

shrub, forested lands, and grasslands would not be restored and managed. Moist-soil impoundments, currently managed for waterfowl and shorebirds, would be converted to fishing ponds for public use. Hunting seasons would be aligned with state regulations to allow for maximum use. All-terrain vehicle use would continue to disperse hunters, with additional funding used to maintain the maximum number of trails and roads for access.

Auto tours, canoe trails, foot trails, and observation towers would be added for environmental education and watchable wildlife programs. Additional staff would be used for developing and presenting both on- and off-site outreach and interpretation programs.

A visitor center and headquarters office would be constructed at Yazoo National Wildlife Refuge. Two new subheadquarters and visitor contact stations would be constructed at Panther Swamp and Morgan Brake Refuges. The new subheadquarters at Panther Swamp Refuge would be relocated off either Highway 49 or River Road, to provide greater visibility and access to the public.

Land acquisition within the current acquisition boundary would continue with emphasis on those lands that could provide additional public use opportunities and greater access to current refuge lands by the public.

#### *Alternative D. Interior Forest Habitat Emphasis*

Under this alternative, all suitable Complex lands would be reforested in support of migratory birds and other wildlife dependent on interior forest habitats. Most refuge management actions would be directed toward creating and managing the largest amount of interior and corridor forest habitat (for Louisiana black bear, neotropical migratory songbirds, and other interior forest wildlife) and reducing forest fragmentation, while supporting the overall primary purposes for the Complex of preserving wintering habitat for mallards, pintails, and wood ducks, and providing production habitat for wood ducks and other migratory birds dependent on forested habitats. Other national, regional, and state goals to protect and restore shorebird, grassland, and scrub/shrub bird populations would be supported secondarily in habitats that were not suitable for reforestation. Step-down waterfowl objectives, established by the Lower Mississippi Joint Venture, in support of the North American Waterfowl Management Plan, for unharvested crops and moist soil would not be met. However, wintering

waterfowl would potentially benefit from additional flooded timber habitat, including mast and invertebrate production.

Open habitat for geese would not be maintained on Yazoo National Wildlife Refuge and farming would be eliminated throughout the Complex. Eliminating farming would eliminate goose use, maximize the amount of forests and forested corridor habitats, and minimize forest fragmentation. A forest management plan, designed to address this alternative's primary goals by creating spatially and specifically diverse woodlands, would be developed and implemented. Quality wildlife-dependent recreation activities (e.g., hunting, fishing, wildlife observation, and environmental education and interpretation) would be provided. An environmental education plan, incorporating aggressive and proactive promotion of on- and off-site programs, would be developed and implemented. Improvements would be made to interior and exterior roads to provide all-weather vehicular access to a broad segment of the public; however, existing and proposed roads and trails would be evaluated for their impacts on forest fragmentation. Wildlife observation sites/platforms; interpretive trails, boardwalks, and kiosks; and restrooms would be provided at specific sites to allow for fully accessible interpretation and environmental education programs. Fishing would be provided on Panther Swamp, Hillside, Morgan Brake, and Mathews Brake National Wildlife Refuges.

Under this alternative, the complex would continue to seek, from willing sellers, acquisition of all inholdings within the present acquisition boundary. Highest priority would be given to those lands that may be reforested to contribute to the interior forest objectives. Lands would be made available for compatible wildlife-dependent public recreation and environmental education opportunities. Additionally, the Complex would concentrate on all future off-refuge programs and partnerships within the "Conservation Partners Focus Area," with an emphasis on contributing to interior forest habitat.

**Authority:** This notice is published under the authority of the National Wildlife Refuge System Improvement Act of 1997, Public Law 105-57.

Dated: April 7, 2005.

**Jacquelyn B. Parrish,**  
*Acting Regional Director.*

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**BILLING CODE 4310-55-M**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### **Receipt of an Application for an Incidental Take Permit for Sand Skinks and Bluetail Mole Skinks Resulting From the Proposed Construction of a Planned Unit Development in Polk County, FL**

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

**ACTION:** Notice.

**SUMMARY:** Oakmont Grove Venture, L.L.C. (Applicant) requests an incidental take permit (ITP) pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*). The requested term of the ITP is nine years. The Applicant anticipates take of the threatened sand skink (*Neoseps reynoldsi*) and bluetail mole skink (*Eumeces egregius lividus*) incidental to the development of approximately 18.59 acres of sand skink habitat and the restoration, enhancement, and management of 71.14 acres of sand skink habitat on-site associated with the construction of a planned unit development (project). Bluetail mole skinks have not been observed on the Oakmont project site, but they are known to share habitats occupied by sand skinks. Therefore, incidental take of the bluetail mole skink could occur in the same areas that are occupied by the sand skink. The proposed project would occur in Sections 3, 9, 10, and 15, Township 26 South, Range 27 East, Polk County, Florida.

The Applicant's Habitat Conservation Plan (HCP) describes the mitigation and minimization measures proposed to address the effects of the project on the sand skink and bluetail mole skink. These measures are also outlined in the **SUPPLEMENTARY INFORMATION** section below. We announce the availability of the ITP application, HCP, and Environmental Assessment (EA). Copies of the application, HCP, and EA may be obtained by making a request to the Southeast Regional Office (see **ADDRESSES**). Requests must be in writing to be processed. This notice is provided pursuant to section 10 of the Act and National Environmental Policy Act (NEPA) regulations (40 CFR 1506.6). **DATES:** Written comments on the ITP application, EA, and HCP should be sent to the Service's Southeast Regional Office (see **ADDRESSES**) and should be received on or before December 12, 2005.

**ADDRESSES:** Persons wishing to review the ITP application, EA, and HCP may

obtain a copy by writing the Service's Southeast Regional Office, at the address below. Please reference permit application number TE098035-0 in such requests. Documents will also be available for public inspection by appointment during normal business hours either at the Southeast Regional Office, U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345 (Attn: Endangered Species Permits), or at the South Florida Ecological Services Office, U.S. Fish and Wildlife Service, 1339 20th Street, Vero Beach, Florida 32960-3559 (Attn: Field Supervisor).

**FOR FURTHER INFORMATION CONTACT:** Mr. David Dell, Regional HCP Coordinator, Southeast Regional Office (see **ADDRESSES** above), at 404-679-7313, facsimile: 404-679-7081; or Mr. Spencer Simon, Fish and Wildlife Biologist, South Florida Ecological Services Office (see **ADDRESSES** above), at 772-562-3909, extension 345.

**SUPPLEMENTARY INFORMATION:** If you wish to comment, you may submit comments by any one of several methods. Please reference permit application number TE098035-0 in such comments. You may mail comments to the Service's Southeast Regional Office (see **ADDRESSES**). You may also comment via the Internet to [david\\_dell@fws.gov](mailto: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 e-mail message. If you do not receive a confirmation from the Service that we have received your e-mail message, contact us directly at either telephone number listed above (see **FOR FURTHER INFORMATION CONTACT**). Finally, you may hand-deliver comments to either Service office listed above (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.

The sand skink is endemic to the sandy ridges of central Florida, occurring in Highlands, Lake, Marion, Orange, Osceola, Polk, and Putnam counties. Principal populations occur on the Lake Wales and Winter Haven Ridges in Highlands, Lake, and Polk counties. The sand skink is widespread in xeric uplands with sandy substrates, but appears to be most abundant in ecotonal areas, typically between high pine and scrub. These areas are exposed to frequent lightning strikes which resulted in the evolution of plant and animal species that became dependent on frequent fires to persist. Due to the effects of urbanization and agricultural development, historic skink habitat has been reduced in size and has become fragmented. As a consequence of habitat fragmentation, much of the remaining habitat for skinks is poor quality due to the lack of periodic fires; fire exclusion has been practiced since settlement of the area.

Except for a few locations where intensive research has been conducted, there is very little information about the presence or abundance of sand skinks, as well as the status and trends of this species in South Florida. Current research indicates that densities of sand skinks per acre range from 371 to 419 in habitats consisting of sand live oak with open groundcover, from 145 to 194 in habitats consisting of improved pasture with a mosaic of open sandy patches, and 81 in habitats consisting of sand live oak with moderate ground cover.

Sand skink occupation of all suitable habitats within the project site was determined by observation of sign (tracks and disturbance of the sand surface) during site evaluations conducted in April 2003. Unsuitable areas were also surveyed for sign, and were considered habitat for minimization and mitigation purposes if sign was observed. Based upon estimates of sand skink densities in various habitats as described in scientific literature, the theoretical sand skink population on the Oakmont project site is between 17,615 and 20,507 skinks. The theoretical population loss due to direct impacts of the Oakmont project would be between 2,756 and 3,141 skinks.

The bluetail mole skink occupies xeric upland habitats of the Central Ridge in peninsular Florida. It requires open, sandy patches interspersed with scrub vegetation. Much of the bluetail mole skink's habitat has been destroyed or degraded due to residential,

commercial, and agricultural development. Very little information is known about the dispersal, population densities, and life history characteristics of bluetail mole skinks.

Bluetail mole skinks have not been observed on the Oakmont project site, but they are known to share habitats occupied by sand skinks. Therefore, it is considered likely that the proposed development, restoration, and management activities could result in incidental take of the bluetail mole skink. Since the proposed preservation, restoration, and management plan for the scrub communities on the Oakmont project site supports the recovery goals established by the Service for the bluetail mole skink, the project would be anticipated to maintain or improve available suitable habitat for this species on-site.

The project site is bounded on the north by County Road 54 and on the south by Bowen Road, and is west of State Road 547 in Polk County. The scrub habitat present on the Oakmont project site consists of small, remnants of scrub habitat that have been isolated and fragmented by adjacent development and agricultural uses of the site, larger tracts of relatively undisturbed and unmanaged habitat (some of which have transitioned into closed canopied systems), as well as areas that have been incorporated into improved pasture areas for cattle grazing.

Land clearing in preparation for a planned unit development would destroy scrub habitat and would likely result in take of sand skinks and bluetail mole skinks, incidental to the carrying out of these otherwise lawful activities. Habitat alteration associated with the proposed planned unit development would reduce the availability of feeding, breeding, and sheltering habitat for these species.

The Applicant's HCP describe the following minimization and mitigation strategy that would be employed by the Applicant to offset the impacts of the project to the sand skink and bluetail mole skink:

(1) The Applicant would enhance and manage 32.50 acres of occupied oak scrub sand skink habitat.

(2) The Applicant would restore and manage 38.64 acres of occupied, low quality sand skink habitat.

(3) The Applicant would monitor the project site for five years to evaluate both the vegetative composition and structure, and the presence of sand skinks within the preserved and restored scrub habitats.

The EA considers the environmental consequences of the no action

alternative (not to issue the ITP) and two action alternatives that would require issuance of an ITP. The no action alternative would ultimately result in loss of sand skink and bluetail mole skink habitat within the project vicinity due to habitat degradation. The no action alternative could also expose the Applicant to violations under section 9 of the Act.

An action alternative considered in the EA would be the issuance of the ITP for the development as approved by local government authorities, with off-site mitigation for project impacts to occupied sand skink habitat. Under this alternative, the acquisition of up to 201.0 acres of suitable skink habitat would be required. This alternative would also result in the loss of 89.7 acres of occupied sand skink habitat at the development site.

The second action alternative (proposed project) would be issuance of the ITP according to the HCP as submitted and described above. This alternative, which includes a modification of the Applicant's currently approved development plan, would affect about 18.59 acres of occupied sand skink habitat in Polk County, Florida. The mitigation measures for the proposed action alternative include enhancement and management of 32.50 acres of suitable habitat, and restoration and management of 38.64 acres of low quality habitat in Polk County, Florida.

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.

The Service will evaluate the HCP and comments submitted thereon to determine whether the application meets the requirements of section 10(a)(1)(B) of the Act. If it is determined that those requirements are met, the ITP will be issued for incidental take of the sand skink and bluetail mole skink. 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 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: September 27, 2005.

**Cynthia K. Dohner,**

*Acting Regional Director.*

[FR Doc. 05-20498 Filed 10-12-05; 8:45 am]

**BILLING CODE 4310-55-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### **Receipt of a Revised Application for an Incidental Take Permit for the Florida Scrub-Jay Resulting From Construction of a Multi-Home Subdivision in Marion County, FL**

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

**ACTION:** Notice.

**SUMMARY:** Southern Multicapital Corporation (Applicant) requests an incidental take permit (ITP) for a duration of ten years, pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973 (Act), as amended (U.S.C. 1531 *et seq.*). The Applicant anticipates destroying about 93 acres of occupied Florida scrub-jay (*Aphelocoma coerulescens*) (scrub-jay) habitat in Section 21, Township 16 South, Range 21 East, Marion County, Florida. Habitat destruction would be expected due to vegetation clearing and the subsequent construction of infrastructure and single-family homes. Up to four scrub-jay families could be taken as a result of the Applicant's proposed actions.

This ITP application was previously announced in the **Federal Register** on June 14, 2005. On July 29, 2005, the Applicant withdrew the Habitat Conservation Plan (HCP) that was part of the application, in order to make modifications. The Service suspended processing the application pending receipt of a modified HCP. The Applicant submitted the current HCP on August 1, 2005.

The Applicant's HCP describes the mitigation and minimization measures proposed to address the effects of the proposed project on the scrub-jay. These measures are outlined in the **SUPPLEMENTARY INFORMATION** section below. We announce the availability of the ITP application, HCP, and an environmental assessment. Copies of the application, HCP, and environmental assessment may be obtained by making a request to the Southeast Regional Office (see **ADDRESSES**). Requests must be in writing to be processed. This notice is provided pursuant to section 10 of the Act and National Environmental Policy Act (NEPA) regulations (40 CFR 1506.6).

**DATES:** Written comments on the ITP application, HCP, and environmental assessment should be sent to the Service's Southeast Regional Office (see **ADDRESSES**) and should be received on or before December 12, 2005.

**ADDRESSES:** Persons wishing to review the application, HCP, and environmental assessment may obtain a copy by writing the Service's Southeast Regional Office at the address below. Please reference permit application number TE098004-1 in such requests. Documents will also be available for public inspection by appointment during normal business hours either at the Southeast Regional Office, U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345 (Attn: Endangered Species Permits), or at the Jacksonville Field Office, U.S. Fish and Wildlife Service, 6620 Southpoint Drive South, Suite 310, Jacksonville, Florida 32216-0912 (Attn: Field Supervisor).

**FOR FURTHER INFORMATION CONTACT:** Mr. David Dell, Regional HCP Coordinator, Southeast Regional Office (see **ADDRESSES** above), at (404) 679-7313, facsimile: (404) 679-7081; or Mr. Mike Jennings, Fish and Wildlife Biologist, Jacksonville Field Office (see **ADDRESSES** above), at (904) 232-2580.

**SUPPLEMENTARY INFORMATION:** If you wish to comment, you may submit comments by any one of several methods. Please reference permit application number TE098004-1 in such comments. You may mail comments to the Service's Southeast Regional Office (see **ADDRESSES**). You may also comment via the Internet to [david\\_dell@fws.gov](mailto: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 e-mail message. If you do not receive a confirmation from us that we have received your e-mail message, contact us directly at either telephone number listed above (see **FOR FURTHER INFORMATION CONTACT**). Finally, you may hand-deliver comments to either Service office listed above (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 addresses 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