

Under alternative B, we would establish public use zones that would allow some increased public use opportunities in certain areas where wildlife are less likely to be disturbed, with an emphasis on providing fishing, wildlife observation, environmental education, and interpretation. An increase in opportunities would also be accomplished by working with partners to monitor wildlife use and offer visitor programs. We propose to add a part-time, year-round visitor services specialist and a full-time biologist stationed on Nantucket Island, and a new law enforcement officer stationed at Monomoy NWR in Chatham, Massachusetts.

#### *Alternative C (Emphasis on Wildlife Diversity and Natural Processes)*

This alternative would focus on managing wildlife diversity and natural coastal processes. It would emphasize species and habitat protection on the refuge through actions such as not allowing over-sand vehicles for fishing access on most of the refuge during April 1 through September 15. Staff would monitor and evaluate nesting success and productivity for priority bird species of conservation concern. Alternative C includes expanding current management and staffing over the next 15 years on the refuge. It would also involve targeted fee and easement acquisition of excess and surplus Federal lands and other key conservation properties on Nantucket Island as opportunities arise. Visitor services would be similar to those under alternative B, except for the longer, more restrictive over-sand vehicle closure zones. Similar to alternative B, this alternative proposes a joint visitor facility with TTOR and NCF, as well as increased visitor services programming and opportunities through partners.

#### **Comments**

We solicited comments on the draft CCP/EA for Nantucket NWR from August 2 to October 1, 2011 (76 FR 46317). During the comment period, we received 38 written responses. We evaluated all of the substantive comments we received, and include a summary of those comments, and our responses to them, as Appendix J in the final CCP.

#### **Selected Alternative**

After considering the comments we received on our draft CCP/EA, we have made several minor changes to alternative B. These changes are described in the final CCP in the FONSI (Appendix L) and in Appendix J.

We have selected alternative B to implement for Nantucket NWR, with these minor changes, for several reasons. Alternative B comprises a mix of actions that, in our professional judgment, work best towards achieving the refuge's purposes, vision, and goals; NWRS policies; and the goals of other State and regional conservation plans. Our ability to achieve conservation goals is further enhanced with the land protection plan (LPP) included in alternative B. The LPP was approved by the Service's Director on January 15, 2013. We also believe that alternative B most effectively addresses key issues raised during the planning process. The basis of our decision is also detailed in the FONSI.

#### **Public Availability of Documents**

You can view or obtain the final CCP, including the FONSI, as indicated under **ADDRESSES**.

Dated: February 18, 2013.

#### **Deborah Rocque,**

*Acting Regional Director, Northeast Region.*

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## **DEPARTMENT OF THE INTERIOR**

### **Fish and Wildlife Service**

**[FWS-R4-ES-2013-N076;  
FXES11130400000EA-123-FF04EF1000]**

#### **Endangered and Threatened Wildlife and Plants; Receipt of Application for Renewal of Incidental Take Permit; Availability of Proposed Low-Effect Habitat Conservation Plan; Eber Cove, LLC, Brevard County, FL**

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

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

**SUMMARY:** We, the Fish and Wildlife Service (Service), have received an application from Eber Cove, LLC (applicant), for a 5-year renewal of incidental take permit (ITP) TE151089-0 under the Endangered Species Act of 1973, as amended (Act). We request public comment on the permit application and accompanying proposed habitat conservation plan (HCP), as well as on our preliminary determination that the plan qualifies as low effect under the National Environmental Policy Act (NEPA). To make this determination, we used our environmental action statement and low-effect screening form, which are also available for review.

**DATES:** To ensure consideration, please send your written comments by May 6, 2013.

**ADDRESSES:** If you wish to review the application and HCP, you may request documents by email, U.S. mail, or phone (see below). These documents are also available for public inspection by appointment during normal business hours at the office below. Send your comments or requests by any one of the following methods.

*Email:* northflorida@fws.gov. Use "Attn: Permit number TE151089-1" as your message subject line.

*Fax:* Dawn Jennings, Acting Field Supervisor, 904-731-3045, Attn.: Permit number TE151089-1.

*U.S. mail:* Dawn Jennings, Acting Field Supervisor, Jacksonville Ecological Services Field Office, Attn: Permit number TE151089-1, U.S. Fish and Wildlife Service, 7915 Baymeadows Way, Suite 200, Jacksonville, FL 32256.

*In-person drop-off:* You may drop off information during regular business hours at the above office address.

**FOR FURTHER INFORMATION CONTACT:** Erin M. Gawera, telephone: 904-731-3121; email: erin\_gawera@fws.gov.

#### **SUPPLEMENTARY INFORMATION:**

#### **Background**

Section 9 of the Act (16 U.S.C. 1531 et seq.) and our implementing Federal regulations in the Code of Federal Regulations (CFR) at 50 CFR 17 prohibit the "take" of fish or wildlife species listed as endangered or threatened. Take of listed fish or wildlife is defined under the Act as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct" (16 U.S.C. 1532). However, under limited circumstances, we issue permits to authorize incidental take—i.e., take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity.

Regulations governing incidental take permits for threatened and endangered species are at 50 CFR 17.32 and 17.22, respectively. The Act's take prohibitions do not apply to federally listed plants on private lands unless such take would violate State law. In addition to meeting other criteria, an incidental take permit's proposed actions must not jeopardize the existence of federally listed fish, wildlife, or plants.

#### **Applicant's Proposal**

The applicant has been approved for take of approximately 1.55 acres (ac) of Florida scrub-jay (*Aphelocoma coerulescens*)—occupied habitat incidental to construction of a single-family-home subdivision. The 28.25-ac

project is located on Parcel #28-37-17-00-00753.0-0000.00 and #28-37-17-00-00769.0-0000.00, within Section 17, Township 28 South, Range 37 East, Brevard County, Florida. The applicant's HCP describes the mitigation and minimization measures the applicant proposes to address the effects of the project to the Florida scrub-jay.

#### Our Preliminary Determination

We have determined that the applicant's proposal, including the proposed mitigation and minimization measures, would have minor or negligible effects on the species covered in the HCP. Therefore, we determined that the ITP is a low-effect project and qualifies for categorical exclusion 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). A low-effect HCP is one 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.

#### Next Steps

We will evaluate the HCP and comments we receive to determine whether the ITP application meets the requirements of section 10(a) of the Act (16 U.S.C. 1531 et seq.). If we determine that the application meets these requirements, we will issue the ITP. We 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. 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 the requirements are met, we will issue the permit to the applicant.

#### Public Comments

If you wish to comment on the permit application, HCP, and associated documents, you may submit comments by any one of the methods in **ADDRESSES**.

#### Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comments, 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.

#### Authority

We provide this notice under Section 10 of the Act and NEPA regulations (40 CFR 1506.6).

Dated: March 27, 2013.

#### Dawn Jennings,

Acting Field Supervisor, Jacksonville Field Office, Southeast Region.

[FR Doc. 2013-07929 Filed 4-4-13; 8:45 am]

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#### DEPARTMENT OF THE INTERIOR

#### Fish and Wildlife Service

[FWS-R3-ES-2013-0032:  
FXES1112030000F2-134-FF03E00000]

#### Draft Environmental Impact Statement, Draft Habitat Conservation Plan, Draft Programmatic Agreement, and Draft Implementing Agreement; Application for an Incidental Take Permit, Fowler Ridge Wind Farm, Benton County, Indiana

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

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

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), have received an application from Fowler Ridge Wind Farm LLC, Fowler Ridge II Wind Farm LLC, Fowler Ridge III Wind Farm LLC, and Fowler Ridge IV Wind Farm LLC, collectively referred to as Fowler Ridge (applicant), for an incidental take permit (ITP) under the Endangered Species Act of 1973, as amended (ESA), for its Fowler Ridge Wind Farm (FRWF) (project). If approved, the ITP would be for a 22-year period and would authorize the incidental take of an endangered species, the Indiana bat. The applicant has prepared a draft habitat conservation plan (HCP) that describes the actions and measures that the applicant would implement to avoid, minimize, and mitigate incidental take of the Indiana bat. The ITP application also includes a draft implementing agreement (IA). We also announce the availability of a draft Environmental Impact Statement (DEIS), which has been prepared in response to the permit application in accordance with the requirements of the National Environmental Policy Act (NEPA), and a draft Programmatic Agreement (PA) that has been prepared in response to the permit application in accordance with the National Historic Preservation Act (NHPA). We request public comment on the application and associated documents.

**DATES:** *Public Meeting:* Thursday, April 18, 2013 from 4 to 8 p.m. local time (EST) at the Benton County Government Annex, 410 South Adeway, Suite A, Fowler, IN 47944.

*Comments:* We will accept comments received or postmarked on or before June 4, 2013. Comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES** section, below) must be received by 11:59 p.m. Eastern Time on the closing date.

#### ADDRESSES: Document availability:

- *Internet:* You may obtain copies of the documents on the Internet at <http://www.regulations.gov> (Docket Number FWS-R3-ES-2013-0032) or <http://www.fws.gov/midwest/Endangered/permits/hcp/r3hcps.html>.

- *U.S. Mail:* You can obtain the documents by mail from the Indiana Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

- *In-Person:* To view hard copies of the documents in person, go to one of the Ecological Services Offices (8 a.m. to 4 p.m.) listed under **FOR FURTHER INFORMATION CONTACT**, or to one of the following libraries during normal business hours: Benton County Public Library, 765-884-1720, 102 N. Van Buren Avenue, Fowler, IN 47944; or Otterbein Public Library ([www.otterbeinpubliclibrary.org](http://www.otterbeinpubliclibrary.org)), 765-583-2107, 23 E. 1st Street, Otterbein, IN 47970.

*Public Meeting:* See **DATES**.

*Comment submission:* In your comment, please specify whether your comment addresses the draft HCP, draft EIS, draft PA, or draft IA, or any combination of the aforementioned documents, or other supporting documents. You may submit written comments by one of the following methods:

- *Electronically:* Go to the Federal eRulemaking Portal: <http://www.regulations.gov>. In the Search box, enter FWS-R3-ES-2013-0032, which is the docket number for this notice. Then, on the left side of the screen, under the Document Type heading, click on the Notices link to locate this document and submit a comment.

- *By hard copy:* Submit by U.S. mail or hand-delivery to: Public Comments Processing, Attn: FWS-R3-ES-2013-0032; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, MS 2042-PDM; Arlington, VA 22203.

We request that you send comments only by the methods described above. We will post all information received on <http://www.regulations.gov>. This generally means that we will post any