

on the dry soils which previously supported scrub-jay habitat. Based on existing soils data, much of the historic and current scrub-jay habitat of coastal west-central Florida occurs proximal to the current shoreline and larger river basins. 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 interruption of the natural fire regime which is needed to maintain xeric uplands in conditions suitable for scrub-jays.

The scrub-jays reported using the subject residential lot and adjacent properties are part of a larger complex of scrub-jays located in a matrix of urban and natural settings in southern Sarasota County. The project site represents a portion of an isolated scrub-jay territory. Scrub-jays in urban areas are particularly vulnerable and typically do not successfully produce young that survive to adulthood. Persistent urban growth in this area is likely to result in further reductions in the amount of suitable habitat for scrub-jays. Increasing urban pressures are also likely to result in the continued degradation of scrub-jay habitat as fire exclusion slowly results in vegetative overgrowth. Thus, over the long term, scrub-jays are unlikely to persist in urban settings, and conservation efforts for this species should target acquisition and management of large parcels of land outside the direct influence of urbanization.

Construction of the project's infrastructure and facilities would result in harm to scrub-jays, incidental to the carrying out of these otherwise lawful activities. Habitat alteration associated with the proposed residential construction would reduce the availability of foraging, sheltering, and possible nesting habitat for one family of scrub-jays. The Applicants propose to conduct clearing activities outside of the nesting season. The Applicants propose to remove any exotic vegetation from the lot and maintain the remaining area in native vegetation for use by the resident scrub-jays. The Applicants propose to replace any scrub oaks and wax myrtles that might be removed during land clearing. The Applicants propose to avoid landscaping with trees that would grow tall (greater than 30 feet) and potentially provide perch trees for predators that could prey on scrub-jays on this lot and surrounding unimproved lots. The Applicants would not have any free-roaming cats as they

can be a potential predator on young scrub-jays.

The Applicants also propose to mitigate the take of scrub-jays through contribution of \$4,000 to the Sarasota County Scrub-jay Mitigation Plan Fund administered by Sarasota County. Funds in this account are earmarked for use in the conservation and recovery of scrub-jays and may include habitat acquisition, restoration, and management. The Applicants assert that the \$4,000 payment is the maximum extent of mitigation practicable for them while still allowing them to implement on-site mitigation measures.

The Service has determined that the HCP is a low-effect plan that is categorically excluded from further NEPA analysis, and does not require the preparation of an Environmental Assessment or Environmental Impact Statement. This preliminary information may be revised based on our review of any public comments that we receive in response to this notice. Low-effect HCPs are those 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. The Applicants' HCP qualifies for the following reasons:

1. Approval of the HCP would result in minor or negligible effects on the Florida scrub-jay population as a whole. The Service does not anticipate significant direct or cumulative effects to the Florida scrub-jay population as a result of the project.

2. Approval of the HCP would not have adverse effects on known unique geographic, historic, or cultural sites, or involve unique or unknown environmental risks.

3. Approval of the HCP would not result in any significant adverse effects on public health or safety.

4. The project does not require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act, nor does it threaten to violate a Federal, State, local, or tribal law or requirement imposed for the protection of the environment.

5. Approval of the Plan would not establish a precedent for future actions or represent a decision in principle about future actions with potentially significant environmental effects.

The Service has determined that approval of the Plan qualifies as a categorical exclusion under NEPA, as provided by the Department of the Interior Manual (516 DM 2, Appendix 1, and 516 DM 6, Appendix 1). Therefore,

no further NEPA documentation will be prepared.

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, the ITP will be issued for incidental take of the Florida scrub-jay. The Service 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. The results of this consultation, in combination with the above findings, will be used in the final analysis to determine whether or not to issue the ITP.

Dated: July 18, 2005.

Cynthia K. Dohner,

Acting Regional Director.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered and Threatened Species Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications.

SUMMARY: The following applicants have applied for scientific research permits to conduct certain activities with endangered species pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended.

DATES: To ensure consideration, written comments must be received on or before September 15, 2005.

ADDRESSES: Written comments should be submitted to the Chief, Endangered Species Division, Ecological Services, P.O. Box 1306, Room 4102, Albuquerque, New Mexico 87103. 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. Documents will be available for public inspection, by appointment only, during normal business hours at the U.S. Fish and Wildlife Service, 500 Gold Ave. SW, Room 4102, Albuquerque, New Mexico. 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:
Chief, Endangered Species Division,
(505) 248-6920.

SUPPLEMENTARY INFORMATION:

Permit No. TE-107811.

Applicant: John Fowler, Las Cruces,
New Mexico

Applicant requests a new permit for research and recovery purposes to allow survey and collection for Sacramento prickly poppy (*Argemone pleiacantha ssp. pinnatisecta*) within New Mexico.

Permit no. TE-836329

Applicant: Blanton & Associates,
Austin, Texas.

Applicant requests an amendment to an existing permit to conduct presence/absence surveys for interior least tern (*Sterna antillarum*), Mexican spotted owl (*Strix occidentalis lucida*), southwestern willow flycatcher (*Empidonax traillii extimus*), and Concho water snake (*Nerodia paucimaculata* (= *harteri p.*)) within Arizona, New Mexico, and Texas.

Permit No. TE-108409

Applicant: Tiffany Bone, Urbana,
Illinois.

Applicant requests a new permit for research and recovery purposes to allow survey and collection for Huachuca water-umbel (*Lilaeopsis schaffnerian* var. *recurva*) within Arizona.

Authority: 16 U.S.C. 1531, *et seq.*

Dated: July 28, 2005.

Joy E. Nicholopoulos,

Acting Assistant Regional Director, Ecological Services, Region 2, Albuquerque, New Mexico.

[FR Doc. 05-16176 Filed 8-15-05; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered and Threatened Wildlife and Plants; 5-Year Review of Tooth Cave Ground Beetle

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of review.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces a 5-year review of the Tooth Cave ground beetle (*Rhadine persephone*) under the Endangered Species Act of 1973 (Act). The purpose of reviews conducted under this section of the Act is to ensure that the classification of species as threatened or endangered on the List of Endangered and Threatened Wildlife

and Plants (50 CFR 17.12) is accurate. The 5-year review is an assessment of the best scientific and commercial data available at the time of the review.

DATES: To allow adequate time to conduct this review, information submitted for our consideration must be received on or before November 14, 2005. However, we will continue to accept new information about any listed species at any time.

ADDRESSES: Information submitted on this species should be sent to the Field Supervisor, attention 5-year Review, U.S. Fish and Wildlife Service, Austin Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, Texas 78758. Information received in response to this notice of review will be available for public inspection by appointment, during normal business hours, at the same address.

FOR FURTHER INFORMATION CONTACT:

Robert Pine, at the U.S. Fish and Wildlife Service, Austin Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, Texas 78758, 512-490-0057 x -248.

SUPPLEMENTARY INFORMATION:

Why Is a 5-year Review Conducted?

Section 4(c)(2)(A) of the Act (16 U.S.C. 1531 *et seq.*) requires that we conduct a review of listed species at least once every 5 years. We are then, under section 4(c)(2)(B) and the provisions of subsections (a) and (b), to determine, on the basis of such a review, whether or not any species should be removed from the List of Endangered and Threatened Wildlife and Plants (List), or reclassified from endangered to threatened, or from threatened to endangered. The 5-year review is an assessment of the best scientific and commercial data available at the time of the review. Therefore, we are requesting submission of any new information (best scientific and commercial data) on the Tooth Cave ground beetle since the original listing as endangered in 1988 (53 FR 36029).

Our regulations at 50 CFR 424.21 require that we publish a notice in the **Federal Register** announcing those species currently under active review. This notice announces our active review of the Tooth Cave ground beetle.

What Could Happen as a Result of This Review?

If we find that there is new information concerning Tooth Cave ground beetle indicating a change in classification may be warranted, we may propose a new rule that could either reclassify the species from endangered to threatened (downlist) or remove the

species from the List (delist). If we determine that a change in classification is not warranted, then this species will remain on the List under its current status of endangered. Any change in Federal classification would require a separate rule-making process.

What Information Is Considered in the Review?

A 5-year review considers all new information available at the time of the review. These reviews will consider the best scientific and commercial data that have become available since the current listing determination or most recent status review of each species, such as:

A. Species biology, including but not limited to population trends, distribution; abundance, demographics, and genetics;

B. Habitat conditions, including but not limited to amount, distribution, and suitability;

C. Conservation measures that have been implemented to benefit the species;

D. Threat status and trends (see five factors under heading "How do we determine whether a species is endangered or threatened?"); and

E. Other new information, data, or corrections, including but not limited to taxonomic or nomenclatural changes, identification of erroneous information contained in the List of Endangered and Threatened Wildlife and Plants, and improved analytical methods.

Background on the Tooth Cave Ground Beetle

The Tooth Cave ground beetle is a very small invertebrate found only underground in caves and karst features in Williamson and Travis Counties, Texas, in and near the Austin metropolitan area. The continued existence of this species depends on the ecological stability of the karst environments in which it is found. The Tooth Cave ground beetle is known only from the Cedar Park and Jollyville karst fauna regions as delineated by Veni & Associates (1992, Geologic controls on cave development and the distribution of cave fauna in the Austin, Texas, region, Report to U.S. Fish and Wildlife Service, v+77 pp.). Karst fauna regions are geographic areas delineated based on geologic continuity, hydrology, and the distribution of rare karst invertebrate species. There are seven karst fauna regions delineated in Williamson and Travis Counties.

The primary threat to the Tooth Cave ground beetle is habitat loss due to encroaching urban development. The species occurs in an area of central Texas that is undergoing continued