

**Permit No. TE-055397**

*Applicant:* California Department of Parks and Recreation, Santa Cruz, California.

The applicant requests a permit to take (harass by survey and kill by fire) the Ohlone tiger beetle (*Cicendela ohlone*) in Santa Cruz County, California in conjunction with habitat enhancement for the purpose of enhancing its survival.

**Permit No. TE-025203**

*Applicant:* David Griffin, Jamul, California.

The permittee requests a permit amendment to take (survey by pursuit) the Quino checkerspot butterfly (*Euphydryas editha quino*) in San Diego County, California in conjunction with demographic studies for the purpose of enhancing its survival.

**Permit No. TE-821967**

*Applicant:* Paul Galvin, Irvin, California.

The permittee requests a permit amendment to take (harass by banding) the least Bell's vireo (*Vireo bellii pusillus*) and to take (harass by survey) the California least tern (*Sterna antillarum browni*) throughout the range of each species in California in conjunction with surveys for the purpose of enhancing their survival.

**DATES:** Written comments on these permit applications must be received within 30 days of the date of publication of this notice.

**ADDRESSES:** Written data or comments should be submitted to the Chief, Endangered Species, Ecological Services, U.S. Fish and Wildlife Service, 911 NE. 11th Avenue, Portland, Oregon 97232-4181; Fax: (503) 231-6243. Please refer to the respective permit number for each application when submitting comments. All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public.

**FOR FURTHER INFORMATION CONTACT:** 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 such documents within 20 days of the date of publication of this notice to the address above; telephone: (503) 231-2063. Please refer to the respective permit number for each application when requesting copies of documents.

Dated: May 1, 2002.

**Rowan W. Gould,**

*Acting Regional Director, Region 1, Portland, Oregon.*

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**BILLING CODE 4310-55-P**

**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service**

**Availability of an Environmental Assessment and Receipt of an Application for an Incidental Take Permit for a Storm Water Retention Pond, in Volusia County, FL**

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

**ACTION:** Notice.

**SUMMARY:** The Volusia County, Public Works, Engineering Department (Applicant), seeks an incidental take permit (ITP) from the Fish and Wildlife Service (Service), pursuant to Section 10(a)(1)(B) of the Endangered Species Act of 1973 (Act), as amended. The ITP would authorize the take of two families of the threatened Florida scrub-jay, *Aphelocoma coerulescens* and the threatened eastern indigo snake, *Drymarchon corais couperi*, in Volusia County, Florida, for a period of five (5) years. A description of the mitigation and minimization measures outlined in the Applicant's Habitat Conservation Plan (HCP) to address the effects of the Project to the protected species is described further in the **SUPPLEMENTARY INFORMATION** section below.

The Service also announces the availability of an environmental assessment (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 (NEPA), as amended. 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).

If you wish to comment, you may submit comments by any one of several methods. Please reference permit number TE054160-0 in such comments.

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, EA, and HCP should be sent to the Service's Regional Office (see **ADDRESSES**) and should be received on or before July 1, 2002.

**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, 6620 Southpoint Drive South, Suite 310, Jacksonville, Florida 32216-0912. Written data or comments concerning the application, EA, or HCP should be submitted to the Regional Office. Comments and requests for the documentation must be in writing to be processed. Please reference permit number TE054160-0 in such comments, or in requests of the documents discussed herein.

**FOR FURTHER INFORMATION CONTACT:** Mr. David Dell, Regional Permit Coordinator, (see **ADDRESSES** above), telephone: 404/679-7313; or Ms. Jane Monaghan, Fish and Wildlife Biologist, Jacksonville Field Office, (see **ADDRESSES** above), telephone: 904/232-2580, extension 128.

**SUPPLEMENTARY INFORMATION:** The proposed taking is incidental to land clearing activities, road widening and storm water retention pond excavation on the 3.21-acre project site. (Project). The Project contains about 3.21 acres of occupied Florida scrub-jay habitat, and the potential exists for the entire Project site to provide habitat to the Eastern indigo snake.

Florida scrub-jays are geographically isolated from other species of scrub-jays found in Mexico and the western United States. The Florida 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 Florida scrub-jay population has been reduced by at least half in the last 100 years. Surveys have indicated that two families of Florida scrub-jays utilize habitat associated with the proposed storm water retention pond site along Howland Boulevard on the Project site. Construction of the storm water retention pond will likely result in death of, or injury to, Florida scrub-jay incidental to the carrying out of these otherwise lawful activities. Habitat alteration associated with property development will reduce the availability of habitat used for feeding and shelter.

Historically, the eastern indigo snake occurred throughout Florida and into the coastal plain of Georgia, Alabama, and Mississippi. Georgia and Florida currently support the remaining, endemic populations of eastern indigo snake. Over most of its range, the eastern indigo snake frequents a diversity of habitat types such as pine flatwoods, scrubby flatwoods, xeric sandhill communities, tropical hardwood hammocks, edges of freshwater marshes, agricultural fields, coastal dunes and human altered habitats. Due to its relatively large home range, this snake is especially vulnerable to habitat loss, degradation, and fragmentation. The wide distribution and territory size requirements of the eastern indigo snake makes evaluation of status and trends very difficult. Surveys for this species on site were negative, however the habitat is suitable. If any eastern indigo

snakes are present, construction of the Project's infrastructure may result in their death or injury incidental to the carrying out of these otherwise lawful activities.

The EA considers the environmental consequences of two alternatives. The no action alternative may result in loss of habitat for Florida scrub-jay and eastern indigo snakes and exposure of the Applicant under section 9 of the Act. The proposed action alternative is issuance of the ITP with off-site mitigation. The off-site preservation alternative would provide funding for the restoration and management of 6.42 acres of occupied habitat within a 357-acre county-owned scrub habitat preserve known as the Lyonia Scrub Preserve. The affirmative conservation measures outlined in the HCP to be employed to offset the anticipated level of incidental take to the protected species are the following:

1. The impacts associated with the proposed project include 3.21 acres of impacts to occupied scrub-jay habitat for the excavation of a storm water retention pond associated with the widening of Howland Boulevard. To mitigate for the proposed impacts to occupied habitat the applicant will provide funds for the restoration and management of 6.42 acres of county owned occupied scrub habitat. This amount is based on mitigation at a ratio of 2:1 (two acres restored for every one acre impacted). Management will be conducted on a regular basis by Volusia County. After initial habitat restoration of the 6.42 acre mitigation area, the property would then be managed as part of the Lyonia Scrub Preserve, requiring preservation and management for Florida scrub-jays and eastern indigo snakes into perpetuity.

2. No construction activities would occur within 150 feet of an active Florida scrub-jay nest during the nesting season.

3. The HCP provides a funding mechanism for these mitigation measures.

As stated above, the Service has made a preliminary determination that the issuance of 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 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. An appropriate excerpt from the FONSI reflecting the Service's finding on the application is provided below:

Based on the analysis conducted by the Service, it has been determined that:

1. Issuance of an ITP would not have significant effects on the human environment in the project area.

2. The proposed take is incidental to an otherwise lawful activity.

3. The Applicant has ensured that adequate funding will be provided to implement the measures proposed in the submitted HCP.

4. Other than impacts to endangered and threatened species as outlined in the documentation of this decision, the indirect impacts which may result from issuance of the ITP are addressed by other regulations and statutes under the jurisdiction of other government entities. The validity of the Service's ITP is contingent upon the Applicant's compliance with the terms of the permit and all other laws and regulations under the control of State, local, and other Federal governmental entities.

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 biological opinion, in combination with the above findings, will be used in the final analysis to determine whether or not to issue the ITP.

Dated: May 17, 2002.

**Christine Eustis,**

*Acting Regional Director.*

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[WO-600-1820-00 IA]

#### National Historic Oregon Trail Interpretive Center Advisory Board; Notice of Reestablishment

**AGENCY:** Bureau of Land Management (BLM), Oregon State Office, Interior.

**SUMMARY:** This notice is published in accordance with Section 9(a)(2) of the Federal Advisory Committee Act of 1972, Public Law 92-463. Notice is hereby given that the Secretary of the Interior has reestablished the Bureau of Land Management's National Historic Oregon Trail Interpretive Center Advisory Board.

The purpose of the Board will be to advise the Bureau of Land Management Vale District Manager regarding policies, programs, and long-range planning for the management, use, and further development of the Interpretive Center; establish a framework for an enhanced partnership and participation between the Bureau and the Oregon