

Environmental Impact Statement addressing the Federal actions associated with the Power Project. The Bureau of Land Management and Army Corps of Engineers may use this Environmental Impact Statement as the basis for their separate Federal permit decisions. Comments received by the agencies during scoping were considered and are reflected in the draft Environmental Impact Statement made available for comment through this notice.

The draft Environmental Impact Statement analyzes the potential environmental impacts that may result from the Federal actions requested in support of the proposed development of the High Desert Power Project, and identifies various alternatives, including the No Action Alternative (no incidental take permit), the Combined Cycle Power Plant with Dry Cooling Alternative, and various alternatives proposing the power plant be located in different locations. Several of these alternatives would reduce the amount of habitat disturbance and levels of take of threatened and endangered species compared to the Proposed Project Alternative but would have potentially greater adverse effects on other resources such as air quality, land use, views, and geological hazards.

The analysis provided in the draft Environmental Impact Statement is intended to accomplish the following: inform the public of the proposed action and alternatives; address public comment received during the scoping period; disclose the direct, indirect, and cumulative environmental effects of the proposed actions and each of the alternatives; and indicate any irreversible commitment of resources that would result from implementation of the proposed action.

This notice is provided pursuant to section 10(a) of the Endangered Species Act and Fish and Wildlife Service regulations for implementing the National Environmental Policy Act of 1969 (40 CFR 1506.6).

Dated: December 21, 1999.

**Elizabeth H. Stevens,**

*Deputy Manager, Region 1, California/Nevada Operations Office, Sacramento, California.*  
[FR Doc. 99-33616 Filed 12-28-99; 8:45 am]

**BILLING CODE 4310-55-P**

## 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 Commercial Development Called Mangrove Bay, Palm Beach County, FL**

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

**ACTION:** Notice.

**SUMMARY:** Senior Lifestyle Jupiter Corporation and The Mangrove Bay Master Limited Partnership (Applicants) request an incidental take permit (Permit) pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973 (U.S.C. 1531 *et seq.*), as amended (Act). The Applicants anticipate taking one family of the threatened Florida scrub-jay (*Aphelocoma coerulescens*) incidentally to the clearing of land associated with the development of an assisted-care living facility. The proposed commercial development will occur in section 8, Township 41 South, Range 43 East, in the town of Jupiter, Palm Beach County, Florida.

The clearing of the property for commercial construction will destroy habitat occupied by the Florida scrub-jay (scrub-jay). 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 (Plan), the Service's draft Environmental Assessment (EA), and in the **SUPPLEMENTARY INFORMATION** section below.

The Service also announces the availability of the draft EA and Plan for the incidental take application. Copies of the draft EA and/or Plan 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 Permit 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 preliminary Finding of No Significant Impact (FONSI) is based on information contained in the EA and Plan. 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 specifically solicits information regarding the adequacy of the Plan as measured against the Service's Permit issuance criteria found in 50 CFR Parts 13 and 17.

If you wish to comment, you may submit comments by any one of several methods. You may mail comments to the Service's Regional Office (see **ADDRESSES**). You may also comment via the internet to "david\_dell@fws.gov". Please submit comments over the internet as an ASCII file avoiding the use of special characters and any form of encryption. Please also include your name and return address in your internet message. If you do not receive a confirmation from the Service that we have received your internet message, contact us directly at either telephone number listed below (see **FURTHER INFORMATION**). Finally, you may hand deliver comments to either Service office listed below (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. **DATES:** Written comments on the Permit application, draft EA, and Plan should be sent to the Service's Regional Office (see **ADDRESSES**) and should be received on or before January 28, 2000. **ADDRESSES:** Persons wishing to review the application, Plan, and draft EA may obtain a copy by writing the Service's Southeast Regional Office, Atlanta, GA. 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, FL. 32961-2676. Written data or comments concerning the application, draft EA, or Plan 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 TE020656-0 in such comments, or in requests of the documents discussed herein.

**FOR FURTHER INFORMATION CONTACT:** Mr. David Dell, Regional Coordinator, (see **ADDRESSES** above), telephone: 404/679-7313, facsimile: 404/679-7081; or Mr. Mike Jennings, Fish and Wildlife Biologist, South Florida Field Office, Vero Beach, Florida (see **ADDRESSES** above), telephone: 561/562-3909.

**SUPPLEMENTARY INFORMATION:** 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 (predominately 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 southeastern Florida has been greater than in most other regions of the State. Southeastern Florida has experienced tremendous urban growth in the past 50 years and much of this commercial and residential development has occurred on the dry soils which historically supported scrub-jay habitat. Based on existing soils data, much of the historic and current scrub-jay habitat of coastal east Florida occurs along a narrow stretch of historic sand dunes situated on a north-south axis from Dade to Flagler County. 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 suppression of the wildfires that maintained xeric uplands in conditions suitable for scrub-jays.

Scrub-jays using the Project site and adjacent lands are considered part of a larger complex of scrub-jays that occupy

xeric uplands of southeastern Florida. This complex of scrub-jay families ranges from about eastcentral Martin County south to northeastern Palm Beach County. The majority of scrub-jays within this complex are found within Jonathan Dickinson State Park which is located about 10 miles north of the Project site. The continued survival of scrub-jays in this area may depend on the maintenance of suitable habitat and the restoration of unsuitable habitat in northeastern Palm Beach and southeastern Martin counties.

Scrub-jay use of the Project site and adjacent lands has been assessed on two occasions. In February 1998, field investigations determined that one scrub-jay family comprising three individual birds used portions of the Project site as well as adjacent lands. Systematic surveys conducted in April 1998 documented use of about 2.7 acres of suitable habitat within the Project site by one family represented by two individual birds.

The Project site represents one of the few remaining undeveloped parcels east of the Intracoastal Waterway in northern Palm Beach County that provides habitat for the scrub-jay. Several tracts of public conservation lands are also located in the vicinity of the Project site, but much of the remaining landbase has been developed for commercial or residential uses. The Project site is bounded on three sides by urban development and the site itself has been negatively influenced by previous land clearing activities, off-road vehicle use, and invasion by exotic species. Due to the proximity of the Project site to existing residential and commercial development, fire has been actively excluded because of safety concerns. As a result, the condition of the xeric habitat within the Project site is degraded; periodic fire or land management practices that mimic fire are required to maintain habitat conditions suitable for the scrub-jay.

Land clearing in preparation for commercial construction will destroy habitat and result in death of, or injury to, scrub-jays, incidentally to the carrying out of these otherwise lawful activities. Habitat alteration associated with the proposed commercial development will reduce the availability of feeding, nesting, and sheltering habitat for scrub-jays.

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

- The Applicants agree to preserve, restore, and manage 1.77 acres of scrub-jay habitat within the project site.
- The Applicants agree to avoid disturbance to occupied scrub-jay habitat during the nesting season.
- The Applicants agree to further minimize impacts by using native xeric plants for ornamental purposes through the commercial facility when completed.
- The Applicants agree to avoid land clearing activities during the scrub-jay nesting season.
- The Applicants agree to compensate for the unavoidable destruction of 1.67 acres of occupied scrub-jay habitat by providing funding in the amount of \$124,093 to acquire and manage scrub-jay habitat in southeastern Florida, conduct public outreach, and/or fund research, as specified by the Service.
- In the event the on-site preserve is not occupied by scrub-jays within three years following completion of the commercial construction, the Applicants also agree to provide additional funding in the amount of \$93,465 to acquire and manage scrub-jay habitat in southeastern Florida, conduct public outreach, and/or fund research, as specified by the Service.

The draft EA considers the environmental consequences of one action alternative which would require issuance of a Permit. The no action alternative (not issue the Permit) will ultimately result in loss of scrub-jay habitat within the Project site due to habitat degradation. The no action alternative may also expose the Applicants under Section 9 of the Act. The preferred alternative would affect about 1.67 acres of occupied scrub-jay habitat while protecting and enhancing 1.77 acres of habitat on-site. Additional scrub-jay habitat would also be acquired in the future and managed with the funding provided by the Applicants.

The proposed action alternative is issuance of the Permit according to the Plan as submitted and described above. Under the proposed alternative, the effect of the proposed minimization and mitigation measures will be the protection, restoration, and management of 1.77 acres of scrub-jay habitat within the Project site that will provide habitat for nesting, foraging, and shelter and stop-over habitat for dispersing birds. With management of on-site habitat, existing conditions may improve over the long-term for scrub-jays in the vicinity. The contribution of mitigation funding will provide the Service opportunities to protect and manage other suitable habitat in southeastern Florida. Mitigation funding will likely be used in combination with other

matching sources of money to target the purchase of larger tracts of habitat. As a result, the immediate acquisition of habitat with the mitigation funding provided by the Applicant is not anticipated.

However, any future acquisition made with all or portions of this funding is expected to benefit scrub-jays since habitat protection and management has been identified as one of the most important conservation tasks for this species.

As stated above, the Service has made a preliminary determination that the issuance of the Permit is not a major Federal action significantly affecting 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 draft EA and Plan.

The Service will also evaluate whether the issuance of a section 10(a)(1)(B) Permit complies with Section 7 of the Act by conducting an intra-Service Section 7 consultation. The results of the biological opinion, in combination with the above findings, will be used in the final analysis to determine whether or not to issue the Permit.

Dated: December 22, 1999.

**Judy L. Jones,**

*Acting Regional Director.*

[FR Doc. 99-33738 Filed 12-28-99; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Change in Administrative Jurisdiction of Navassa Island

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

**ACTION:** Notice.

**SUMMARY:** We are announcing the establishment of Navassa Island National Wildlife Refuge located in the Caribbean Sea, and that the Secretary of the Interior has delegated the authority for the civil administration of Navassa Island to the Director of the U.S. Fish and Wildlife Service.

**FOR FURTHER INFORMATION CONTACT:**

Jeffery M. Donahoe, Chief, Division of Realty, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Room 622, Arlington, Virginia 22203; Telephone (703) 358-1713; FAX (703) 358-2223.

**SUPPLEMENTARY INFORMATION:** This gives public notice of the establishment of the Navassa Island National Wildlife

Refuge. A Memorandum of Understanding (MOU) between the Director of the United States Fish and Wildlife Service (Service) and the Director of the Office of Insular Affairs (both within the Department of the Interior) established the refuge on April 22, 1999. On December 3, 1999, the Secretary of the Interior transferred full administrative responsibility for the island and its territorial waters from the Office of Insular Affairs to the United States Fish and Wildlife Service by Secretarial Order 3210.

We will continue to administer this area under the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd-ee), the general regulations governing the National Wildlife Refuge System published in Title 50, Subchapter C, Code of Federal Regulations, and in accordance with all applicable laws, policies, and rules.

The refuge consists of all of Navassa Island located in latitude 18°25' N and longitude 75°02' W from Greenwich together with the full extent of its territorial sea, which currently extends outward to 12 miles. Secretarial Order 3210, dated December 3, 1999 delegated the authority over Navassa Island from the Secretary of the Interior to the Director of the Service. We took this action in furtherance of United States sovereignty over Navassa Island and to protect the unique ecosystem of Navassa Island, the adjacent coral reefs, and marine waters.

The Service, which has been managing the refuge pursuant to the MOU, will continue to manage it under all applicable laws, policies, and regulations that govern the National Wildlife Refuge System. In carrying out those responsibilities, and consistent with those authorities, we shall ensure that we manage the unique ecosystem of the refuge to preserve its character in support of the protection and conservation of the fish and wildlife in the refuge.

Dated: December 15, 1999.

**Jamie Rappaport Clark,**

*Director, U.S. Fish and Wildlife Service.*

[FR Doc. 99-33407 Filed 12-28-99; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Notice of Receipt of Application for Approval

The following applicant has applied for approval to conduct certain activities with birds that are protected under the Wild Bird Conservation Act of 1992.

This notice is provided under section 112, paragraph 4, of the Wild Bird Conservation Act of 1992, and Title 50, of the Code of Federal Regulations, Section 15.26(c).

Applicant: Hurricane Aviaries Inc., Loxahatchee, FL. The applicant wishes to establish a cooperative breeding program for the Blue-headed macaw (*Ara couloni*). The applicant wishes to be an active participant in this program with four other private enterprises. The American Federation of Aviculture Inc. has assumed the responsibility for the oversight of the program.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, VA 22203 and must be received by the Director within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review, *subject to the requirements of the Privacy Act and Freedom of Information Act*, by any party who submits a written request for a copy of these documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, VA 22203. Phone: (703/358-2095); FAX: (703/358-2298).

Dated: December 22, 1999.

**Bruce Weissgold,**

*Acting Chief, Branch of Operations, Office of Management Authority.*

[FR Doc. 99-33779 Filed 12-28-99; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Notice of Receipt of Application for Approval

The following applicant has applied for approval to conduct certain activities with birds that are protected under the Wild Bird Conservation Act of 1992. This notice is provided under Section 112, paragraph 4, of the Wild Bird Conservation Act of 1992, and Title 50, of the Code of Federal Regulations, Section 15.26(c).

Applicant: Jerry G. Royster, Leonard, MI. The applicant wishes to establish a cooperative breeding program for the Orange-breasted Fig-parrot (*Cyclopsitta gulielmiterti*), Double-eyed Fig-parrot (*Cyclopsitta diophthalma*), Desmarest's Fig-parrot (*Psittaculirostris desmarestii*), Edward's Fig-parrot (*Psittaculirostris edwardsii*), and Salvadori's Fig-parrot