

receive a confirmation that we have received your e-mail message, contact us directly at the telephone number listed under **FOR FURTHER INFORMATION CONTACT**.

Before including your address, phone number, e-mail address, or other personal identifying information in your comments, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Construction of a training facility for the Visually Impaired Persons of Charlotte County HCP will take place at latitude 27.0168 and longitude -82.0189 in Punta Gorda, Charlotte County, Florida. This lot is within scrub-jay occupied habitat.

The lot encompasses about 1.91 acres, and the footprint of the training facility, infrastructure, and landscaping preclude retention of scrub-jay habitat. In order to minimize take on site, the applicant proposes to mitigate for the loss of 1.91 acres of scrub-jay habitat by contribution of 4.3 acres of suitable scrub-jay habitat to nearby existing conservation lands.

We have 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)(40 CFR 1506.6), as provided by the Department of the Interior Manual (516 DM 2 Appendix 1 and 516 DM 6 Appendix 1). 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. Based on our review of public comments that we receive in response to this notice, we may revise this preliminary determination.

We 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 we determine that the application meets the requirements, we will issue the ITP for incidental take of the 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. We will use the results of this consultation,

in combination with the above findings, in the final analysis to determine whether or not to issue the ITP.

Authority: We provide this notice pursuant to Section 10 of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and NEPA regulations (40 CFR 1506.6).

Dated: February 13, 2009.

Paul Souza,

Field Supervisor, South Florida Ecological Services Office.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS-R9-MB-2008-N0349; 91200-1231-5BBC-K3]

Availability of Birds of Conservation Concern 2008

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: We announce the availability of *Birds of Conservation Concern 2008*. This publication identifies species, subspecies, and populations of migratory and nonmigratory birds in need of additional conservation actions. We hope to stimulate coordinated and collaborative proactive conservation actions among Federal, State, tribal, and private partners.

DATES: Individuals wishing to comment on the process used in developing *Birds of Conservation Concern 2008*, especially to provide recommendations for improving future versions of the document, may direct their written comments to the Chief, Division of Migratory Bird Management (listed below under **ADDRESSES**). All comments received will be filed for use in developing the next version of the list. Comments will be accepted until the time that work begins on the next edition of this report (approximately 5 years).

ADDRESSES: Printed copies of *Birds of Conservation Concern 2008* may be obtained by writing to the Chief, Branch of Bird Conservation, Division of Migratory Bird Management, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Mail Stop 4107, Arlington, VA 22203-1610, ATTN: BCC 2008. This document is also available for downloading on the Division of Migratory Bird Management's World Wide Web page at <http://migratorybirds.fws.gov>.

FOR FURTHER INFORMATION CONTACT: Marcia Maslonek, Chief, Branch of Bird

Conservation, Division of Migratory Bird Management, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Mail Stop 4107, Arlington, VA 22203-1610; phone: (703) 358-2021; fax: (703) 358-2272.

SUPPLEMENTARY INFORMATION: The 1988 amendment to the Fish and Wildlife Conservation Act (FWCA) of 1980 (Pub.L. 100-653, Title VIII) requires the Secretary of the Interior, through the U.S. Fish and Wildlife Service, to "identify species, subspecies, and populations of all migratory nongame birds that, without additional conservation actions, are likely to become candidates for listing under the Endangered Species Act [ESA] of 1973." *Birds of Conservation Concern 2008* fulfills that mandate and supersedes *Birds of Conservation Concern 2002*. The species that appear in *Birds of Conservation Concern 2008* are deemed to be the highest priority for conservation actions. We anticipate that the document will be consulted by Federal agencies and their partners prior to undertaking cooperative research, monitoring, and management actions that might directly or indirectly affect migratory birds. Our goal in publishing this document is to stimulate coordinated and collaborative proactive conservation actions among Federal, State, tribal, and private partners.

To serve as a broad early-warning system in the context of the FWCA, this document includes all of the species that we have some basis to consider to be of conservation concern. Our objective in publishing this list is to focus conservation attention on bird species of concern well in advance of a possible or plausible need to consider them for listing under the ESA. Inclusion on this list does not constitute a finding that listing under the ESA is warranted, or that substantial information exists to indicate that listing under the ESA may be warranted. Many of the species on this list will probably never have to be considered for ESA listing, even if no additional conservation actions are taken.

Authority: The Fish and Wildlife Conservation Act of 1980, as amended (16 U.S.C. 2901 *et seq.*); the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*); the Fish and Wildlife Act of 1956; as amended (16 U.S.C. 742a *et seq.*); and 16 U.S.C. 701.

Dated: February 27, 2009.

Rowan W. Gould,

Acting Director, U.S. Fish and Wildlife Service.

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