

the Federal Register, Vol. 61, No. 13, page 1399, dated January 19, 1996.

PRT-809630

Applicant: Dr. Allen Kurta, Eastern Michigan University, Ypsilanti, Michigan.

The applicant requests a permit to take (capture and release, handle, radio-tag) Indiana Bats (*Myotis sodalis*) in Michigan and Indiana.

Written data or comments should be submitted to the Regional Director, U.S. Fish and Wildlife Service, Division of Endangered Species, 1 Federal Drive, Fort Snelling, Minnesota 55111-4056, and must be received within 30 days of the date of this publication.

Documents and other information submitted with this application are available for review by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Division of Endangered Species, 1 Federal Drive, Fort Snelling, Minnesota 55111-4056. Telephone: (612/725-3536 x250); FAX: (612/725-3526).

Dated February 26, 1996.

John A. Blankenship,

Assistant Regional Director, Ecological Services, Region 3, Fish and Wildlife Service, Fort Snelling, Minnesota.

[FR Doc. 96-5592 Filed 3-8-96; 8:45 am]

BILLING CODE 4310-55-M

Availability of an Environmental Assessment and Receipt of an Application for an Incidental Take Permit for Five Species of Sea Turtles (Loggerhead Sea Turtle, *Caretta caretta*, Green Sea Turtle, *Chelonia mydas*, Leatherback Sea Turtle, *Dermochelys coriacea*, Hawksbill Sea Turtle *Eretmochelys imbricata*, and Kemp's Ridley Sea Turtle, *Lepidochelys kempii*), and Piping Plovers (*Charadrius melodus*), in Volusia County, Florida

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The county of Volusia (Applicant) is seeking an incidental take permit from the Fish and Wildlife Service (Service), pursuant to Section 10 (a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The incidental take permit would authorize the take of five species of sea turtles (loggerhead sea turtle, *Caretta caretta*, green sea turtle, *Chelonia mydas*, leatherback sea turtle, *Dermochelys coriacea*, hawksbill sea turtle

(*Eretmochelys imbricata*), and Kemp's ridley sea turtle, *Lepidochelys kempii*), and piping plovers (*Charadrius melodus*) resulting from public beach-driving activity and lighting controlled and operated by Volusia County, to the extent that minimization and mitigation measures proposed in the habitat conservation plan (HCP) are not successful. The incidental take permit would cover the Defined Area of the HCP, bounded on the north by the Volusia-Flagler County line, on the south by the Volusia-Brevard County line (49.08 miles of coastline), on the east by the mean low water line, and on the west by the line of permanent vegetation, or the seawall, whichever is closer to the ocean.

The Service also announces the availability of an environmental assessment (EA) and HCP for the incidental take application. Copies of the EA or HCP may be obtained by making a request to the Jacksonville, Florida, Field Office address below. Requests for the documents must be submitted in writing to be processed. This notice also advises the public that the Service has made a preliminary determination that issuing the incidental take permit is not a major Federal action significantly affecting the quality of the human environment within the meaning of Section 102 (2)(C) of the National Environmental Policy Act of 1969, as amended. The Finding of No Significant Impact (FONSI) is based on information contained in the EA and HCP. The final determination will be made no sooner than 30 days from the date of this notice. This notice is provided pursuant to Section 10(c) of the Act and National Environmental Policy Act Regulations (40 CFR 1506.6).

DATES: Written comments on the permit application, EA and HCP should be received on or before April 10, 1996.

ADDRESSES: Persons wishing to review the application, HCP, and EA may obtain a copy by writing the Service's Jacksonville, Florida, Field Office. Documents will also be available for public inspection by appointment during normal business hours at the Service's Southeast Regional Office, Atlanta, Georgia, or the Jacksonville, Florida, Field Office. In addition, copies of the application, the HCP, and EA are available for public inspection at all Volusia County Public Libraries, during their normal operating hours. Written data or comments concerning the application, EA, or HCP should be submitted to the Regional Office. Please reference the permit under PRT-811813 in such comments.

Endangered/Threatened Species Permit Coordinator, U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345, (telephone 404/679-7110, fax 404/679-7081)

Field Supervisor, U.S. Fish and Wildlife Service, 6620 Southpoint Drive South, Suite 310, Jacksonville, Florida 32216-0912, (telephone 904/232-2580, fax 904/232-2404).

FOR FURTHER INFORMATION CONTACT:

Dawn Zattau at the Jacksonville, Florida, Field Office or Rick G. Gooch at the Atlanta, Georgia, Regional Office.

SUPPLEMENTARY INFORMATION: The beaches in Volusia County are well known throughout the United States as a recreational attraction and are a major component of the local Volusia County economy. Driving on the beach has been a tradition since before the turn of the century. Driving on the beach has the potential to harm federally listed wildlife species that also use the beach.

Four sea turtle species have been documented as nesting in Volusia County. The nesting and hatching season extends from about April 15 through October 31. However, some nests may be laid prior to April 15, and some hatchlings may emerge from nests after October 31. Between 1988 and 1994, the number of sea turtles nests within the Defined Area ranged from 1,360 nests to 2,247 nests; between 74 to 87 percent of the nests occurred at Canaveral National Seashore (11.78 miles of coastline) and North Peninsula State Recreation Area (2.70 miles of coastline), areas where no public driving is allowed. The number of nests reported in the area under the jurisdiction of Volusia County (34.60 miles of coastline) ranged from 204 to 495 between 1992 and 1994. Loggerhead sea turtles averaged about 97 percent of this nesting activity, while green and leatherback sea turtles averaged 2.7 and 0.1 percent, respectively. Only one hawksbill sea turtle nest has ever been documented in the Defined Area. Kemp's ridley sea turtles are not known to nest in the Defined Area, but strandings have occurred there.

The piping plover is a small, beach-dwelling bird that feeds primarily during daylight hours on sandy shores searching for prey at or near the sand/water interface or in the seaweed or other flotsam that has washed ashore. Piping plovers are migratory and are observed in Florida during the non-nesting season, typically from September through March. Piping plovers along the Atlantic coast appear to be observed most often at the accreting ends of barrier island, along

sandy peninsulas, and near coastal inlets. During a 1991 census, in which 32 miles of Volusia County beachfront were surveyed, a total of four piping plovers were observed, all in the immediate vicinity of Ponce Inlet.

On Volusia County beaches, sea turtles and other protected species may be affected by artificial lighting, vehicular and pedestrian traffic, erosion control structures, beach maintenance practices, stormwater runoff, and recreational equipment. Volusia County is seeking an incidental take permit for vehicular traffic and county-owned and operated artificial lighting on the beach.

The presence of vehicles on the beach has the potential to take sea turtles by hitting or running over nesting females, hatchlings, juvenile turtles that have washed up on the beach (as often happens during storms), and turtle nests. Vehicle traffic and vehicle lights may deter female sea turtles during their nesting attempts, and vehicle lights may also disorient newly hatched sea turtles. Tire ruts in the sand may trap, misdirect, or otherwise detain hatchlings from reaching the ocean. Equipment allowed on the beach for moving sand may run over sea turtle nests, as well as place sand on top of nests, which could interfere with the incubation process and hatchlings emergence.

Artificial lighting can be detrimental to sea turtles in several ways. Studies have shown that light pollution can deter female sea turtles from coming onto the beach to nest. Also, females attempting to return to sea after nesting can be disoriented by beach lighting and have difficulty making it back to the ocean. In some cases, nesting females have ended up on coastal highways and been struck by vehicles. Artificial beach lighting is even more detrimental to sea turtle hatchlings, which emerge from nests at night. Under natural conditions, hatchlings move toward the brightest, most open horizon, which is over the ocean. However, when bright light sources are present on the beach, they become the brightest spot on the horizon and attract hatchlings in the wrong direction, making them more vulnerable to predators, desiccation, exhaustion, and automobiles on highways and in parking lots.

The EA considers the consequences of four alternatives. The no action alternative would continue to implement a beach management program as required by existing Volusia County regulations and ordinances and may result in take of sea turtles and piping plovers. Without an exemption provided by Section 10 of the Act, the Applicant will risk exposure to the

enforcement provisions of Section 9 of the Act. One alternative would continue the requirements of a Court Order issued in 1995 nesting season for sea turtles. It may result in take of sea turtles and piping plovers and, as with the no action alternative, continue to expose the Applicant to the enforcement provisions of Section 9 of the Act. A third alternative examines removing all public vehicles from the county beaches; it would have an immediate adverse impact to segments of the tourist economy and to beach revenues. In addition, because of lack of adequate off-beach parking, a large number of people would be kept off the beach. The proposed action alternative is issuance of the incidental take permit. This provides for establishment of zones of the beach where public driving would not be allowed (an additional 9 miles of no-driving beach established), and coincides with areas of highest use by sea turtles. Transitional Areas would be established, where public driving would be allowed with the exception of a 30-foot Conservation Zone, as measured from the toe of the dunes or seawall, whichever is closest to the sea. Urban Areas would be established, where public driving would be allowed, with the exception of a 30-foot Conservation Zone, the seaward 15 feet of which could be used for parking. There would be no nighttime public driving or parking allowed on the beach. The HCP also includes monitoring of protected species, increased enforcement of the county lighting ordinance, and increased educational activities for protected species. It would also provide for an economic development plan for off-beach parking, diversification of beach uses and experiences, and increased cooperation between volunteer turtle patrols, State and Federal agencies, and the county. The HCP provides a funding mechanism for these minimization and mitigation measures.

As stated above, the Service has made a preliminary determination that the proposed action, e.g., issuance of the incidental take permit, is not a major Federal action significantly affecting the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969, as amended. This preliminary information may be adjusted due to public comment received in response to this notice and is based on information contained in the EA and HCP. An appropriate excerpt from the FONSI reflecting the Service's finding on the application is provided below:

Based on the analysis conducted by the Service, it has been determined that:

1. Issuance of the incidental take permit will not appreciably reduce the likelihood of survival and recovery of the affected species in the wild or result in the adverse modification of designated critical habitat. This decision is based upon and considers the cumulative impacts of past, present and future issuance of incidental take permits within the historic and current range of each species affected in the permit action.

2. Issuance of an incidental take permit would not have significant effects on the human environment in the project area.

3. The proposed take is incidental to an otherwise lawful activity.

4. The Applicant has ensured that adequate funding will be provided to implement the measures proposed in the submitted HCP.

5. Other than impacts to endangered and threatened species as outlined in the documentation of this decision, the indirect impacts which may result from issuance of the incidental take permit are addressed by other regulations and statutes under the jurisdiction of other government entities. The validity of the Service's incidental take permit is contingent upon the Applicant's compliance with the terms of the permit and all other laws and regulations under the control of State, local, and other Federal governmental entities.

Dated: March 5, 1996.

Sam D. Hamilton,

Acting Regional Director.

[FR Doc. 96-5690 Filed 3-8-96; 8:45 am]

BILLING CODE 4310-55-P

Availability of an Environmental Assessment and Receipt of an Application for an Incidental Take Permit for Parkside Homes Planned Unit Development, South San Francisco, San Mateo County, California

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of Availability.

SUMMARY: This notice advises the public that Parkside Homes Planned Unit Development has applied to the U.S. Fish and Wildlife Service (Service) for an incidental take permit pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The application has been assigned permit number 811259. The proposed permit would authorize the incidental take of the endangered mission blue butterfly (*Icaricia icaroides*