

The Florida scrub-jay (scrub-jay) is geographically isolated from other species 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 (predominantly in oak-dominated scrub). Increasing urban and agricultural development have resulted in habitat loss and fragmentation which has 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 tremendous 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, much 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.

The proposed commercial construction would take place within Section 05, Township 29 South, Range 37 East, Palm Bay, Brevard County, Florida. Scrub-jays were located within the lot during a site visit in October 2004. Scrub-jays using the subject commercial lot and adjacent properties are part of a larger complex of scrub-jays located in a matrix of urban and natural settings in areas of southern Brevard and northern Indian River counties.

Construction of the Project's infrastructure and facilities would result in harm to scrub-jays, incidental to the carrying out of these otherwise lawful activities. Habitat alteration associated with the proposed commercial construction would reduce the availability of foraging and sheltering habitat for one family of scrub-jays. The lot encompasses about 0.77 acre and the footprint of the building, infrastructure, and landscaping preclude retention of scrub-jay 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 0.77 acre of scrub-jay

habitat by purchasing approximately 1.5 acres of occupied scrub-jay habitat off of the project site, which will be deeded over to Brevard County Environmental Lands Program (EELS) for perpetual management and conservation. The acquisition of 1.5 acres is sufficient to replace the occupied scrub-jay habitat at a ratio of two mitigation acres per one impact acre.

The Service has determined that the Applicants' proposal, including the proposed mitigation and minimization measures, will individually and cumulatively have a minor or negligible effect on the species covered in the HCP. Therefore, the ITP is a "low-effect" project and qualifies as a categorical exclusion under the National Environmental Policy Act (NEPA), as provided by the Department of Interior Manual (516 DM 2, Appendix 1 and 516 DM 6, Appendix 1). This preliminary information may be revised based on our review of public comments that we receive in response to this notice. Low-effect HCPs are those involving: (1) Minor or negligible effects on federally listed or candidate species and their habitats, and (2) minor or negligible effects on other environmental values or resources. The Applicants' HCP qualifies for the following reasons:

1. Approval of the HCP would result in minor or negligible effects on the Florida scrub-jay population as a whole. We do not anticipate significant direct or cumulative effects to the Florida scrub-jay population as a result of the construction project.

2. Approval of the HCP would not have adverse effects on known unique geographic, historic or cultural sites, or involve unique or unknown environmental risks.

3. Approval of the HCP would not result in any significant adverse effects on public health or safety.

4. The project does not require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act, nor does it threaten to violate a Federal, State, local or tribal law or requirement imposed for the protection of the environment.

5. Approval of the Plan would not establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.

The Service will evaluate the HCP and comments submitted thereon to determine whether the application meets the requirements of section 10(a) of the Act (16 U.S.C. 1531 *et seq.*). If it is determined that those requirements are met, the ITP will be issued for

incidental take of the Florida scrub-jay. The Service will also evaluate whether issuance of the section 10(a)(1)(B) ITP complies with section 7 of the Act by conducting an intra-Service section 7 consultation. The results of this consultation, in combination with the above findings, will be used in the final analysis to determine whether or not to issue the ITP. This notice is provided pursuant to section 10 of the Endangered Species Act and National Environmental Policy Act regulations (40 CFR 1506.6).

Dated: May 1, 2006.

**Cynthia K. Dohner,**

*Acting Regional Director, Southeast Region.*

[FR Doc. E6-8452 Filed 5-31-06; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### **Draft Environmental Assessment/ Habitat Conservation Plan; Issuance of a Section 10(a)(1)(B) Permit for Incidental Take of the Houston Toad in Bastrop County, TX (George Stokes)**

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

**ACTION:** Notice of availability; receipt of application.

**SUMMARY:** George Stokes (Applicant) has applied to the U.S. Fish and Wildlife Service (Service) for an incidental take permit (TE-126322-0) pursuant to section 10(a)(1)(B) of the Endangered Species Act (Act) of 1973, as amended. The requested permit, which is for a period of five years, would authorize incidental take of the Houston toad (*Bufo houstonensis*). The proposed take would occur as a result of the construction and occupation of a single family residence, guest home, and associated structures on a 14.049-acre (5.68-hectare) property located on Park Road 1-C, Bastrop County, Texas. We invite the public to review and comment on the permit application and associated draft Environmental Assessment/Habitat Conservation Plan (EA/HCP).

**DATES:** To ensure consideration, written comments must be received on or before July 31, 2006.

**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 draft EA/HCP may obtain a copy by contacting Scott Rowin, 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 a.m. to 4:30 p.m.) at the Service's Austin office. Written data or comments concerning the application and draft EA/HCP should be submitted to the Supervisor, U.S. Fish and Wildlife Service, 10711 Burnet Road, Suite 200, Austin, Texas 78758. Please refer to permit number TE-126322-0 when submitting comments. All comments received, including names and addresses, will become a part of the official administrative record and may be made available to the public.

**FOR FURTHER INFORMATION CONTACT:** Clayton Napier at U.S. Fish and Wildlife Service Austin office, 10711 Burnet Road, Suite 200, Austin, Texas 78758, (512) 490-0057 or by e-mail, [Clayton\\_Napier@fws.gov](mailto:Clayton_Napier@fws.gov).

**SUPPLEMENTARY INFORMATION:** The Applicant has applied to the Service for a section 10(a)(1)(B) incidental take permit for a period of five years in order to authorize incidental take of the Houston toad.

Section 9 of the Act prohibits the "taking" of endangered species such as the Houston toad. However, the Service, under limited circumstances, may issue permits to take endangered wildlife species incidental to, and not the purpose of, otherwise lawful activities.

We provide this notice under section 10(c) of the Act (16 U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.22), and the National Environmental Policy Act (42 U.S.C. 4371 *et seq.*) and its implementing regulations (40 CFR 1506.6).

*Applicant:* The Applicant plans to construct a single family residence, guest home, and associated structures on a 14.049-acre property located on Park 1-C, Bastrop County, Texas. This action will eliminate 0.5 acres of Houston toad habitat and result in indirect impacts within the lot. The Applicant proposes to compensate for 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.

**Richard McDonald,**

*Acting Regional Director, Region 2, Albuquerque, New Mexico.*

[FR Doc. E6-8451 Filed 5-31-06; 8:45 am]

**BILLING CODE 4310-55-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[(CA-920-1310-FI); (CACA 46596)]

#### Proposed Reinstatement of Terminated Oil and Gas Lease CACA 46596

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

**ACTION:** Notice of Reinstatement of Terminated Oil and Gas Lease.

**SUMMARY:** Under the provisions of Public Law 97-451, Summit Ventures, Inc., timely filed a petition for reinstatement of oil and gas lease CACA 46596 for lands in Kern County, California, and it was accompanied by all required rentals and royalties accruing from January 1, 2005, the date of termination.

**FOR FURTHER INFORMATION CONTACT:** Bonnie J. Edgerly, Land Law Examiner, Branch of Adjudication, Division of Energy & Minerals, BLM California State Office, 2800 Cottage Way, W-1834, Sacramento, California 95825, (916) 978-4370.

**SUPPLEMENTARY INFORMATION:** No valid lease has been issued affecting the lands. The lessee has agreed to new lease terms for rentals and royalties at rates of \$10.00 per acre or fraction thereof and 16 2/3 percent, respectively. The lessee has paid the required \$500 administrative fee and has reimbursed the Bureau of Land Management for the cost of this **Federal Register** notice. The Lessee has met all the requirements for reinstatement of the lease as set out in sections 31(d) and (e) of the Mineral Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate the lease effective June 1, 2005, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Dated: May 24, 2006.

**Debra Marsh,**

*Supervisor, Branch of Adjudication, Division of Energy & Minerals.*

[FR Doc. E6-8423 Filed 5-31-06; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[(CA-920-1310-FI); (CACA 46599)]

#### Proposed Reinstatement of Terminated Oil and Gas Lease CACA 46599

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

**ACTION:** Notice of reinstatement of terminated oil and gas lease.

**SUMMARY:** Under the provisions of Public Law 97-451, Summit Ventures, Inc., timely filed a petition for reinstatement of oil and gas lease CACA 46599 for lands in Kern County, California, and it was accompanied by all required rentals and royalties accruing from January 1, 2005, the date of termination.

**FOR FURTHER INFORMATION CONTACT:** Bonnie J. Edgerly, Land Law Examiner, Branch of Adjudication, Division of Energy & Minerals, BLM California State Office, 2800 Cottage Way, W-1834, Sacramento, California 95825, (916) 978-4370.

**SUPPLEMENTARY INFORMATION:** No valid lease has been issued affecting the lands. The lessee has agreed to new lease terms for rentals and royalties at rates of \$10.00 per acre or fraction thereof and 16 2/3 percent, respectively. The lessee has paid the required \$500 administrative fee and has reimbursed the Bureau of Land Management for the cost of this **Federal Register** notice. The Lessee has met all the requirements for reinstatement of the lease as set out in sections 31(d) and (e) of the Mineral Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate the lease effective June 1, 2005, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Dated: May 24, 2006.

**Debra Marsh,**

*Supervisor, Branch of Adjudication, Division of Energy & Minerals.*

[FR Doc. E6-8425 Filed 5-31-06; 8:45 am]

**BILLING CODE 4310-40-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[(NM-920-1310-06); (OKNM 112970)]

#### Proposed Reinstatement of Terminated Oil and Gas Lease OKNM 112970

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

**ACTION:** Notice of Reinstatement of Terminated Oil and Gas Lease.

**SUMMARY:** Pursuant to the provisions of 43 CFR 3108.2-3(b)(2), Apache Corporation timely filed a petition for reinstatement of oil and gas lease OKNM 112970 for lands in Roger Mills County, Oklahoma, and was accompanied by all required rentals and royalties accruing from January 1, 2006, the date of termination.