

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 of scrub-jay habitat is largely degraded due to the interruption of the natural fire regime, which is needed to maintain xeric uplands in conditions suitable for scrub-jays.

Residential construction is proposed on Lot 8, Block 59, Unit 3, in Section 23, Township 23 South, Range 35 East, City of Port St. John, Brevard County, Florida. Lot 8 is immediately adjacent to Lot 7, on which a scrub-jay was observed by Brevard County staff in 2001–2002, and it is also part of territory cluster polygons mapped in 1999 and 2003. The project site is situated in the southern end of an area supporting a 47-family cluster of birds. 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 will likely 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 within the City of Port St. John 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 Applicant's single-family residence and infrastructure will result in harm to scrub-jays, incidental to the carrying out of these otherwise lawful activities. Habitat alteration associated with the proposed residential construction will reduce the availability of foraging, sheltering, and possible nesting habitat for one family of scrub-jays. The Applicant proposes to conduct construction activities outside of the nesting season. Other on-site minimization measures are not practicable as the footprint of the home, infrastructure, and landscaping on the 0.24-acre lot will utilize all the available land area. Retention of scrub-jay habitat on site may not be a biologically viable alternative because of increasing negative demographic effects caused by urbanization.

The Applicant proposes to mitigate for the loss of 0.24 acre of scrub-jay habitat by contributing \$3,216 to the Florida Scrub-jay Conservation Fund administered by the National Fish and

Wildlife Foundation. Funds in this account are earmarked for use in the conservation and recovery of scrub-jays and may include habitat acquisition, restoration, and/or management. The \$3,216 is sufficient to acquire and perpetually manage 0.48 acre of suitable occupied scrub-jay habitat based on a replacement ratio of two mitigation acres per one impact acre. The cost is based on previous acquisitions of mitigation lands in southern Brevard County at an average \$5,700 per acre, plus a \$1,000-per-acre management endowment necessary to ensure future management of acquired scrub-jay habitat.

We have 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 EA or EIS. This preliminary information may be revised based on public comment received 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 Applicant's HCP qualifies as a low-effect plan 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. We do not anticipate significant direct or cumulative effects to the Florida scrub-jay population as a result of the construction 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 action or represent a decision in principle about future actions with potentially significant environmental effects.

We have 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.

We 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 the incidental take of the Florida scrub-jay. We 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.

Pursuant to the June 10, 2004, order in *Spirit of the Sage Council v. Norton*, Civil Action No. 98–1873 (D.D.C.), the Service is enjoined from approving new section 10(a)(1)(B) permits or related documents containing “No Surprises” assurances until such time as the Service adopts new permit revocation rules specifically applicable to section 10(a)(1)(B) permits in compliance with the public notice and comment requirements of the Administrative Procedure Act. This notice concerns a step in the review and processing of a section 10(a)(1)(B) permit and any subsequent permit issuance will be in accordance with the Court's order. Until such time as the Service's authority to issue permits with “No Surprises” assurances has been reinstated, the Service will not approve any incidental take permits or related documents that contain “No Surprises” assurances.

Dated: January 26, 2005.

**Sam Hamilton,**

*Regional Director, Southeast Region.*

[FR Doc. 05–2885 Filed 2–14–05; 8:45 am]

**BILLING CODE 4310–55–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### Law and Order on Indian Reservations

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Rescission of notice of intent to reassume judicial jurisdiction.

**SUMMARY:** This notice rescinds the Notice of Intent published by the Bureau of Indian Affairs in the **Federal Register** on April 29, 2003.

**DATES:** *Effective Dates:* February 15, 2005.

**FOR FURTHER INFORMATION CONTACT:** Kenneth Reinfeld, Office of Self-Governance and Self-Determination, Office of the Assistant Secretary—

Indian Affairs, 1849 C Street, NW., Mail Stop 4628-MIB, Washington, DC 20240, (202) 208-5734.

**SUPPLEMENTARY INFORMATION:** This notice is published in accordance with the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs under part 209, Chapter 8, of the Departmental Manual (209 DM 8).

By letter dated August 4, 2004, the Assistant Secretary—Indian Affairs advised the Kaw Nation that the Notice of Intent published by the Bureau of Indian Affairs in the **Federal Register** on April 29, 2003 (68 FR 22728) would be rescinded by publication of a new **Federal Register** notice. The April 20, 2003 notice expressed the intent of the Bureau of Indian Affairs to reassume judicial jurisdiction for the Kaw Nation of Oklahoma and to administer court cases under the Court of Indian Offenses for the Southern Plains Region, until the Kaw Nation reestablished its court. As reflected in and confirmed by the 2004 amendment to the Nation's multi-year funding agreement, the Kaw Nation has operated its court system under its law and order codes and constitution without interruption. The April 20, 2003 notice is hereby rescinded.

Dated: January 27, 2005.

**David W. Anderson,**

*Assistant Secretary—Indian Affairs.*

[FR Doc. 05-2902 Filed 2-14-05; 8:45 am]

**BILLING CODE 4310-W8-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[CA-180]

#### Meeting of the Central California Resource Advisory Council

**ACTION:** Notice of public meeting.

**SUMMARY:** In accordance with the Federal Land Policy and Management Act (FLPMA) and the Federal Advisory Committee Act of 1972 (FACA), the U.S. Department of the Interior, Bureau of Land Management (BLM) Central California Resource Advisory Council will meet as indicated below.

**DATES:** The meeting will be held Friday and Saturday, March 11 and 12, 2005. On Friday, the RAC will meet at the University of California Lindcove Research & Extension Center, 22963 Carson Avenue, Exeter, California 93221, from 8 a.m. to 5 p.m. On Saturday, the RAC will convene at the BLM's Atwell Island office, 3945 Road 38, Alpaugh, California 93201 from 8 a.m. to 2 p.m. There will be a public

comment period on Friday, March 11 from 3 p.m. until 4 p.m.

#### **FOR FURTHER INFORMATION CONTACT:**

Deane Swickard, Field Manager, 63 Natoma Street, Folsom, CA 95630, telephone (916) 985-4474.

**SUPPLEMENTARY INFORMATION:** The twelve-member Central California Resource Advisory Council advises the Secretary of the Interior, through the Bureau of Land Management, on a variety of public land issues associated with public land management in Central California. At this meeting, agenda topics include an update on the Carrizo Management Plan, and the concept and operation of Atwell Island. The RAC will also hear status reports from the Bakersfield, Bishop, Folsom, and Hollister Field Office Managers.

The meeting is open to the public. The public may present written comments to the Council, and time will be allocated for hearing public comments. Depending on the number of persons wishing to comment and the time available, the time for individual oral comments may be limited. Individuals who plan to attend and need special assistance such as sign language interpretation or other reasonable accommodations should contact the BLM as indicated above.

*Charge Code:* CA 180-1430-HN.

Dated: January 26, 2005.

**D.K. Swickard,**

*Folsom Field Office Manager.*

[FR Doc. 05-2629 Filed 2-14-05; 8:45 am]

**BILLING CODE 4310-40-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[NV-930-5870-EU]

#### Notice of Realty Action Competitive Sale of Public Land, Washoe County, NV

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of realty action.

**SUMMARY:** A 30 acre public parcel of land located in the Pleasant Valley south of Reno, Washoe County, Nevada, has been examined and found suitable for sale utilizing competitive sale procedures.

**DATES:** Comments must be submitted by April 1, 2005. Bid deadline is 3 p.m. (PT) April 12, 2005.

**ADDRESSES:** Bureau of Land Management, Carson City Field Office, 5665 Morgan Mill Road, Carson City, NV 89706.

#### **FOR FURTHER INFORMATION CONTACT:**

Information regarding the competitive sale instructions, procedures, documents, maps and materials to submit a bid can be obtained at the Carson City Field Office's Public Land Sales Hotline at (775) 885-6111, at <http://www.nv.blm.gov/carson>, or at the public reception desk at the above address from 7:30 a.m. to 4 p.m. Monday—Friday (except Federal holidays).

**SUPPLEMENTARY INFORMATION:** The following described parcel of public land is proposed for sale:

#### **Mount Diablo Meridian, Nevada**

T 17 N, R 20 E, Sec. 18, E $\frac{1}{2}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$ , NE $\frac{1}{4}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$  totaling 30 acres more or less.

The parcel is being offered through competitive sale pursuant to 43 CFR 2711.3-1. Authority for the sale is Section 203 and Section 209 of the Federal Land Policy and Management Act of October 21, 1976 (43 U.S.C. 1701, 1713, 1719). This parcel of public land, south of Reno, Nevada, is being offered for sale through competitive sale sealed bid procedures at not less than the appraised fair market value (FMV) of \$297,000. The land is not required for Federal purposes. The disposal (sale) of the parcel would serve the public benefit by making lands available for community expansion and private economic development. As such, these lands meet the criteria for sale under 43 CFR 2710.0-3(a)(2) and (3). The subject land is identified for disposal in the Carson City Consolidated Resource Management Plan adopted in May 2001. By Public Land Order No. 7491, dated July 5, 2001, the land was withdrawn from surface entry and mining, but not from sale, exchange or recreation and public purposes. An appraisal report has been prepared by a certified appraiser to establish the FMV of the parcel.

*Patent (title document), will be issued with the following reservation:*

A right-of-way thereon for ditches and canals constructed by authority of the United States, Act of August 30, 1890 (43 U.S.C. 945), and will be subject to valid existing rights and the following encumbrances of record:

Those rights for buried communication purposes which have been granted to Nevada Bell by Right-of-Way N-53654 under the Act of October 21, 1976 (Title V, 90 Stat. 2743).

Those rights for highway purposes which have been granted to Nevada Department of Transportation by Right-of-Way CC 018418 under the Act of November 9, 1921 (42 Stat. 212).