

**Permit No. TE-055419**

*Applicant:* Turner Biological Consulting, Tuscola, Texas.

Applicant requests an amendment to an existing permit to allow presence/absence surveys for the following species within New Mexico, Oklahoma, and Texas: jaguar (*Panthera onca*), Mexican long-nosed bat (*Leptonycteris nivalis*), Attwater's greater prairie-chicken (*Tympanuchus cupido attwateri*), black-capped Vireo (*Vireo atricapilla*), brown pelican (*Pelecanus occidentalis*), golden-cheeked warbler (*Dendroica chrysoparia*), interior least tern (*Sterna antillarum*), northern aplomado falcon (*Falco femoralis septentrionalis*), piping plover (*Charadrius melodus*), red-cockaded woodpecker (*Picoides borealis*), southwestern willow flycatcher (*Empidonax traillii extimus*), whooping crane (*Grus Americana*), Big Bend gambusia (*Gambusia gaigei*), Clear Creek gambusia (*Gambusia heterochir*), Comanche Springs pupfish (*Cyprinodon elegans*), Leon Springs pupfish (*Cyprinodon bovinus*), Pecos gambusia (*Gambusia nobilis*), and San Marcos gambusia (*Gambusia georgei*). Additionally, applicant requests authorization to survey for and collect the following species within New Mexico, Oklahoma, and Texas: *Ancistrocactus tobuschii* (Tobush fishhook cactus), *Astrophytum asterias* (star cactus), *Callirhoe heteroscula* (Texas poppy mallow), *Coryphantha minima* (Nellie cory cactus), *Coryphantha ramillosa* (bunched cory cactus), *Coryphantha sneedii* var. *sneedii* (Sneed pincushion cactus), *Cryptantha crassipes* (Terlingua Creek cat's eye), *Echinocereus chisoensis* var. *chisoensis* (Chisos Mountain hedgehog cactus), *Echinocereus reichenbachii* var. *albertii* (black lace cactus), *Echinocereus viridiflorus* var. *davisii* (Davis green pitaya), *Echinomastus mariposensis* (Lloyd's Mariposa cactus), *Helianthus paradoxus* (Pecos sunflower), *Quercus hinkleyi* (Hinkley oak), and *Zizania texana* (Texas wild-rice).

**Permit No. TE-835139**

*Applicant:* Hawks Aloft, Albuquerque, New Mexico.

Applicant requests an amendment to an existing permit to allow presence/absence surveys and nest monitoring activities for southwestern willow flycatcher (*Empidonax traillii extimus*) within New Mexico.

**Permit No. TE-100579**

*Applicant:* Salt River Project Agricultural Improvement and Power District, Tempe, Arizona.

Applicant requests a new permit for research and recovery purposes to conduct habitat manipulation and monitoring, presence/absence surveys, nest searches, and nest monitoring for the southwestern willow flycatcher (*Empidonax traillii extimus*) within Arizona.

**Authority:** 16 U.S.C. 1531, *et seq.*

Dated: February 18, 2005.

**Joy E. Nicholopoulos,**

*Acting Assistant Regional Director, Ecological Services, Region 2, Albuquerque, New Mexico.*

[FR Doc. 05-4443 Filed 3-7-05; 8:45 am]

**BILLING CODE 4310-55-P**

**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****Receipt of an Application for an Incidental Take Permit for the development of the Shadow Wood Subdivision in Brevard County, FL**

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

**ACTION:** Notice.

**SUMMARY:** John Massaro (Applicant) requests 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 Applicant anticipates take of the Florida scrub-jay (*Aphelocoma coerulescens*) and eastern indigo snake (*Drymarchon corais couperi*) incidental to construction of a mixed residential and commercial use subdivision with supporting infrastructure in Brevard County, Florida. Construction and its associated infrastructure would destroy about 9.67 acres of foraging, sheltering, and possibly nesting habitat for the scrub-jay that is also possibly used by the indigo snake. A more detailed description of the mitigation and minimization measures to address the effects of the Project to the protected species are outlined in the Applicant's Habitat Conservation Plan (HCP), the Service's Environmental Assessment (EA), and in the **SUPPLEMENTARY INFORMATION** section below.

The Service also announces the availability of the EA and HCP for the incidental take application. Copies of the 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 (NEPA), as amended. The Finding of No Significant Impact (FONSI) is based on information contained in the EA and HCP. The final determination will be made no sooner than 60 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).

**DATES:** Written comments on the ITP application, EA, and HCP should be sent to the Service's Regional Office (see **ADDRESSES**) and should be received on or before May 9, 2005.

**ADDRESSES:** Persons wishing to review the application and HCP may obtain a copy by writing the Service's Southeast Regional Office, Atlanta, Georgia. Please reference permit number TE089883-0 in such requests. Documents will also be available for public inspection by appointment during normal business hours at the Regional Office, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345 (Attn: Endangered Species Permits), or Field Supervisor, U.S. Fish and Wildlife Service, 6620 Southpoint Drive South, Suite 310, Jacksonville, Florida 32216.

**FOR FURTHER INFORMATION CONTACT:** Mr. David Dell, Regional HCP Coordinator, (see **ADDRESSES** above), telephone: 404/679-7313, facsimile: 404/679-7081; or Mr. Michael Jennings, Fish and Wildlife Biologist, Jacksonville Field Office, Jacksonville, Florida (see **ADDRESSES** above), telephone: 904/232-2580, ext. 113.

**SUPPLEMENTARY INFORMATION:** If you wish to comment, you may submit comments by any one of several methods. Please reference permit number TE089883-0 in such comments. You may mail comments to the Service's Regional Office (see **ADDRESSES**). You may also comment via the internet to [david\\_dell@fws.gov](mailto: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 us 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 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.

The Florida scrub-jay (scrub-jay) is geographically isolated from other subspecies of scrub-jays found in Mexico and the western United States. The scrub-jay is found exclusively in peninsular Florida and is restricted to xeric uplands (predominately in oak-dominated scrub). Increasing urban and agricultural development, and subsequent fire protection, has resulted in habitat degradation, loss and fragmentation which have adversely affected the distribution and numbers of scrub-jays. The total estimated population is between 7,000 and 11,000 individuals.

The decline in the number and distribution of scrub-jays in east-central Florida has been exacerbated by substantial urban growth in the past 50 years. Much of the historic commercial and residential development has occurred on the dry soils which previously supported scrub-jay habitat. Based on existing soils data, a major portion of the historic and current scrub-jay habitat of coastal east-central Florida occurs proximal to the current shoreline and larger river basins. Much of this area of Florida was settled early because few wetlands restricted urban and agricultural development. Due to the effects of urban and agricultural development over the past 100 years, much of the remaining scrub-jay habitat is now relatively small and isolated. What remains is largely degraded due to the exclusion of fire which is needed to maintain xeric uplands in conditions suitable for scrub-jays.

A family of scrub-jays have been observed on the project site. They are part of a larger complex of scrub-jays located in a matrix of urban and natural settings in central Brevard County. Scrub-jays in urban areas are particularly vulnerable and typically do not successfully produce young that survive to adulthood. Persistent urban growth in this area will likely result in further reductions in the amount of suitable habitat for scrub-jays.

Increasing urban pressures are also likely to result in the continued degradation of scrub-jay habitat as fire exclusion slowly results in vegetative overgrowth. Thus, over the long-term, scrub-jays are unlikely to persist in urban settings, and conservation efforts for this species should target acquisition and management of large parcels of land outside the direct influence of urbanization.

There is little information available about the status of the indigo snake in Florida and Brevard County. Like the scrub jay, this species habitat has been reduced in amount, degraded and fragmented from commercial, residential, and agricultural development. It may potentially use essentially all of the habitats found in the Project area. It has not been observed onsite but the Applicant desires to cover the indigo snake in the incidental take permit.

Construction of the Project's infrastructure and facilities will result in harm to scrub-jays and possibly to the indigo snake incidental to the carrying out of these otherwise lawful activities. Habitat alteration associated with the proposed residential construction will reduce the availability of foraging, sheltering, and possible nesting habitat for one family of scrub-jays and habitat for any indigo snakes that occur on the site. Development would take place within Section 31, Township 26 South, Range 37 East, Brevard County, Florida.

The Applicant does not propose to implement significant on-site minimization measures to reduce take of the scrub-jay or indigo snake. The proposed Project encompasses about 34.6 acres and the footprint of the homes, buildings, infrastructure and landscaping preclude retention of scrub-jay and indigo snake habitat. On-site minimization may not be a biologically viable alternative due to increasing negative demographic effects caused by urbanization.

The Applicant proposes to mitigate for the loss of 9.67 acres of scrub-jay habitat by purchasing 19.34 acres of scrub-jay habitat, establishing a management fund, and donating it to Brevard County for ownership and management. The acquisition and management of this land would also provide suitable habitat for the indigo snake.

As stated above, the Service has made a preliminary determination that the issuance of the Permit 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 EA and HCP.

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: February 24, 2005.

**Sam D. Hamilton,**  
Regional Director.

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**BILLING CODE 4310-55-P**

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[WY-920-1320-E]

#### Powder River Regional Coal Team Activities, Notice of Public Meeting in Gillette, WY

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of public meeting.

**SUMMARY:** The Powder River Regional Coal Team (RCT) has scheduled a public meeting for April 27, 2005, to review current and proposed activities in the Powder River Coal Region and to review pending coal lease applications (LBA).

**DATES:** The RCT meeting will begin at 9 a.m. MDT on April 27, 2005. The meeting is open to the public.

**ADDRESSES:** The meeting will be held at the City Council Chambers, 201 East 5th Street, Gillette, Wyoming 82718.

**FOR FURTHER INFORMATION CONTACT:** Robert Janssen, Regional Coal Coordinator, Bureau of Land Management (BLM) Wyoming State Office, Division of Minerals and Lands, 5353 Yellowstone Road, Cheyenne, Wyoming 82009, telephone 307-775-6206 or Rebecca Spurgin, Regional Coal Coordinator, BLM Montana State Office, Division of Resources, 5001 Southgate Drive, Billings, Montana 59101, telephone 406-896-5080.

**SUPPLEMENTARY INFORMATION:** The primary purpose of the meeting is to discuss pending coal LBAs in the Powder River Basin. Specific coal lease applications and other matters for the RCT to consider include:

1. *Maysdorf LBA*. This LBA, filed by Cordero Mining Company under the name of Mt. Logan, was discussed at the meeting held in May 2002. The applicant significantly reduced the size