

DATES: Written comments on the ITP application and HCP should be sent to the Service's Regional Office (see **ADDRESSES**) and should be received on or before January 26, 2007.

ADDRESSES: Persons wishing to review the application and HCP may obtain a copy by writing the Service's Southeast Regional Office, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345 (Attn: Endangered Species Permits), or the Service's South Florida Ecological Services Field Office, U.S. Fish and Wildlife Service, 1339 20th Street, Vero Beach, Florida 32960-3559. Please reference permit number TE118198-0 in such requests. Documents will also be available for public inspection by appointment during normal business hours at the Southeast Regional Office or the South Florida Ecological Services Field Office.

FOR FURTHER INFORMATION CONTACT: Mr. David Dell, Regional HCP Coordinator, (see **ADDRESSES** above), telephone: 404/679-7313, facsimile: 404/679-7081; or Elizabeth Landrum, Fish and Wildlife Biologist, South Florida Ecological Services Field Office, Vero Beach, Florida (see **ADDRESSES** above), telephone: 772/562-3909, ext. 304, facsimile: 772/562/4288.

SUPPLEMENTARY INFORMATION: If you wish to comment, you may submit comments by any one of several methods. Please reference permit number TE118198-0 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. 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 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 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 Florida scrub-jay is geographically isolated from other species of scrub-jays found in Mexico and the western United States. The scrub-jay is found exclusively in peninsular Florida and is restricted to xeric uplands (predominately in oak-dominated scrub). Increasing urban and agricultural development has resulted in habitat loss and fragmentation, which has adversely affected the distribution and numbers of scrub-jays. The total estimated population is between 7,000 and 11,000 individuals.

Recent surveys by environmental consultants documented the presence of scrub-jays using the Applicants' property in Port Charlotte, Florida (Harbor Heights Subdivision). It was determined that one scrub-jay family, currently consisting of two adult birds, likely use the property as a portion of their territory. The scrub-jays 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 Charlotte County.

Since the Applicants' residential lot falls within a known scrub-jay territory, it likely provides a portion of the foraging, sheltering and possibly nesting habitat needs for one scrub-jay family. Construction of the proposed Project may result in harm to scrub-jays, incidental to the carrying out of otherwise lawful activities. The destruction of 0.23 acre of habitat associated with the proposed residential construction may result in the take of one family of scrub-jays by reducing the amount of available habitat within their territory.

The Applicants propose to minimize impacts to the scrub-jay by conducting land clearing activities outside of the nesting season (March 1 through June 30). In addition, the Applicants would landscape only with native scrub oaks and other native scrub vegetation, and would avoid planting tall growing trees that could serve as perches for scrub-jay predators. The Applicants would not keep and would try to prevent free-roaming cats from residing on the property as these may prey upon young scrub-jays. The Applicants propose to mitigate the take of scrub-jays through contribution of \$12,190 to an approved scrub-jay conservation fund. Funds in this account would be earmarked for use in the conservation and recovery of scrub-jays, including habitat

acquisition, restoration, and management.

The Service has determined that the Applicants' proposal, including the proposed mitigation and minimization measures, would individually and cumulatively have a minor or negligible effect on the species covered in the HCP. Therefore, the ITP is a "low-effect" project and would qualify as a categorical exclusion under the National Environmental Policy Act, as provided by the Department of 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)(1)(B) of the Act. If it is determined that those requirements are met, the ITP would 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 an ITP. This notice is provided pursuant to section 10 of the Act and National Environmental Policy Act regulations (40 CFR 1506.6).

Dated: November 9, 2006.

Cynthia K. Dohner,

Acting Regional Director, Southeast Region.

[FR Doc. E6-22127 Filed 12-26-06; 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 Construction of Four Multi-family Residences in Charlotte County, Florida

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: Results Builders, Inc. (Applicant) requests an incidental take permit (ITP) for a duration of two years, pursuant to section 10(a)(1)(B) of the

Endangered Species Act of 1973, as amended (Act). The Applicant anticipates removal of about 1.6 acres of Florida scrub-jay (*Aphelocoma coerulescens*)(scrub-jay) foraging, sheltering, and possibly nesting habitat, incidental to lot preparation for the construction of four multi-family residences and supporting infrastructure on four lots in Charlotte County, Florida (Project). The Applicant's Habitat Conservation Plan (HCP) describes the mitigation and minimization measures proposed to address the effects of the Project to the scrub-jay. These measures are outlined in the **SUPPLEMENTARY INFORMATION** section below.

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ADDRESSES: Persons wishing to review the application and HCP may obtain a copy by writing the Service's Southeast Regional Office, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345 (Attn: Endangered Species Permits), or the Service's South Florida Ecological Services Field Office, U.S. Fish and Wildlife Service, 1339 20th Street, Vero Beach, Florida 32960-3559. Please reference permit number TE108858-0 in such requests. Documents will also be available for public inspection by appointment during normal business hours at the Southeast Regional Office or the South Florida Ecological Services Field Office.

FOR FURTHER INFORMATION CONTACT: Mr. David Dell, Regional HCP Coordinator, (see **ADDRESSES** above), telephone: 404/679-7313, facsimile: 404/679-7081; or Connie Cassler, Fish and Wildlife Biologist, South Florida Ecological Services Field Office, Vero Beach, Florida (see **ADDRESSES** above), telephone: 772/562-3909, ext. 243, facsimile 772/562-4288.

SUPPLEMENTARY INFORMATION: If you wish to comment, you may submit comments by any one of several methods. Please reference permit number TE108858-0 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. 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 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 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 Florida scrub-jay is geographically isolated from other species of scrub-jays found in Mexico and the western United States. The scrub-jay is found exclusively in peninsular Florida and is restricted to xeric uplands (predominately in oak-dominated scrub). Increasing urban and agricultural development has resulted in habitat loss and fragmentation, which has adversely affected the distribution and numbers of scrub-jays. The total estimated population is between 7,000 and 11,000 individuals.

Recent surveys by environmental consultants documented the presence of scrub-jays using the Applicant's property in Punta Gorda, Florida (Punta Gorda Isles Subdivision). It was determined that one scrub-jay family, currently consisting of four birds, likely use the Applicant's four lots as a portion of their territory. The scrub-jays using the subject residential lots and adjacent properties are part of a larger complex of scrub-jays located in a matrix of urban and natural settings in southern Sarasota and western Charlotte Counties.

Since the Applicant's residential lots fall within a known scrub-jay territory, it likely provides a portion of the foraging, sheltering and possibly nesting habitat needs for one scrub-jay family. Construction of the proposed Project may result in harm to scrub-jays, incidental to the carrying out of otherwise lawful activities. The destruction of 1.6 acres of habitat associated with the proposed multi-family residential construction may result in the take of one family of scrub-jays by reducing the amount of available habitat within their territory.

The Applicant proposes to mitigate for the loss of 1.6 acres of scrub-jay

habitat by contribution to an authorized scrub-jay fund. Contribution to a scrub-jay fund would be \$84,800, ear-marked for use in the conservation and recovery of scrub-jays and may include habitat acquisition, restoration, and management. This contribution would be sufficient to acquire and perpetually manage about 3.2 acres of suitable occupied scrub-jay habitat based on a replacement ratio of two mitigation acres per one impact acre. The Applicant proposes to minimize impacts to the scrub-jay by conducting land clearing activities outside of the nesting season (March 1 through June 30) and to remove any exotic vegetation from the lot. The Applicant also proposes to landscape with native scrub oaks and other native species to maintain as natural a habitat as possible. The Applicant has proposed the footprint of all four dwellings on each lot as close to the road as possible, so that the largest possible area of vegetation will exist in the rear of the properties following landscaping. Since the rear of each lot is adjacent to the rear of one or two of the other lots, a continuous strip of vegetation would be created. The Applicant would avoid planting perch trees for predators that could prey on scrub-jays in the surrounding unimproved lots.

The Service has determined that the Applicant's proposal, including the proposed mitigation and minimization measures, would individually and cumulatively have a minor or negligible effect on the species covered in the HCP. Therefore, the ITP is a "low-effect" project and would qualify as a categorical exclusion under the National Environmental Policy Act, as provided by the Department of 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)(1)(B) of the Act. If it is determined that those requirements are met, the ITP would 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 an ITP. This notice is provided pursuant to section 10 of the Act and National Environmental Policy Act regulations (40 CFR 1506.6).

Dated: November 9, 2006.

Cynthia K. Dohner,

Acting Regional Director, Southeast Region.

[FR Doc. E6-22136 Filed 12-26-06; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Notice of Availability of the Final Environmental Impact Statement for the Proposed Oil Spill Response Facility at Shepard Point, near Cordova, Alaska

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice advises the public that the Bureau of Indian Affairs (BIA), with the cooperation of the Native Village of Eyak, the Federal Highway Administration, and the U.S. Army Corps of Engineers, intends to file a Final Environmental Impact Statement (FEIS) with the U.S. Environmental Protection Agency for the proposed oil spill facility at Shepard Point, near Cordova, Alaska, and that the FEIS is now available for public review. The purpose of the proposed project, the Cordova Area Oil Spill Facility, is to provide a deepwater staging facility for the rapid deployment of equipment to the sites of any oil spills that might occur in the Prince William Sound and environs.

DATES: The Record of Decision on the proposed action will be issued on or after January 30, 2007. Any comments on the FEIS must arrive by January 29, 2007.

ADDRESSES: You may hand carry written comments to the BIA's Alaska Regional Office at 709 West 9th Street, 3rd Floor Federal Building, Juneau, Alaska, or mail them to Kristin K'eit, Environmental Scientist, Bureau of Indian Affairs, Alaska Regional Office, Division of Environmental and Cultural Resource Management, P.O. Box 25520, Juneau, Alaska 99802-5520. You may also fax your comments to (907) 586-7044, or submit them electronically at the project Web site, <http://www.cordovarf@urcorp.com>.

Note: BIA cannot receive electronic comments directly via e-mail at this time.

Please include your name, return address, and the caption, "FEIS Comments, Proposed Cordova Oil Spill Response Facility, Cordova, Alaska," on the first page of your written comments.

To obtain a copy of the FEIS, please contact Kristin K'eit at the mailing address above or her telephone number below. Copies of the FEIS are available for public review at the BIA's Alaska Regional Office in Juneau and at the Public Libraries in Juneau, Cordova and Anchorage, Alaska. Copies of the FEIS have also been sent to agencies and individuals who participated in the scoping process and to all others who have previously requested copies of the document.

FOR FURTHER INFORMATION CONTACT:

Kristin K'eit, (907) 586-7423.

SUPPLEMENTARY INFORMATION: The proposed action that is the focus of this Environmental Impact Statement (EIS) is to construct an oil spill response facility at Shepard Point near Cordova, consisting of a dedicated deepwater port, additional staging and storage area, and a 4.5 mile access road to the Cordova road system. The facility will allow all tide transfer of out-of-region supplies such as booms, skimmers, sorbents, anchors, tools and personal protective equipment from the all weather airport at Cordova to a wider variety of response vessels than can currently use Cordova's port. The BIA determined that an EIS is required due to the potentially significant effects of the project. Construction of the Cordova Oil Spill Response Facility would enhance the regional spill response capability that presently exists in Prince William Sound by providing all tide access and efficient flow of pre-positioned and out-of-region equipment, supplies and personnel to vessels responding to oil spills in Prince William Sound and the northern Gulf of Alaska.

The proposed action is one of three Prince William Sound oil spill response facilities identified for construction in the 1992 Alyeska Settlement Agreement and Consent Decree (Alyeska Consent Decree), and the only one that has not yet been constructed. The Shepard Point Road is identified as a baseline transportation project in the 2001 Prince William Sound Regional Transportation Plan, included in the State Transportation Improvement Program, and listed as the top priority in the Native Village of Eyak's Tribal Transportation Plan. The Alaska State Legislature appropriated funds in 1993 for construction of a road to Shepard Point in support of an oil spill response facility and deepwater port at Shepard Point. The Cordova City Council passed a resolution in the spring of 2004 supporting development of the Shepard Point oil spill response facility.

The purpose of this project is to:

- Construct an oil spill response facility and deepwater port in the Cordova area that could receive oil spill equipment from any location at all tides via an air-to-ground-to-response-vessel or cargo vessel-to-response-vessel transportation sequence;
- Accommodate existing and foreseeable future oil spill response and cargo vessels with deeper drafts than the current capabilities of existing facilities in the area; and,
- * Include an adequately sized area for staging and storing response equipment that would be contiguous to the dock.

The project is needed to improve and enhance Cordova's existing oil spill response capabilities and to maximize the efficiency with which Cordova could support a response effort. The project would allow for transfer of response material from the all-weather Cordova Airport to the full range of response vessels, at any tide. It would also allow the most efficient use of the resources that are already available in the Cordova area, including trained oil spill responders, a large fleet of fishing vessels, the all-weather airport and a large amount of pre-positioned response equipment. Chapter 1 of the FEIS provides additional information concerning the purpose and need for this project.

Five alternatives, including a no action alternative, are evaluated in the FEIS. Fill dock and piling dock design variants are identified for all of the build alternatives, and four road options are examined for Alternative 4 at Shepard Point.

In Alternative 1, the no action alternative, no new or improved facilities would be constructed. Existing oil spill response capabilities in Cordova and Prince William Sound would continue to serve. However, the no action alternative would not meet the purpose and need for improvements to existing capabilities, nor would it fulfill the requirements of the Alyeska Consent Decree.

For Alternatives 2, 3 and 5, dredging would be required to insure all-tide access for all likely oil spill response vessels. The deepest draft design vessels require minimum water depths of -32 feet (ft) mean lower low water (MLLW) at the dock and -35 ft MLLW in navigational channels and turning basins. Dredging of the shoal in the Eastern Channel would be required for Alternatives 2, 3, and 5 and would improve the existing deep-draft channel by providing a 350-ft wide channel with a minimum clearance depth of -35 ft MLLW between the relatively deep water at the Cordova waterfront and the