

notify all owners of severe repetitive loss properties, as well as States and communities, that their properties meet the definition of a severe repetitive loss property; and that the properties are eligible for assistance under this section. Section 1361A(e)(1)(D) and section 1361A(e)(1)(E) of the Act also require FEMA to notify severe repetitive loss property owners that there are insurance implications for declining offers of mitigation assistance proposed by States and/or communities under the Pilot Program and that there is a right to appeal provided for under this section. Section 1361A(h)(6) of the Act requires FEMA to establish a process for the Pilot Program through which policyholders can appeal the increase in their premiums if they turn down a mitigation offer. The Act limits grounds for appeal to those stated in section 1361A(h)(6)(A).

Eligible Activities. Section 1361A(c) of the Act identifies eligible mitigation activities, which are limited to: elevation, acquisition, relocation, flood proofing, minor physical localized flood control projects, and certain demolition and rebuild projects. Section 1361A(g)(1) of the Act places restrictions on the reuse of acquired land that are consistent with the requirements of section 404(b)(2)(B) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(b)(2)(B)). Section 1361A(f)(3) of the Act requires that States and communities must consult with all property owners when selecting appropriate mitigation options, and notify each holder of recorded interest in a property of any offers of mitigation assistance.

Allocation of Funds. Section 1361A(f)(1) of the Act requires FEMA to provide assistance for properties in the order that will result in the greatest amount of savings to the National Flood Insurance Fund in the shortest period of time. Section 1361A(f)(5) of the Act stipulates that funds are to be distributed based upon the percentage of severe repetitive loss properties within the State, and identifies additional provisions for the redistribution of unspent funds.

Rules. Section 1361A(j)(1) of the Act requires FEMA to develop procedures for the distribution of funds under the Pilot Program for the Mitigation of Severe Repetitive Loss Properties and to ensure that the procedures meet the following criteria:

- Require the Director to notify States and communities of the availability of grant funding and that participation in the Pilot Program is optional;

- Provide that the Director may assist States and communities in identifying severe repetitive loss properties;

- Allow States and communities to select properties to be mitigated and the eligible mitigation activity to be performed; and

- Require each State or community to submit a list of severe repetitive loss properties they would like to be the subject of eligible activities.

Consultation. FEMA is providing letters of invitation to the Consultation meeting to representatives from the Association of State Floodplain Managers (ASFPM), the National Emergency Management Association (NEMA), the International Emergency Management Association (IEMA), other interested organizations, representatives from all States, and representatives from communities with 20 or more severe repetitive loss properties. Those wishing to submit written comments should send them to the Rules Docket Clerk, Office of the General Counsel, Federal Emergency Management Agency, 500 C Street, SW., room 840, Washington DC 20472, (facsimile) 202-646-4536, or (e-mail) FEMA-RULES@dhs.gov.

While the focus of this meeting will be to solicit input for FEMA to consider on the distribution of funds under the Pilot Program, invitees may respond to any of the questions below in their oral or written comments. Section 1361A(j)(2) of the Act specifically directs FEMA to consult on the process for distribution of funds, however FEMA also wishes to gather comments on the overall Program from our partners and stakeholders. FEMA is soliciting responses to the following questions:

1. What key factors should FEMA consider in developing the Pilot Program for Mitigation Severe Repetitive Loss Properties under section 1361A?

2. What parameters should FEMA use to define severe repetitive loss for multi-family structures consisting of five or more residences?

3. What process should FEMA use to notify property owners that their property is considered a severe repetitive loss property as defined by the statute?

4. What criteria should FEMA consider when allocating funds to States and/or communities under the Pilot Program? Should FEMA consider base allocations for States with higher numbers of severe repetitive loss properties?

5. Should there be caps on Pilot Program funding for States and communities similar to Flood Mitigation

Assistance program funds? If so, how would the cap amounts be determined?

6. What criteria should FEMA use to review and approve State mitigation plans consistent with 44 CFR Part 201 to ensure that they contain recommended actions to mitigate severe repetitive loss properties?

7. What criteria should FEMA use to make the determination that a State has taken actions to reduce the number of severe repetitive loss properties in its communities?

8. What criteria should FEMA use to determine projects that will result in the greatest amount of savings to the National Flood Insurance Fund? How should the criteria relate to current FEMA procedures for determining cost effectiveness?

9. What types of assistance do States and communities want from FEMA when making offers to owners of severe repetitive loss properties?

10. What role should States and communities have in the appeals process for severe repetitive loss property owners who decline mitigation offers under the Pilot Program? What rules and procedures should be contained in the appeals process?

Dated: September 10, 2004.

David I. Maurstad,

*Acting Director Mitigation Division,
Emergency Preparedness and Response
Directorate, Department of Homeland
Security.*

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Receipt of Applications for Endangered Species Permits

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications for permits.

SUMMARY: The public is invited to comment on the following applications to conduct certain activities with endangered species. We provide this notice pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

DATES: We must receive written data or comments on these applications at the address given below, by October 15, 2004.

ADDRESSES: Documents and other information submitted with these applications are available for review, subject to the requirements of the

Privacy Act and Freedom of Information Act, 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: Fish and Wildlife Service, 1875 Century Boulevard, Ste 200, Atlanta, Georgia 30345 (Attn: Victoria Davis, Permit Biologist).

FOR FURTHER INFORMATION CONTACT:

Victoria Davis, telephone 404/679-4176; facsimile 404/679-7081.

SUPPLEMENTARY INFORMATION: The public is invited to comment on the following applications for permits to conduct certain activities with endangered species. If you wish to comment, you may submit comments by any one of the following methods. You may mail comments to the Service's Regional Office (see **ADDRESSES** section) or via electronic mail (e-mail) to victoria_davis@fws.gov. Please submit electronic comments as an ASCII file avoiding the use of special characters and any form of encryption. Please also include your name and return address in your e-mail message. If you do not receive a confirmation from the Service that we have received your e-mail message, contact us directly at the telephone number listed above (see **FOR FURTHER INFORMATION CONTACT** section). Finally, you may hand deliver comments to the Service office listed above (see **ADDRESSES** section).

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. However, we will not 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. *Applicant:* Abyss Marine Technologies, Huntsville, Alabama, TE092868-0.

The applicant requests authorization to take (capture, identify, photograph, temporarily hold, tag, translocate, and release) the following species: Cumberland elktoe (*Alasmidonta atropurpurea*), Appalachian elktoe (*Alasmidonta raveneliana*), fat three-

ridge (*Amblema neislerii*), birdwing pearlymussel (*Conradilla caelata*), fanshell (*Cyprogenia stegaria* (=iroata)), dromedary pearlymussel (*Dromus dromas*), Cumberlandian combshell (*Epioblasma brevidens*), oyster mussel (*Epioblasma capsaeformis*), yellow blossom (*Epioblasma florentina florentina*), tan riffleshell (*Epioblasma florentina walkerii*), upland combshell (*Epioblasma metastrata*), catspaw (*Epioblasma obliquata obliquata*), southern acornshell (*Epioblasma othcaloogensis*), southern combshell (*Epioblasma penita*), green blossom (*Epioblasma torulosa gubernaculum*), northern riffleshell (*Epioblasma torulosa rangiana*), Tubercled blossom (*Epioblasma torulosa torulosa*), shiny pigtoe (*Fusconaia cor* (=edgariana)), fine-rayed pigtoe (*Fusconaia cuneolus*), cracking pearlymussel (*Hemistena lata*), pink mucket (*Lampsilis abrupta* (=orbiculata)), shinyrayed pocketbook (*Lampsilis subangulata*), Alabama lampmussel (*Lampsilis virescens*), birdwing pearlymussel (*Conradilla caelata*), gulf moccasinshell (*Medionidus penicillatus*), Ochlockonee moccasinshell (*Medionidus simpsonianus*), Coosa moccasinshell (*Medionidus parvulus*), ringpink (*Obovaria retusa*), little-wing pearlymussel (*Pegias fabula*), white wartyback (*Plethobasus cicatricosus*), orangefoot pimpleback (*Plethobasus cooperianus*), clubshell (*Pleurobema clava*), black clubshell (*Pleurobema curtum*), southern clubshell (*Pleurobema decium*), dark pigtoe (*Pleurobema furvum*), southern pigtoe (*Pleurobema georgianum*), Cumberland pigtoe (*Pleurobema gibberum*), flat pigtoe (*Pleurobema marshallii*), ovate clubshell (*Pleurobema perovatum*), rough pigtoe (*Pleurobema plenum*), oval pigtoe (*Pleurobema pyriforme*), heavy pigtoe (*Pleurobema taitianum*), fat pocketbook (*Potamilus capax*), triangular kidneyshell (*Ptychobranhus greenii*), rough rabbitsfoot (*Quadrula cylindrica strigillata*), winged mapleleaf (*Quadrula fragosa*), Cumberland monkeyface (*Quadrula intermedia*), Appalachian monkeyface (*Quadrula sparsa*), stirrupshell (*Quadrula stapes*), pale lilliput (*Toxolasma cylindrellus*), purple bean (*Villosa perpurpurea*), Cumberland bean (*Villosa trabalis*), Chipola slabshell (*Elliptio chipolaensis*), purple bankclimber (*Elliptioideus sloatianus*), finelined pocketbook (*Lampsilis altalis*), orangenacre mucket (*Lampsilis perovalis*), Alabama moccasinshell (*Medionidus acutissimus*), Alabama heelsplitter (*Potamilus inflatus*), Nashville crayfish (*Orconectes shoupi*), Squirrel Chimney

cave shrimp (*Palaemonetes cummingi*), Alabama cave shrimp (*Palaemonias alabamiae*), Kentucky cave shrimp (*Palaemonias ganteri*), Alabama cavefish (*Speoplatyrhinus poulsoni*), boulder darter (*Etheostoma wapiti*), vermilion darter (*Etheostoma chermocki*), watercrest darter (*Etheostoma nuchale*), Cahaba shiner (*Notropis cahabae*), palezone shiner (*Notropis albizonatus*), Alabama sturgeon (*Scaphirhynchus suttkusi*), blue shiner (*Cyprinella caerulea*), slackwater darter (*Etheostoma boschungii*), goldline darter (*Percina aurolineata*), snail darter (*Percina tanasi*), American crocodile (*Crocodylus acutus*), yellow-blotched map turtle (*Graptemys flavimaculata*), ringed map turtle (*Graptemys oculifera*), Alabama red-belly turtle (*Pseudemys alabamensis*), bog turtle (*Clemmys muhlenbergii*), and flattened musk turtle (*Sternotherus depressus*). The proposed activities would take place while conducting presence/absence surveys, population counting, and translocation activities throughout the species ranges in Alabama, Florida, Georgia, Kentucky, Mississippi, and Tennessee.

Applicant: Warren Scott Hall, The Advent Group, Brentwood, Tennessee, TE092860-0.

The applicant requests authorization to take (capture, identify, translocate, release) the Nashville crayfish (*Orconectes shoupi*) while conducting presence/absence surveys and relocation activities in relation to proposed construction activities. The proposed activities would occur in the Mill Creek drainage basin in Davidson and Williamson Counties, Tennessee.

Applicant: Marine Corps Base Camp Lajeune, John R. Townson, Camp Lejeune, North Carolina, TE091699-0.

The applicant requests authorization to take (capture, band, translocate, release, and monitor nests) of the red-cockaded woodpecker (*Picoides borealis*) while conducting population monitoring and management activities. The proposed activities would be carried out on Marine Corps Base Camp Lejeune, Onslow County, North Carolina.

Applicant: Samuel Mason Van Hook, II, Kissimmee Valley Forester, Babson Park, Florida, TE092854-0.

The applicant requests authorization to take (harass) red-cockaded woodpeckers (*Picoides borealis*) while installing insert boxes in Kenansville, Osceola County, Florida.

Applicant: McGuire Center/University of Florida, Thomas C. Emmel, Gainesville, Florida, TE092891-0.

The applicant requests authorization to take (capture, mark, release, recapture) Schaus' swallowtail (*Papilio aristodemus ponceanus*) while conducting population monitoring. The proposed activities would take place in the Florida Keys and South Florida mainland.

Applicant: The Nature Conservancy, Brain P. Van Eerden, Charlottesville, Virginia, TE092887-0.

The applicant requests authorization to harass the red-cockaded woodpecker (*Picoides borealis*) while installing restrictor plates on cavities and while installing artificial cavities. The proposed activities would take place on the Piney Grove Preserve, Sussex County, Virginia.

Applicant: Lewis & Associates LLC, Julian J. Lewis, Borden, Indiana, TE091701-0.

The applicant requests authorization to take (harass) the Kentucky cave shrimp (*Palaemonias ganteri*) while conducting presence/absence surveys. The proposed activities would occur in Graham Springs Groundwater Basin, Warren County, Kentucky.

Applicant: Dr. David H. Nelson, University of South Alabama, Mobile, Alabama, TE091704-0.

The applicant requests authorization to take (capture, identify, release) the Alabama red-bellied turtle (*Pseudemys alabamensis*), loggerhead sea turtle (*Caretta caretta*), and gopher tortoise (*Gopherus polyphemus*) while conducting scientific ecological research. The proposed activities would occur in Mobile and Baldwin Counties, Alabama.

Applicant: Dr. Jeanette Wyneken, Florida Atlantic University, Boca Raton, Florida, TE092912-0.

The applicant requests authorization to take (capture, transport, hold in captivity, release) the leatherback sea turtle (*Dermochelys coriacea*) while conducting laboratory experiments to characterize the behavioral responses to simulate longline gear. The activities would take place in Palm Beach County and Boca Raton, Florida (Biology Department of Florida Atlantic University) and will be released at sea when the study is complete.

Applicant: Florida Power & Light Company, Turkey Point Power Plant, Juno Beach, Florida, TE092945-0.

The applicant requests authorization to take (capture, mark, recapture, insert chips in the tail, insert Hobotemp dataloggers in the interior and exterior of nests, take scute samples) the American crocodile (*Crocodylus acutus*) while conducting management

activities. The proposed activities would take place at Florida Power & Light Turkey Point Power Plant cooling canals, Dade County, Florida.

Dated: August 31, 2004.

Cynthia K. Dohner,

Deputy Regional Director, Southeast Region.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Receipt of Application for an Incidental Take Permit by the Alabama Department of Conservation and Natural Resources for Proposed Improvements to Gulf State Park Hotel/Convention Center & Pavilion, Gulf Shores, Baldwin County, AL

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability of application for an incidental take permit, habitat conservation plan and environmental assessment.

SUMMARY: The Alabama Department of Conservation and Natural Resources (Applicant) has applied to the Fish and Wildlife Service (Service) for an incidental take permit [ITP] under section 10(a)(1)(B) of the Endangered Species Act of 1973 (16 United States Code [U.S.C.] 1531 et seq.), as amended (Act) for the take of Alabama beach mouse (*Peromyscus polionotus ammobates*) (ABM). The proposed take would be incidental to otherwise lawful activities, including the demolition of the current facility, site grading, and construction and development of a new facility. The proposed facility would consist of a seven-story hotel with a total of 350 guest rooms, a beach inn with 100 guest rooms, four beach side cottages with a total of 16 rooms, a new beach pavilion, and other amenities. The proposed project would result in a net gain of 3.16 acres of ABM habitat. The proposed action would involve approval of the Habitat Conservation Plan (HCP) developed by the applicant, as required by section 10(a)(2)(B) of the Act, to minimize and mitigate for incidental take of the federally listed endangered Alabama beach mouse (*Peromyscus polionotus ammobates*) (ABM), the threatened green sea turtle (*Chelonia mydas*), the threatened loggerhead turtle, (*Caretta caretta*), and the endangered Kemp's ridley sea turtle (*Lepidochelys kempii*). A detailed description of the mitigation and minimization measures to address the effects of the project on the ABM and

sea turtles is provided in the applicant's HCP, the Service's Environmental Assessment and in the **SUPPLEMENTARY INFORMATION** section below. The Service announces the availability of an Environmental Assessment (EA) and Habitat Conservation Plan/Application for Incidental Take.

DATES: Written comments on the ITP application, HCP and EA should be sent to the Service's Regional Office (see **ADDRESSES**) and should be received on or before October 15, 2004.

ADDRESSES: Persons wishing to review the application, HCP and EA may obtain a copy by writing the Service's Southeast Regional Office, Atlanta, Georgia. Documents will also be available for public inspection by appointment during normal business hours at the Regional Office, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345, (Attn: Endangered Species Permits), or, Ecological Services Field Office, 1208-B Main Street, Daphne, Alabama 36526. Written data or comments concerning the application or HCP should be submitted to the Regional Office. Please reference Gulf State Park Reconstruction and the permit number TE-072831-0 in requests for the documents discussed herein.

FOR FURTHER INFORMATION CONTACT: Mr. Joe Johnston, Regional Project Manager, (see **ADDRESSES** above), telephone: 404/679-4155; or Ms. Barbara Allen, Fish and Wildlife Biologist, Daphne Field Office (see **ADDRESSES**), telephone: 251/441-5873.

SUPPLEMENTARY INFORMATION: We announce the availability of an EA and HCP application for an incidental take permit. The EA is an assessment of likely environmental impacts associated with this project. Copies of these documents may be obtained by making a request, in writing, to the Regional Office (see **ADDRESSES**). This notice advises the public that we have opened the comment period on the permit application, which includes an HCP and the EA. This notice is provided under section 10 of the Act and NEPA regulations at 40 CFR 1506.6.

We specifically request information, views, and opinions from the public via this notice on the Federal action, including the identification of any other aspects of the human environment not already identified in the EA. Further, we specifically solicit information about the adequacy of the HCP as measured against our ITP issuance criteria found in 50 CFR parts 13 and 17.

If you wish to comment, you may submit comments by any one of several methods. Please reference Gulf State