

from Stateline Outlet Ditch, Mississippi County, Arkansas. The applicant has requested to relocate mussels from the dredge site to other suitable sites in the river.

*Applicant:* United States Army Corps of Engineers Research and Development Center, Dr. Andrew C. Miller, Vicksburg, Mississippi, TE060835-0.

The applicant requests authorization to take (survey, capture, and translocate) by clamshell dredging the endangered orangefoot (pearlymussel) pimpleback (*Pleotobasus cooperianus*) and the pink (pearlymussel) mucket (*Lampsilis abrupta*). Clamshell dredging is proposed as an experimental technique to minimize mussel mortality. The proposed activity will occur in the Tennessee River navigation channel near Diamond Island, Hardin County, Tennessee.

*Applicant:* Arkansas Tech University, Joseph N. Stoeckel, Russellville, Arkansas, TE060875-0.

The applicant requests authorization to take (survey, handle, identify, examine, release, and collect voucher specimens and relics) the fat pocketbook mussel (*Potamilus capax*) while conducting presence and absence surveys. The surveys will be conducted at Old Frenchman's Bayou and ditch number 1 in Mississippi and Crittenton counties, Arkansas.

*Applicant:* Natural Resources Conservation Service, James David Ellis, Little Rock, Arkansas, TE059043-0.

The applicant requests authorization to take (survey, capture, tag, mark, and release) the American burying beetle (*Nicrophorus americanus*) while conducting presence and absence surveys to determine if the species is present in the South Logan Counties Water Supply project area. The proposed activities will occur in Logan and Scott Counties, Arkansas.

*Applicant:* Ichauway, Inc. d.b.a. Joseph W. Jones Ecological Research Center, Newton, Georgia, TE059033-0.

The applicant requests authorization to remove and reduce to possession seeds of *Lindera melissifolia* (pondberry) to determine the role of seed predation, longevity of seeds, and the effects of leaf litter on seed germination in order to promote sexual reproduction. The proposed activities will take place in the Francis Marion National Forest, Charleston and Berkeley Counties, South Carolina and the Delta National Forest, Sharkey County, Mississippi.

*Applicant:* Dr. William D. Pearson, University of Louisville, Louisville, Kentucky, TE059028-0.

The applicant requests authorization to take (survey, capture, and release) the

Kentucky cave shrimp (*Palaemonias ganteri*) to determine presence and absence and to gather population data while conducting long term monitoring of the aquatic fauna in subterranean streams of Mammoth Cave National Park. The proposed activities will take place in Roaring River, Echo/Styx River, Mystic River, Owl cave, Eyeless Fish Trail, and Golden Triangle streams within the Mammoth Cave National Park, Edmonson County, Kentucky.

*Applicant:* CCR Environmental, Inc., Mr. Christian M. Crow, Atlanta, Georgia, TE059008-0.

The applicant requests authorization to take (survey, capture, and release) the fat threeridge mussel (*Ambloema neislerii*), shinyrayed pocketbook (*Lampsilis subangulata*), gulf moccasinshell (*Medionidus penicillatus*), oval pigtoe (*Pleurobema pyriforme*), and purple bankclimber (*Elliptoideus sloatianus*) to determine the absence or presence in various streams, including bridge and roadway crossings throughout Georgia.

*Applicant:* Kenneth Neil Medlin, North Carolina Department of Transportation, Clayton, North Carolina, TE061055.

The applicant requests authorization to take (survey, capture, and release) the Cape Fear shiner (*Notropis mekistocholas*) and the spottin chub (*Cyprinella monacha*) while conducting presence and absence surveys when potential transportation projects occur. The proposed activities will occur in the Cape Fear River Basin and the Tennessee River Basin, North Carolina.

*Applicant:* International Carnivorous Plant Society, Barry Rice, Fullerton, California, TE060992-0.

The applicant requests authorization to remove and reduce to possession seeds of *Sarracenia jonesii* (mountain sweet pitcher plant), *Sarracenia oreophila* (green pitcher plant), *Sarracenia alabamensis* (Alabama canebrake pitcher plant), and *Pinguicula ionantha* (Godfrey's butterwort) for interstate commerce distribution in the United States.

*Applicant:* International Carnivorous Plant Society, Barry Rice, Fullerton, California, TE061005-0.

The applicant requests authorization to remove and reduce to possession seeds of *Sarracenia jonesii* (mountain sweet pitcher plant), *Sarracenia oreophila* (green pitcher plant), *Sarracenia alabamensis* (Alabama canebrake pitcher plant), and *Pinguicula ionantha* (Godfrey's butterwort) interstate commerce distribution in the United States. The seeds would be germinated and grown under the expert care and when they are

approximately two years old, the vigorous individuals would be sold.

*Applicant:* United States Army Corps of Engineers-Memphis District, David L. Reece, Memphis, Tennessee, TE061069-0.

The applicant requests authorization to take (survey, collect, and replace at point of collection) the endangered orangefoot (pearlymussel) pimpleback (*Pleotobasus cooperianus*), pink (pearlymussel) mucket (*Lampsilis abrupta*), fat pocketbook mussel (*Potamilus capax*), Turgid-blossom pearly mussel (*Epioblasma turgidula*), and ring pink mussel (*Obovaria retusa*) while conducting presence and absence surveys. The proposed activities will occur within the boundaries of the U.S. Army Corps of Engineers-Memphis District in the following states: Arkansas, Tennessee, and Kentucky.

*Applicant:* Dennis R. DeVries, Auburn University, Auburn, Alabama, TE061284-0.

The applicant requests authorization to take (survey, collect, measure, count, and replace at point of collection) the endangered *Tulotoma* snail (*Tulotoma magnifica*) while conducting presence and absence surveys. The proposed activities will occur in the Coosa River drainage, Alabama.

Dated: September 18, 2002.

**Christine E. Eustis,**

*Acting Regional Director, Region IV.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Incidental Take Permits for the Alabama Beach Mouse

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

**ACTION:** Notice of intent; announcement of scoping meeting.

**SUMMARY:** The Fish and Wildlife Service announces its intent to prepare an environmental impact statement regarding the proposed Gulf Highlands Area Habitat Conservation Plan (HCP) and issuance of two permits for the incidental take of the Alabama beach mouse. These permits are for the construction, occupancy, use, operation, and maintenance of two residential/recreational condominium projects—the Gulf Highlands Condominiums by Gulf Highlands LLC and Beach Club West by Fort Morgan Paradise Joint Venture on the Fort Morgan Peninsula, in Baldwin County, Alabama. We will also hold a public scoping meeting/hearing on

October 29, 2002, at Gulf State Park in Gulf Shores, Alabama.

**DATES:** Written comments concerning our intent to prepare an EIS and concerning the HCP should be received on or before November 22, 2002. The scoping meeting will be held on October 29, 2002, from 4 p.m. to 8 p.m.

**ADDRESSES:** Persons wishing to review the application and HCP may obtain a copy by writing the Service's Southeast Regional Office at Regional Office, 1875 Century Boulevard, Suite 200, Atlanta, GA 30345 (Attn: Endangered Species Permits,) or Field Office, U.S. Fish and Wildlife Service, 1208-B Main Street, Daphne, AL 36526 (Attn: Ms. Barbara Allen). Documents will be available for public inspection by appointment during normal business hours at the regional office. Written data or comments concerning the HCP and our notice of intent to prepare an EIS should be submitted to the Regional Office. Please reference permit numbers TE-007985-0 (Gulf Highlands) and TE-031307-0 (Fort Morgan Peninsula Joint Venture) in such comments, or in requests for documents.

The scoping meeting will be held at Gulf State Park, 20115 State Highway 135, Gulf Shores, Alabama. A court reporter will be present to record all comments, and all interested parties will be allowed to comment.

**FOR FURTHER INFORMATION CONTACT:** Mr. Aaron Valenta, Regional Permit Coordinator, (see **ADDRESSES** above), telephone: 404/679-4144; or Ms. Barbara Allen, Fish and Wildlife Biologist, Daphne Field Office, (see **ADDRESSES** above), telephone: 334/441-5181, extension 33.

**SUPPLEMENTARY INFORMATION:** The proposed residential/recreational condominium developments will be located on approximately 196 acres in south Baldwin County, Alabama, between State Highway 180 and the Gulf of Mexico (Section 28, Township 9 South, Range 2 East) about twelve miles west of Highway 59 in Gulf Shores, Alabama, on the Fort Morgan Peninsula.

Some of the Applicants' future activities have the potential to impact species subject to protection under the Act, including the Alabama beach mouse (*Peromyscus polionotus ammobates*). Section 10(a)(1)(B) permits non-Federal landowners to take endangered and threatened species, provided the take is incidental to otherwise lawful activities and will not appreciably reduce the likelihood for the survival and recovery of the species in the wild, among other permit issuance criteria. An applicant for a permit under section 10 of the Act must

prepare and submit to the Service for approval a plan containing, among other things, a strategy for minimizing and mitigating all take associated with the proposed activities to the maximum extent practicable. The applicant must also ensure that adequate funding for implementation of the plan will be provided.

The Applicants have initiated and continued discussions with the Service regarding the possibility of Permits and an associated HCP for their activities on lands to be covered by the Permits. General activities proposed for permit coverage include residential, commercial and industrial development, construction, and maintenance activities.

The Service previously considered the Applicants' HCP in an Environmental Assessment and issued a Finding of No Significant Impact. 67 FR 17089 (Apr. 9, 2002). That environmental analysis was challenged in an action for judicial review brought by Sierra Club and Friends of the Earth. The United States District Court for the Southern District of Alabama granted a preliminary injunction against any take of the Alabama beach mouse pursuant to the permits previously issued to Applicants. *Sierra Club and Friends of the Earth v. Norton*, 207 F. Supp. 2d. 1310 (S.D. Ala. 2002).

Subsequently, in light of the court's preliminary injunction, the Service determined to revisit the earlier NEPA analysis for this HCP and the issued permits. See Defendant's Motion for Voluntary Remand, *Sierra Club and Friends of the Earth v. Norton*, No. CV-02-0258-CB-C (S.D. Ala. Aug. 8, 2002). The Service has decided, and announces through this notice, its intent to review the proposed HCP and the environmental effects of issuing the permits through preparation of an EIS.

The environmental review will analyze the Applicants' proposed HCP as well as a full range of reasonable alternatives and the associated impacts of each. The Service is currently in the process of developing alternatives for analysis. The alternatives identified to date are as follows:

**Alternative 1—No Action:** The Service would not re-affirm the ITPs.

**Alternative 2—Development According to Original Gulf Highlands Subdivision Plat:** A portion of the Applicants' properties were originally platted and zoned for single family residential development by the Baldwin County Planning Commission. This development alternative involves development according to the original plat or by additional platting and subdivision of the lands.

**Alternative 3—Development With Primary Features Occupying Full Width of the Escarpment:** Alternative 3 consists of the residential high-rise building complexes placed atop the escarpment.

**Alternative 4—Development Entirely North of the Escarpment:** This alternative would involve development of residential condominium buildings and infrastructure approximately 300 feet north of the escarpment for both projects.

**Alternative 5—Development of Portions of the Escarpment With a 325 ft. Habitat Corridor Between the Projects:** Alternative 5 consists of the development of the same number of units, but placed on different portions of the escarpment and adjacent areas. This development configuration would result in the preservation of an undeveloped corridor of ABM habitat approximately 325 feet wide separating the individual developments and connecting the interior scrub areas with the designated critical habitat to the south of the developments.

**Alternative 6—Development of Onsite Mitigation Including a 909-foot Corridor Connecting Adjacent Primary/Secondary Dunes and Escarpment to the Interior:** This alternative increases the width of the undeveloped corridor described above and repositions the corridor to the west side of the property. This alternative provides for dedication of 105.5 acres of Applicant-owned lands into conservation status via covenants, conditions and restrictions attached to the property, and conditions of any ITP that might be issued.

Persons wishing to provide relevant information and comments regarding this activity should submit these to the above address. For information, please contact the individual identified above in the section entitled **FOR FURTHER INFORMATION CONTACT**.

The environmental review of this project will be conducted in accordance with the requirements of the National Environmental Policy Act of 1969 as amended (42 U.S.C. 4321 *et seq.*) and its implementing regulations (40 CFR parts 1500 through 1508), and with other appropriate Federal laws and regulations, policies, and procedures of the Service for compliance with those regulations. It is estimated that the draft EIS will be available for public review in early 2003.

Dated: October 2, 2002.

**Sam D. Hamilton,**

*Regional Director.*

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