

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of an Environmental Assessment and Finding of No Significant Impact, and Receipt of an Application for an Incidental Take Permit for a Proposed Residential Development Called Palm Haven Subdivision, Unit 12, Highlands County, FL

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

Mr. Norbert Walz (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 taking up to two families of the threatened Florida scrub-jay (*Aphelocoma coerulescens* *coerulescens*), one eastern indigo snake (*Drymarchon corais couperi*), and eight acres of sand skink (*Neoseps reynoldsi*) and blue-tailed mole skink (*Eumeces egregius lividus*) habitat, (collectively known as the "covered species") incidental to the improvement of an existing road and clearing of 22 single-family residential lots. The proposed residential development will occur in section 2, Township 35 South, Range 28 East, Highlands County, near Sebring and is a component of Unit 12 of the Palm Haven Subdivision.

The widening and paving of an existing dirt road and the clearing of 22 residential lots will destroy suitable habitat for the four species identified above. 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 an 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, as amended (NEPA). 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 30 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).

The Service specifically requests information, views, and opinions from the public via this Notice on the federal action, including the identification of any other aspects of the human environment not already identified in the Service's EA. Further, the Service is specifically soliciting information regarding the adequacy of the HCP as measured against the Service's ITP issuance criteria found in 50 CFR Parts 13 and 17.

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 7, 1999.

ADDRESSES: Persons wishing to review the application, HCP, and EA may obtain a copy by writing the Service's Southeast Regional Office, Atlanta, Georgia. 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, Post Office Box 2676, Vero Beach, Florida 32961-2676. Written data or comments concerning the application, EA, or HCP should be submitted to the Regional Office. Requests for the documentation must be in writing to be processed. Comments must be submitted in writing to be adequately considered in the Service's decision-making process. Please reference permit number TE009033-0 in such comments, or in requests of the documents discussed herein.

FOR FURTHER INFORMATION CONTACT: Mr. Rick G. Gooch, Regional HCP Coordinator, (see **ADDRESSES** above), telephone: 404/679-7110, facsimile: 404/679-7081; or Mr. Mike Jennings, Fish and Wildlife Biologist, South Florida Ecosystem Office, Vero Beach, Florida (see **ADDRESSES** above), telephone: 561/562-3909.

SUPPLEMENTARY INFORMATION: The Florida scrub-jay (scrub-jay) occurs in xeric uplands (predominately oak scrub) of peninsular Florida. Sand skinks and blue-tailed mole skinks are restricted to xeric uplands in central Florida. The eastern indigo snake ranges throughout the southeastern United States, but is most commonly associated with xeric habitats. Increasing urban and agricultural development have resulted

in habitat loss and fragmentation which has adversely affected the distribution and numbers of individuals of each of these species.

The 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 scrub habitat. The total estimated population is between 7,000 and 11,000 individuals. Due to habitat loss and degradation throughout the State of Florida, it has been estimated that the scrub-jay has been reduced by at least half in the last 100 years.

The number and distribution of scrub-jays in southcentral Florida has been greatly reduced. Based on existing soils data, much of the historic and current scrub-jay habitat of interior Florida occurs along a 100-mile stretch of ancient dunes that are situated on a north-south axis from Osceola to Highlands counties. 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 lack of adequate land management.

Scrub-jays using the Project site and adjacent lands are considered part of a larger complex of scrub-jays that occupy xeric uplands of southcentral Florida. This complex of scrub-jay families is considered one of five remaining areas where relatively large numbers of birds remain demographically linked. The continued survival of scrub-jay in this subregion may be dependent on the maintenance of suitable habitat and the restoration of unsuitable habitat in Highlands County.

Scrub-jay use of the Project site and adjacent lands has been assessed on one occasion. In 1998, field investigations determined that two scrub-jay families used portions of the Project site as well as adjacent lands. Though no systematic surveys were conducted to delineate territorial boundaries, suitability of habitat within the Project site indicate that about three acres of suitable habitat exist. The close proximity of areas known to be used by scrub-jays and the fact that this species is territorial, suggests the suitable habitat within the Project site is used by one or both of the scrub-jay families known from the vicinity. Nesting, foraging, and security habitat exists within the Project site.

The Project site is part of a partially built-out, platted, subdivision that is bisected by many unimproved dirt roads. The Project site is bounded on

three sides by urban development and the site itself is negatively influenced by adjacent residents (e.g., trash dumping, off-road vehicle use, etc.). Due to the proximity of the Project site to existing residential development, fire has been actively excluded because of human safety concerns. As a result, the condition of the xeric habitat within and adjacent to the Project site is degraded; periodic fire is required to maintain habitat conditions suitable for the scrub-jay.

Many of the factors discussed above for the scrub-jay are also affecting the eastern indigo snake, sand skink, and blue-tailed mole skink within the Project site and vicinity. The eastern indigo snake is a wide-ranging species that is found in most upland communities, however, it is typically found in more xeric areas. This species has a relatively large territory size (100 to 200 acres) that may cover several vegetative community types. Indigo snakes are difficult to survey, so positive identification of occupied habitat is often problematic. Habitat loss and fragmentation are currently thought to be the primary threat to this species.

The sand skink and blue-tailed mole skink inhabit xeric uplands of central Florida. The sand skink is semi-fossorial while the blue-tailed mole skink is exclusively fossorial. These species spend much of their time buried in or on top of the dry, loose sandy soils of xeric uplands. As mentioned above, agricultural development over the past 100 years has resulted in the loss or degradation of up to 50 percent of the xeric uplands of central Florida. Accordingly, these species have declined in numbers and distribution.

Construction of the Project's infrastructure and subsequent construction of the individual homesites will likely result in death of, or injury to, scrub-jays, indigo snakes, sand skinks, and blue-tailed mole skinks, incidental to the carrying out of these otherwise lawful activities. Habitat alteration associated with the proposed residential development will reduce the availability of feeding, nesting, and sheltering habitat for these species.

The Applicant's HCP and the Service's EA describes the following minimization and mitigation strategy to be employed by the Applicant to offset the impacts of the Project to the scrub-jay:

- During lot preparation, the Applicant agrees to minimize loss of xeric vegetation, by restricting vegetation clearing to that necessary for construction.
- The Applicant shall use native xeric plants for ornamental purposes, and

encourage such use by future homeowners.

- Compensate for the destruction of 3.04 acres of suitable scrub-jay habitat by acquiring and providing a management endowment for 6.08 acres of xeric upland habitat at a location specified by the Service, or

- Provide \$13,406 in funding to be used for the acquisition and management of xeric uplands, public education, and/or research, as specified by the Service.

The EA considers the environmental consequences of two action alternatives, both of which would require issuance of an ITP. The preferred alternative would affect about eight acres of xeric uplands and a larger scale residential development plan would affect about 30 acres of xeric uplands. The no action alternative (not issue the ITP) may result in loss of habitat for federally listed species described above and exposure of the Applicant under Section 9 of the Act. The proposed action alternative is issuance of the ITP according to the HCP as submitted and described above. Under the proposed alternative, the effect of the minimization and mitigation strategy will be that the affected scrub-jay habitat within the Project site will be mitigated through a financial contribution or through fee simple acquisition of off-project suitable habitat areas. Funding for habitat acquisition or fee simple acquisition of habitat by the Applicant is expected to adequately compensate for the effect of the anticipated incidental take of eastern indigo snakes, sand skinks, and blue-tailed mole skinks, as described in the Service's EA. On-site minimization measures will provide short-term protection of some habitat for the covered species; however, the influences of urbanization will eventually erode the value of any xeric vegetation retained within the Project site.

As stated above, the Service has made a preliminary determination that the issuance of the ITP is not a major Federal action significantly effecting 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. Similarly, 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. If it is determined that those requirements are met, an ITP will be issued for incidental take of the covered species. 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 consultation, in combination with the above findings, will be used in the final analysis to determine whether or not to issue the ITP; the final decision will be made no sooner than 30 days from the date of this notice.

Dated: April 1, 1999.

H. Dale Hall,

Deputy Regional Director.

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WO-320-1330-01-24 1A]

Notice of Proposed Information Collection, OMB Approval No. 1004-0103

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Bureau of Land Management (BLM) announces its intention to request renewal of the existing approval to collect information from applicants who apply to purchase mineral materials from public lands under the mineral materials regulations. Respondents supply the information so that BLM can evaluate the environmental impacts of their proposals and determine their qualifications to receive a mineral materials contract.

DATES: BLM must receive comments on the proposed information collection by June 7, 1999, to assure its consideration of them.

ADDRESSES: Mail comments to: Director (630), Bureau of Land Management, 1849 C St., N.W., Mail Stop 401 LS, Washington, D.C. 20240. Send comments by means of the internet to: WoComment@wo.blm.gov. Please include "ATTN: 1004-0103" and your name and return address in your internet message.

You may hand deliver comments to the BLM Administrative Record, Room 401 L Street, N.W., Washington, D.C. BLM will make comments available for public review and comment at the L Street address during regular business hours (7:45 am to 4:15 pm), Monday through Friday.