

First Home) to the Florida Scrub-jay Conservation Fund administered by The Nature Conservancy. Funds in this account are ear-marked for use in the conservation and recovery of scrub-jays and may include habitat acquisition, restoration, and/or management.

The Service has determined that the Applicants' proposals, including the proposed mitigation and minimization measures, will individually and cumulatively have a minor or negligible effect on the species covered in the HCPs. Therefore, the ITPs are "low-effect" projects and qualify as categorical exclusions under the National Environmental Policy Act (NEPA), as provided by the Department of the Interior Manual (516 DM 2, Appendix 1 and 516 DM 6, Appendix 1). This preliminary information may be revised based on our review of 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 Service will evaluate the HCPs and comments submitted thereon to determine whether the applications meet the requirements of section 10(a) of the Act (16 U.S.C. 1531 et seq.). If it is determined that those requirements are met, the ITPs will be issued for the incidental take of the Florida scrub-jay. The Service will also evaluate whether issuance of the section 10(a)(1)(B) ITPs comply 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 ITPs.

**Authority:** This notice is provided pursuant to section 10 of the Endangered Species Act and NEPA regulations (40 CFR 1506.6).

Dated: July 18, 2006.

**David L. Hankla,**

*Field Supervisor, Jacksonville Field Office.*

[FR Doc. E6-11719 Filed 7-21-06; 8:45 am]

**BILLING CODE 4310-55-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Receipt of Application for Incidental Take Permit for Construction of a Single-Family Home, Brevard County, FL

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

**ACTION:** Notice; request for comments.

**SUMMARY:** We, the Fish and Wildlife Service (Service), announce the availability of an incidental take permit (ITP) application and Habitat Conservation Plan (HCP). Lawrence Bank (Applicant) requests an ITP, for a 2-year term, for an individual lot pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The Applicant anticipates taking about .25 acres of Florida scrub-jay (*Aphelocoma coerulescens*) (scrub-jay) foraging and sheltering habitat incidental to lot preparation for the construction of one single-family home and supporting infrastructure in Brevard County, Florida (Projects). The destruction of .25 acres of foraging and sheltering habitat is expected to result in the take of one family of scrub-jays. The Applicant's Habitat Conservation Plan (HCP) describes the mitigation and minimization measures proposed to address the effects of the Project to the Florida scrub-jay.

**DATES:** Written comments on the ITP application and HCP should be sent to the Jacksonville Field Office (see **ADDRESSES**) and should be received on or before August 23, 2006.

**ADDRESSES:** Persons wishing to review the application and HCP may obtain a copy by writing the Service's Jacksonville Field Office. Please reference permit number TE128564-0 in such requests. Documents will also be available for public inspection by appointment during normal business hours at the Jacksonville Field Office, 6620 Southpoint Drive South, Suite 310, Jacksonville, Florida 32216-0912.

**FOR FURTHER INFORMATION CONTACT:** Mr. Michael Jennings, Fish and Wildlife Biologist, Jacksonville Field Office, Jacksonville, Florida (see **ADDRESSES**), telephone: 904/232-2580, ext. 113.

**SUPPLEMENTARY INFORMATION:** If you wish to comment, you may submit comments by any one of several methods. Please reference permit number TE128564-0 in such requests. You may mail comments to the Service's Jacksonville Field Office (see **ADDRESSES**). You may also comment via the Internet to [michael\\_jennings@fws.gov](mailto:michael_jennings@fws.gov). Please include your name and return address in your internet message. If you do not receive a confirmation from us that we have received your internet message, contact us directly at the telephone number listed under **FOR FURTHER INFORMATION CONTACT**. Finally, you may hand deliver comments to the 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.

Residential construction will take place within section 02, Township 24 South, Range 35 East, Cocoa, Brevard County, Florida, on lot 14, Block 28. This lot is within locations where scrub-jays were sighted during surveys for this species from 1999 through 2003.

The lot encompasses about 1.00 acres, of which .25 acres will be used for the footprint of the home, infrastructure, and landscaping. The remaining .75 acres will be retained as scrub-jay habitat. In order to minimize take on site, the Applicant proposes to preserve the remaining .75 acres of scrub habitat on site and not clear the property or begin construction until the completion of the nesting season (March 1-June 30).

The Applicant proposes to mitigate for the loss of .25 acres of scrub-jay habitat by contributing a total of \$4,200 to the Florida Scrub-jay Conservation Fund administered by The Nature Conservancy. Funds in this account are ear-marked for use in the conservation and recovery of scrub-jays and may include habitat acquisition, restoration, and/or management.

The Service has determined that the Applicant's proposal, including the proposed mitigation and minimization measures, will have a minor or negligible effect on the species covered in the HCP. Therefore, the ITP is a "low-effect" project and qualifies as a categorical exclusion under the National Environmental Policy Act (NEPA), as provided by the Department of the Interior Manual (516 DM 2, Appendix 1 and 516 DM 6, Appendix 1). This preliminary information may be revised based on our review of 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 Service will evaluate the HCP and comments submitted thereon to determine whether the application meets the requirements of section 10(a) of the Act (16 U.S.C. 1531 *et seq.*). If it is determined that those requirements are met, the ITP will be issued for the 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.

**Authority:** This notice is provided pursuant to section 10 of the Endangered Species Act and NEPA regulations (40 CFR 1506.6).

Dated: July 18, 2006.

**David L. Hankla,**

*Field Supervisor, Jacksonville Field Office.*

[FR Doc. E6-11721 Filed 7-21-06; 8:45 am]

**BILLING CODE 4310-55-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Receipt of an Application for an Incidental Take Permit for the Joshua Tree Recreational Campground Low-Effect Habitat Conservation Plan, San Bernardino County, CA

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

**ACTION:** Notice of availability.

**SUMMARY:** JAT Associates, Inc. (Applicant) has applied to the U.S. Fish and Wildlife Service (Service or "we") for an incidental take permit pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). We are considering issuing a 30-year permit to the Applicant that would authorize take of the federally threatened desert tortoise (*Gopherus agassizii*) incidental to otherwise lawful activities associated with the construction and operation of the Joshua Tree Recreational Campground on 13.8 acres of their 314.6-acre property.

We are requesting comments on the permit application and on our preliminary determination that the proposed Habitat Conservation Plan (HCP) qualifies as a "low effect" HCP, eligible for a categorical exclusion under the National Environmental Policy Act (NEPA) of 1969, as amended. We explain the basis for this possible

determination in a draft Environmental Action Statement (EAS) and associated Low Effect Screening Form. The Applicant's Low Effect HCP describes the mitigation and minimization measures they would implement, as required in Section 10(a)(2)(B) of the Act, to address the effects of the project on the desert tortoise. These measures are outlined in the **SUPPLEMENTARY INFORMATION** section below. The draft HCP and EAS are available for public review.

**DATES:** Written comments should be received on or before August 23, 2006.

**ADDRESSES:** Please address written comments to Diane Noda, Field Supervisor, Ventura Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2493 Portola Road, Suite B, Ventura, California 93003. You may also send comments by facsimile to (805) 644-3958. To obtain copies of draft documents, see "Availability of Documents" under **SUPPLEMENTARY INFORMATION**.

**FOR FURTHER INFORMATION CONTACT:** Jen Lechuga, HCP Coordinator, (see **ADDRESSES**) telephone: (805) 644-1766 extension 224.

#### **SUPPLEMENTARY INFORMATION:**

##### **Availability of Documents**

You may obtain copies of the application, HCP, and EAS by contacting the HCP Coordinator (see **FOR FURTHER INFORMATION CONTACT**). Copies of the draft documents are also available for public inspection and review at the following locations: (1) U.S. Fish and Wildlife Service, Ventura Fish and Wildlife Office, 2493 Portola Road, Suite B, Ventura, California 93003; (2) Joshua Tree Public Library, 6465 Park Blvd., Joshua Tree, California 92252; and (3) Ventura Fish and Wildlife Office Internet site: <http://www.fws.gov/ventura>.

##### **Background**

Section 9 of the Act and Federal regulations prohibit the "take" of fish or wildlife species listed as endangered or threatened, respectively. Take of listed fish or wildlife is defined under the Act to mean to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. However, the Service, under limited circumstances, may issue permits to cover incidental take, *i.e.*, take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity. Regulations governing incidental take permits for threatened and endangered species are found at 50 CFR 17.32 and 17.22, respectively. Among other criteria,

issuance of such permits must not jeopardize the existence of federally listed fish, wildlife, or plants.

The proposed Joshua Tree Recreational Campground project is located in the unincorporated community of Joshua Tree, San Bernardino County, California. The Applicant proposes to construct, operate, and maintain campground facilities on 13.8 acres. Proposed construction on the 13.8 acres includes 22 camp sites, a fitness center, a reception/restaurant building, multiple salt water pools, massage treatment rooms, a horse stable, roads, and trails. Construction would be completed in two phases. Phase I would comprise approximately 62 percent of the total project area. The campground would be in operation for 3 to 5 years before Phase II construction begins. Construction of the two phases is expected to take 10 years.

The Applicant proposes to implement measures to minimize and mitigate for take of the desert tortoise within the project site. The Applicant has designed the project such that the footprint of the roads and structures are located where few desert tortoise signs were observed. For mitigation, they will restore and manage at a 1:1 ratio 13.8 acres of desert tortoise habitat on their 314.6-acre property. The Applicant also proposes to: (1) Halt destructive activities to desert tortoises and their habitat presently taking place on the site; (2) raise awareness of the desert tortoise for construction personnel, staff, and guests; (3) post signs and establish speed limits; (4) construct a desert tortoise-exclusion fence along the access road; (5) reduce the presence of desert tortoise predators; and (6) undertake various other measures to minimize impacts.

The impacts from construction and operation activities associated with the Joshua Tree Campground are considered to be negligible to the species as a whole because: (1) The amount of habitat being disturbed is small relative to the amount of habitat available within the Joshua Tree area, the West Mojave Recovery Unit, and within the wide range of the species as a whole; (2) most of the areas that will be disturbed during construction and operation of buildings on the site are of poor quality and probably support few if any desert tortoises due to ongoing illegal shooting, dumping, and off highway vehicular (OHV) use; (3) disturbance associated with construction of roads on the site is associated with habitat that has also been impacted, to a lesser extent by illegal dumping, shooting, and OHV use; (4) the construction of this park