

animals in 1955. It was federally listed as endangered in 1967 because of loss of habitat due to residential and commercial construction and high human-related mortality. The current Key deer population on Big Pine Key and No Name Key is 453 to 517 animals. Key deer utilize all local habitat types including pine rocklands, hardwood hammocks, buttonwood salt marshes, mangrove wetlands, freshwater wetlands, and disturbed and developed areas. Pine rocklands are especially important to Key deer conservation because they hold year-round freshwater.

The Lower Keys marsh rabbit is a subspecies of the marsh rabbit and occurs in many of the larger Lower Keys, including Sugarloaf, Saddlebunch, Boca Chica, and Big Pine Keys, as well as in the small islands near these keys. Lower Keys marsh rabbits inhabit saltmarsh and buttonwood transition areas, freshwater wetlands, and coastal beach berms. Suitable habitat for this species is highly fragmented across all of the Lower Keys. In the last few decades, development for residential, commercial, or military-related purposes has reduced the total area of Lower Keys marsh rabbit habitat in the Florida Keys. Habitat loss is the main cause of the marsh rabbit's endangered status. Currently, the Lower Keys marsh rabbit occurs in small, relatively disjunct populations and has a low population density because of predation by domestic cats. Although predation by domestic cats is the principal cause of mortality, some road mortality occurs as rabbits attempt to move among increasingly isolated Lower Keys marshes.

The eastern indigo snake is a large, non-poisonous snake that grows to a maximum length of eight feet. Historically, the species ranged throughout Florida, except in the Marquesas and Dry Tortugas. The indigo snake can occur in most types of hammock in Florida, often near wetlands. It is also known to occur in mangrove swamps, seepage swamp, flowing water swamp, pond swamp, wet prairie, xeric pinelands and scrub, flatwoods, dry glades, tropical hardwood hammocks, beach dune/coastal strand, pine rockland, and muckland fields in southern Florida. Gopher tortoise burrows, tree stumps, piles of debris, land crab burrows, and other subterranean cavities are commonly used as dens and for egg laying. The species has declined throughout its range and has been extirpated from some areas due to habitat fragmentation, decline in the gopher tortoise populations, and other

factors. Indigo snakes have not been documented in the Project Area for several years, despite the presence of suitable habitat throughout Big Pine and No Name Keys.

There has been a building moratorium on Big Pine Key since 1995 due to direct and indirect impacts to the Key deer. The HCP describes a plan for limited development activities that is intended to satisfy safety, functional, and recreational needs of the community, while maintaining the long-term viability of Key deer and its habitat. Activities covered under this HCP include residential and commercial development, as well as transportation improvements to meet the community needs of the Project area. The proposed activities will result in harm to Key deer, incidental to the carrying out of these otherwise lawful activities. Habitat alteration associated with the proposed development activities will impact no more than 168 acres and reduce the availability of breeding, foraging, and sheltering habitat for Key deer. The Applicants propose to minimize take of Key deer by classifying all lands within the Project area and directing development activities to the lowest quality habitat. The impacts to Lower Keys rabbit and eastern indigo snake will be minimized by buffering occupied habitat from development and implementation of standard construction practices, respectively. Impacts to Key deer will be mitigated by acquiring lands for conservation within the Project area at a ratio of three to one based on habitat quality and area. These same conservation lands will also provide protection for the Lower Keys rabbit and eastern indigo snake.

The Service has made a preliminary determination that 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 issuance criteria requirements of section 10(a)(1)(B) of the Act. By conducting an intra-Service section 7 consultation, the Service will also evaluate whether issuance of the section 10(a)(1)(B) ITP would comply with section 7 of the Act. 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 for the Key deer, Lower

Keys marsh rabbit, and eastern indigo snake.

Dated: May 5, 2005.

**Jacquelyn B. Parrish,**

*Acting Regional Director, Southeast Region.*

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[AK-961-1410-HY-P; F-14838-A, F-14838-A2; CAA-9]**

#### Alaska Native Claims Selection

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

**ACTION:** Notice of decision approving lands for conveyance.

**SUMMARY:** As required by 43 CFR 2650.7(d), notice is hereby given that an appealable decision approving lands for conveyance pursuant to the Alaska Native Claims Settlement Act will be issued to Bethel Native Corporation. The lands are located within Townships 2, 3, and 4 N., Ranges 80 and 81 W., Seward Meridian, Alaska, in the vicinity of Dall Lake, Alaska, and contain 86,453.75 acres. Notice of the decision will also be published four times in *The Tundra Drums*.

**DATES:** The time limits for filing an appeal are:

1. Any party claiming a property interest which is adversely affected by the decision shall have until June 22, 2005 to file an appeal.

2. Parties receiving service of the decision by certified mail shall have 30 days from the date of receipt to file an appeal.

Parties who do not file an appeal in accordance with the requirements of 43 CFR part 4, subpart E, shall be deemed to have waived their rights.

**ADDRESSES:** A copy of the decision may be obtained from: Bureau of Land Management, Alaska State Office, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513-7599.

**FOR FURTHER INFORMATION CONTACT:** Ron Royer by phone at (907) 271-5677, or by e-mail at [Ron\\_Royer@ak.blm.gov](mailto:Ron_Royer@ak.blm.gov). Persons who use a telecommunication device (TTD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8330, 24 hours a day, seven days a week, to contact Mr. Royer.

**Ronald E. Royer,**

*Land Law Examiner, Branch of Land Transfer Services.*

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