

## Partners

The eight State conservation agencies participating in the development of this MSHCP are the Illinois Department of Natural Resources, Indiana Division of Fish and Wildlife, Iowa Department of Natural Resources, Michigan Department of Natural Resources, Minnesota Department of Natural Resources, Missouri Department of Conservation, Ohio Department of Natural Resources, and Wisconsin Department of Natural Resources.

AWEA is a national trade association for the wind industry and is representing the interests of a group of wind energy companies in the development of this MSHCP. This consortium of companies is known as the Wind Energy Bat Action Team (WEBAT). Member companies at this time include Acciona Wind Energy; Akuo Energy USA; Apex Wind Energy; BP Wind Energy; Clipper Windpower Development Company, LLC; Duke Energy Renewables; EDP Renewables; Element Power; enXco; E.ON Climate & Renewables; EverPower Wind Holdings, Inc.; Iberdrola Renewables; Invenergy LLC; NextEra Energy Resources; Nordex USA; Tradewind Energy LLC; US Mainstream Renewable Power; and Wind Capital Group.

The Conservation Fund is a nonprofit organization headquartered in Arlington, Virginia, with offices throughout the United States. The Conservation Fund would serve as the administrative agent on behalf of the States overseeing the development of the MSHCP and the accompanying environmental impact statement (EIS). Moreover, The Conservation Fund would develop a regional framework of conservation lands to be used as a decision support tool for the selection of appropriate mitigation options required for offsetting incidental take of the "covered species".

## MSHCP Structure

In 2009, the eight States that make up the planning area submitted an application for and were awarded a grant under Section 6 of the ESA (16 U.S.C. 1535) to develop the MSHCP and an incidental take permitting program. The States' grant application envisioned that the MSHCP would be developed as a template/umbrella MSHCP or as a programmatic MSHCP. Under the template approach, the Service would issue individual ITPs to applicants that agree to implement the MSHCP, whereas under the programmatic approach, each State agency would apply for and receive an ITP and would issue certificates of inclusion to wind

energy companies that agreed to implement the MSHCP at their facility. At this time it is anticipated that the issuance of individual ITPs would be the permitting approach under this MSHCP. Currently there are additional permit structure options being considered; however, under any permit structure, the MSHCP would meet all ITP issuance criteria found at 50 CFR 13.21, 17.22(b), and 17.32(b), and would be evaluated under the National Environmental Policy Act (NEPA) and Section 7 of the ESA (16 U.S.C. 1536). The partners envision that under any permit approach, no additional NEPA or Section 7 analysis would occur, and "No Surprises" assurances would apply to the MSHCP. Evaluation of the MSHCP and permitting program would include public review by all interested parties. In the event that the MSHCP might need to be amended in the future (e.g., to add a species or consider an activity not previously evaluated), further public review would occur.

## Public Comments

The Service is requesting information and comment from interested government agencies, Native American Tribes, the scientific community, industry, or other interested parties concerning the planning process, our permitting approach, biological aspects of the interaction of wind facilities and species, scientific data that may help inform the MSHCP or monitoring of impacts, and any other information that interested parties would like to offer.

Please note that comments merely stating support for, or opposition to, the MSHCP under consideration without providing supporting information, although noted, will not provide information useful in determining relevant issues and impacts. The public will receive additional opportunity to provide comments on the draft EIS and draft MSHCP when they are completed. The Service will solicit comments by publishing notice in the **Federal Register**.

You may submit your comments and supporting documentation by any of the methods described in **ADDRESSES**, above.

## National Environmental Policy Act

The Service is responsible for ensuring NEPA (42 U.S.C. 4321 *et seq.*) compliance during the MSHCP process. In compliance with NEPA, we have made an initial determination that the proposed issuance of ITPs under this planning effort will require the development of an EIS. A third-party contractor will be selected in the future to work with the Service and the planning partners to develop an EIS that

will satisfy all NEPA requirements. Subsequent notice will be provided when the planning process has progressed to the point where scoping under NEPA is appropriate.

Dated: August 17, 2012.

**Terence J. Miller,**

*Acting, Assistant Regional Director,  
Ecological Services, Midwest Region.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

**[FWS-R4-ES-2012-N202; 40120-1112-0000-F2]**

### Programmatic Incidental Take Permit and Environmental Assessment for Development Activities, Perdido Key, Escambia County, FL

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

**ACTION:** Notice.

**SUMMARY:** Under the Endangered Species Act (Act), we, the U.S. Fish and Wildlife Service, announce the receipt and availability of a proposed habitat conservation plan (HCP) and accompanying documents for private development projects and municipal infrastructure improvements (activities) regulated or authorized by the Escambia County Board of Commissioners (Applicant). The activities would result in take of six federally-listed species on Perdido Key in Escambia County, Florida. The HCP analyzes the take incidental to activities conducted or permitted by the Applicant. We invite public comments on these documents. **DATES:** We must receive any written comments at our Regional Office (see **ADDRESSES**) on or before October 29, 2012.

**ADDRESSES:** Documents are available for public inspection by appointment during normal business hours at the Fish and Wildlife Service's Regional Office, 1875 Century Boulevard, Suite 200, Atlanta, GA 30345; or the Panama City Field Office, Fish and Wildlife Service, 1601 Balboa Avenue, Panama City, FL 32405.

**FOR FURTHER INFORMATION CONTACT:** Mr. David Dell, Regional HCP Coordinator, (see **ADDRESSES**), telephone: 404-679-7313; or Mr. Jon Hemming, Field Office Project Manager, at the Panama City Field Office (see **ADDRESSES**), telephone: 850-769-0552, ext. 238.

**SUPPLEMENTARY INFORMATION:** We announce the availability of the proposed HCP, accompanying

incidental take permit (ITP) application, and an environmental assessment (EA), which analyze the take of the following listed species incidental to activities conducted or permitted by the Applicant: The endangered Perdido Key beach mouse (*Peromyscus polionotus trissyllepsis*), threatened Loggerhead (*Caretta caretta*), endangered Green (*Chelonia mydas*), endangered Leatherback (*Dermochelys coriacea*), and endangered Kemp's Ridley (*Lepidochelys kempi*) sea turtles, and the threatened Piping Plover (*Charadrius melodus*). The Applicant requests a 30-year ITP under section 10(a)(1)(B) of the Act (16 U.S.C. 1531 *et seq.*), as amended. The Applicant's HCP describes the mitigation and minimization measures proposed to address the impacts to the species.

We specifically request information, views, and opinions from the public via this notice on our proposed Federal action, including identification of any other aspects of the human environment not already identified in the EA pursuant to National Environmental Policy Act (NEPA) regulations in the Code of Federal Regulations (CFR) at 40 CFR 1506.6. Further, we specifically solicit information regarding the adequacy of the HCP per 50 CFR parts 13 and 17.

The EA assesses the likely environmental impacts associated with the implementation of the activities, including the environmental consequences of the no-action alternative and the proposed action. The proposed action alternative is issuance of the ITP and implementation of the HCP as submitted by the Applicant. The HCP covers activities conducted or permitted by the Applicant, including private residential and commercial development activities as well as development and infrastructure improvements on Escambia County-owned lands. Avoidance, minimization and mitigation measures include: Informing the Perdido Key property owners of the sensitive nature of the habitat and listed species on Perdido Key by developing a public awareness program and brochure; siting a project to maximize the best habitat conservation and incorporating appropriate connectivity and buffers between developments; designing homes and other structures to reduce their vulnerability to storm damage; minimizing impervious surfaces; maximizing use of vegetation native to Perdido Key; developing and implementing guidelines to minimize disturbances to sea turtles, shorebirds, and their nests caused by the operation of official vehicles involved in public

safety, beach maintenance, law enforcement, HCP implementation, and other official business on Perdido Key; and implementing an effective monitoring program for all species covered by the ITP to identify and ameliorate factors impeding their recovery.

#### Public Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

If you wish to comment, you may submit comments by any one of several methods. Please reference TE46592A-0 in such comments. You may mail comments to the Fish and Wildlife Service's Regional Office (see **ADDRESSES**). You may also comment via the Internet to [david\\_dell@fws.gov](mailto:david_dell@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 either telephone number listed under **FOR FURTHER INFORMATION CONTACT**.

Finally, you may hand-deliver comments to either of our offices listed under **ADDRESSES**.

#### Covered Area

Perdido Key, a barrier island 16.9 miles long, constitutes the entire historic range of the Perdido Key beach mouse. The area encompassed by the HCP and ITP application consists of privately owned and Escambia County-owned lands from Gulf Islands National Seashore to the Florida-Alabama state line.

#### Next Steps

We will evaluate the ITP application, including the HCP and any comments we receive, to determine whether the application meets the requirements of section 10(a)(1)(B) of the Act. We will also evaluate whether issuance of a section 10(a)(1)(B) ITP complies with section 7 of the Act by conducting an intra-Service section 7 consultation. We will use the results of this consultation, in combination with the above findings, in our final analysis to determine whether or not to issue the ITP. If we determine that the requirements are met, we will issue the ITP for the incidental take of Perdido Key beach

mouse, Loggerhead, Green, Leatherback and Kemp's Ridley sea turtles and the Piping Plover.

#### Authority

We provide this notice under section 10 of the Act (16 U.S.C. 1531 *et seq.*) and NEPA regulations (40 CFR 1506.6).

Dated: August 6, 2012.

**Mark J. Musaus,**

*Acting Regional Director.*

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[LLWYP00000-L51100000-GA0000-LVEMK09CK350; WYW173360 and WYW180711]

#### Notice of Availability of the Record of Decision for the South Gillette Area Maysdorf II Coal Lease-by-Application and Environmental Impact Statement, Wyoming

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

**ACTION:** Notice of availability.

**SUMMARY:** In accordance with the National Environmental Policy Act of 1969, the Bureau of Land Management (BLM) announces the availability of the Record of Decision (ROD) for the Maysdorf II Coal Lease-by-Application (LBA) included in the South Gillette Area Coal Lease Applications Final Environmental Impact Statement (EIS).

**ADDRESSES:** The document is available electronically on the following Web site: <http://www.blm.gov/wy/st/en/info/NEPA/documents/hpd/SouthGillette.html>. Paper copies of the ROD are also available at the following BLM office locations:

- Bureau of Land Management, Wyoming State Office, 5353 Yellowstone Road, Cheyenne, Wyoming 82009; and
- Bureau of Land Management, Wyoming High Plains District Office, 2987 Prospector Drive, Casper, Wyoming 82604.

**FOR FURTHER INFORMATION CONTACT:** Ms. Kathy Muller Ogle, Coal Program Coordinator, at 307-775-6206, or Ms. Teresa Johnson, EIS Project Manager, at 307-261-7510. Ms. Ogle's office is located at the BLM Wyoming State Office, 5353 Yellowstone Road, Cheyenne, Wyoming 82009. Ms. Johnson's office is located at the BLM Wyoming High Plains District Office, 2987 Prospector Drive, Casper, Wyoming 82604. Persons who use a