

**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****Endangered Species Recovery Permits**

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

**ACTION:** Notice of availability and receipt of applications.

**SUMMARY:** We announce the receipt of applications to conduct certain activities pertaining to enhancement of survival of endangered species.

**DATES:** Written comments on these permit applications must be received by September 13, 2006.

**ADDRESSES:** Written data or comments should be submitted to the Assistant Regional Director, Fisheries-Ecological Services, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225-0486; facsimile 303-236-0027. Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act [5 U.S.C. 552A] and Freedom of Information Act [5 U.S.C. 552], by any party who submits a request for a copy of such documents within 20 days of the date of publication of this notice to Kris Olsen, by mail or by telephone at 303-236-4256. All comments received from individuals become part of the official public record.

**SUPPLEMENTARY INFORMATION:** The following applicants have requested issuance of enhancement of survival permits to conduct certain activities with endangered species pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

*Applicant:* Lower Brule Sioux Tribe, Department of Wildlife, Fish and Recreation, Lower Brule, South Dakota, TE-131398.

The applicant requests a permit to take black-footed ferrets (*Mustela nigripes*) in conjunction with recovery activities throughout the species' range for the purpose of enhancing its survival and recovery.

*Applicant:* Brent Andersen, The Living Planet Aquarium, Sandy, Utah, TE-131638.

The applicant requests a permit to possess bonytail (*Gila elegans*), Colorado pikeminnow (*Ptychocheilus lucius*), razorback sucker (*Xyrauchen texanus*), and June sucker (*Chasmistes liorus*) for public display and propagation in conjunction with recovery activities for the purpose of enhancing their survival and recovery.

*Applicant:* U.S. Forest Service, Nebraska National Forest, Bessey District, Halsey, Nebraska, TE-131639.

The applicant requests a permit to take blowout penstemon (*Penstemon haydenii*) in conjunction with recovery activities throughout the species' range for the purpose of enhancing its survival and recovery.

Dated: July 24, 2006.

**James J. Slack,**

*Deputy Regional Director, Denver, Colorado.*

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**BILLING CODE 4310-55-P**

**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****Receipt of Five Applications for Incidental Take Permits for Construction of Five Single-Family Homes in Brevard County, Florida**

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

**ACTION:** Notice; request for comments.

**SUMMARY:** We, the Fish and Wildlife Service (Service), announce the availability of Habitat Conservation Plans (HCPs)/applications for five incidental take permits (ITPs). Maronda Homes, Inc., of Florida (Applicant) requests five ITPs, two for a 1-year term and three for a 10-year term, pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The Applicant anticipates taking about 1.09 acres combined of Florida scrub-jay (*Aphelocoma coerulescens*) (scrub-jay) foraging and sheltering habitat incidental to lot preparation for the construction of five single-family homes and supporting infrastructure in Brevard County, Florida (Projects). The destruction of 1.09 acres of foraging and sheltering habitat is expected to result in the take of three families of scrub-jays. The Applicant's HCPs describe the mitigation and minimization measures proposed to address the effects of the Projects to the Florida scrub-jay.

**DATES:** Written comments on the ITP applications and HCPs should be sent to the Jacksonville Field Office (see **ADDRESSES**) and should be received on or before September 13, 2006.

**ADDRESSES:** Persons wishing to review the applications and HCPs may obtain a copy by writing the Service's Jacksonville Field Office. Please reference permit number TE 132199-0, for Maronda-Emerson, number TE 132194-0, for Maronda-Mackay, number TE 132193-0, for Maronda-Campbell, number TE 132196-0, for Maronda-

Algardi, and number TE 132195-0, for Maronda-Timbruce in such requests. Documents will also be available for public inspection by appointment during normal business hours at the Jacksonville Field Office, 6620 Southpoint Drive South, Suite 310, Jacksonville, Florida 32216-0912.

**FOR FURTHER INFORMATION CONTACT:** 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 TE 132199-0, for Maronda-Emerson, number TE 132194-0, for Maronda-Mackay, number TE 132193-0, for Maronda-Campbell, number TE 132196-0, for Maronda-Algardi, and number TE 132195-0, for Maronda-Timbruce in such requests. You may mail comments to the Service's Jacksonville Field Office (see **ADDRESSES**). You may also comment via the internet to [michael.jennings@fws.gov](mailto:michael.jennings@fws.gov). Please 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 the telephone number listed above (see **FURTHER INFORMATION**). Finally, you may hand deliver comments to the Service office listed above (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.

Residential construction for Maronda-Emerson will take place within section 05, Township 29 South, Range 37 East, Palm Bay, Brevard County, Florida, on lot 02, Block 329. Residential construction for Maronda-Mackay will

take place within section 16, Township 29 South, Range 37 East, Palm Bay, Brevard County, Florida, on lot 14, Block 751. Residential construction for Maronda-Campbell will take place within Section 05, Township 29 South, Range 37 East, Palm Bay, Brevard County, Florida, on Lot 12, Block 345. Residential construction for Maronda-Algardi will take place within section 05, Township 29 South, Range 37 East, Palm Bay, Brevard County, Florida, on Lot 02, Block 338. Residential construction for Maronda-Timbruce will take place within Section 21, Township 29 South, Range 37 East, Palm Bay, Brevard County, Florida, on Lot 05, Block 937. Each of these lots are within 438 feet of locations where scrub-jays were sighted during surveys for this species from 1999 to 2003.

The lots combined encompass about 1.09 acres, and the footprint of the homes, infrastructure, and landscaping preclude retention of scrub-jay habitat on each of the respective lots. In order to minimize take on site, the Applicant proposes to complete a nest survey on the Emerson, Mackay, Campbell, and Algardi lots prior to clearing or construction, should such activities take place within the scrub-jay nesting season (March 1–June 30). Should an active nest be found on the property, the Applicant will not clear the property or begin construction until the completion of the nesting season. The Applicant is not proposing to implement any onsite minimization measures for the lot on Timbruce.

In combination, the Applicant proposes to mitigate for the loss of 1.09 acres of scrub-jay habitat by contributing a total of \$18,312 (\$3,864 for Maronda-Emerson, \$3,864 for Maronda-Mackay, \$3,864 for Maronda-Campbell, \$3,360 for Maronda-Algardi, and \$3,360 for Maronda-Timbruce) to the Florida Scrub-jay Conservation Fund administered by The Nature Conservancy. Funds in this account are ear-marked for use in the conservation and recovery of scrub-jays and may include habitat acquisition, restoration, and/or management.

The Service has determined that the Applicant's proposals, including the proposed mitigation and minimization measures, will individually and cumulatively have a minor or negligible effect on the species covered in the HCPs. Therefore, the ITPs are "low-effect" projects and qualify as categorical exclusions under the National Environmental Policy Act (NEPA), as provided by the Department of the 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 Service will evaluate the HCPs and comments submitted thereon to determine whether the applications meet the requirements of section 10(a) of the Act (16 U.S.C. 1531 *et seq.*). The Service will also evaluate whether issuance of the section 10(a)(1)(B) ITPs comply 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 ITPs.

**Authority:** This notice is provided pursuant to Section 10 of the Endangered Species Act and NEPA regulations (40 CFR 1506.6).

Dated: August 8, 2006.

**David L. Hankla,**

*Field Supervisor, Jacksonville Field Office.*

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**BILLING CODE 4310-55-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### **Notice of Availability To Extend a Section 10(a)(1)(B) Permit for Incidental Take of the Houston Toad and Bald Eagle During the Construction and Occupation of Single-Family Residences or Other Similar Structures Within 46 Subdivisions (46 Subdivisions) in Bastrop County, TX**

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

**ACTION:** Notice of availability.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service) proposes to extend permits TE-025997-2 and TE-025965-2 (permits) associated with the 46-Subdivision Environmental Assessment/Habitat Conservation Plan (EA/HCP) for two additional years from the date of reissuance, pursuant to Section 10(a)(1)(B) of the Endangered Species Act (Act) of 1973, as amended. The existing permits cover both direct and indirect incidental take of the Houston toad (*Bufo houstonensis*) and Bald eagle (*Haliaeetus leucocephalus*) during the construction and occupation of single-family residences or other similar structures within the 46 subdivisions listed in the HCP. The

current permit will expire on July 27, 2006.

**DATES:** To ensure consideration, written comments must be received on or before September 13, 2006.

**ADDRESSES:** 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 a.m. to 4:30 p.m.) at the Service's Austin office. Written data or comments concerning the extension of the permits 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-025997 and TE-025965 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, 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 Service proposes to extend permits TE-025997-2 and TE-025965-2 for an additional two years from the date of signature on the re-issued permit. The EA/HCP allows for the construction of single family residences or other similar structures, as long as the action on the property disturbs no more than approximately 0.5 acres of habitat within each eligible lot. The EA/HCP will allow for responsible development while minimizing and offsetting impacts to the Houston toad and bald eagle by providing for on-site and off-site conservation measures that will be used to promote the long-term survival of the species. It is also considered to provide the most simplified, expeditious, and effective process by which landowners can comply with the provisions of the Act in a more efficient manner. The revised EA/HCP requires the same avoidance, minimization, and mitigation efforts from every lot owner, within their respective category.

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