 (512/490-0057). Documents will be