

representatives or officials of organizations or businesses, available for public inspection in their entirety.

The 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 that has adversely affected the distribution and numbers of scrub-jays. The total estimated population is between 7,000 and 11,000 individuals.

Four Projects are proposed including three road extensions at Winchester Boulevard, Edgewater Drive, and Solomon Drive, and a community redevelopment project at Murdock Village. All Projects are within the previously subdivided, partly developed urban areas of Charlotte County. The Applicant has identified 11 scrub-jay families within the Project areas. The four Projects are expected to destroy 84.2 acres of occupied scrub-jay habitat. Scrub-jays using the Project areas are part of two scrub-jay metapopulations in Charlotte County: The Sarasota-western Charlotte metapopulation, which occurs on the Cape Haze peninsula, and the northwestern Charlotte metapopulation, which occurs between the Myakka and Peace Rivers. The continued persistence of scrub-jays in this area may be dependent on the maintenance of suitable habitat and the restoration of unsuitable habitat.

Construction of the Projects will result in harm to scrub-jays, incidental to the carrying out of these otherwise lawful activities. Habitat alteration associated with the proposed road construction and community redevelopment will reduce the availability of nesting, foraging, and sheltering habitat for 11 families of scrub-jays. The Applicant proposes to mitigate take of scrub-jays by preserving, restoring, and managing in perpetuity 275 acres of scrub-jay habitat within the affected scrub-jay metapopulations.

The Fish and Wildlife Service has made a preliminary determination that issuance of the requested ITP is not a major Federal action significantly affecting the quality of the human environment within the meaning of Section 102(2)(C) of National Environmental Policy Act (NEPA). This preliminary information may be revised due to public comment received in response to this notice and is based on information contained in the EA and HCP.

The Fish and Wildlife Service will evaluate the HCP and comments submitted thereon to determine whether the ITP application meets the requirements of section 10(a) of the Act (16 U.S.C. 1531 *et seq.*). If the Fish and Wildlife Service determines that those requirements are met, an ITP will be issued for the incidental take of the Florida scrub-jay. The Fish and Wildlife Service will also evaluate whether issuance of this 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. This notice is provided pursuant to section 10 of the Endangered Species Act and NEPA regulations (40 CFR 1506.6).

Dated: October 26, 2007.

**Cynthia K. Dohner,**

*Acting Regional Director, Southeast Region.*

[FR Doc. E7-22815 Filed 11-21-07; 8:45 am]

**BILLING CODE 4310-55-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Notice of Availability for the Renewal of an Expired Section 10(a)(1)(B) Permit for Incidental Take of the Golden-cheeked Warbler in Travis County, TX (Scarpato)

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

**ACTION:** Notice of availability.

**SUMMARY:** On October 19, 2001, the U.S. Fish and Wildlife Service (Service) issued a section 10(a)(1)(B) permit, pursuant to Section 10(a) of the Endangered Species Act (Act), for incidental take of the golden-cheeked warbler (*Dendroica chrysoparia*)(GCWA) to Thomas Scarpato and Janet Neyland-Scarpato (Applicant). The permit (TE-042733-0) was for a period of five years and expired on October 19, 2006. The requested permit renewal by Mr. and Mrs. Scarpato will extend the permit expiration by five years from the date the permit is reissued.

**DATES:** To ensure consideration, written comments must be received on or before December 24, 2007.

**ADDRESSES:** Persons wishing to review the request for extension, former incidental take permit, or other related documents may obtain a copy by written or telephone request to Allison Arnold, U.S. Fish and Wildlife Service, 10711 Burnet Road, Suite 200, Austin,

Texas 78758 (512/490-0057 ext. 242). Documents will be available for public inspection by written request, or by appointment only, during normal business hours (8 a.m. to 4:30 p.m.) at the Service's Austin Office. Comments concerning the request for renewal should be submitted in writing to the Field Supervisor at U.S. Fish and Wildlife Service, 10711 Burnet Road, Suite 200, Austin, Texas 78758. Please refer to permit number TE-042733-0 when submitting comments.

#### FOR FURTHER INFORMATION CONTACT:

Allison Arnold at the U.S. Fish and Wildlife Service Austin Office, 10711 Burnet Road, Suite 200, Austin, Texas 78758 (512/490-0057 ext. 242).

#### SUPPLEMENTARY INFORMATION:

##### Public Availability of Comments

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, 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.

**Applicant:** Mr. and Mrs. Scarpato plan to construct a single family residence on their 2.67-acre lot located at 8110 Two Coves Drive, Austin, Texas. The construction of a single family residence on approximately 0.75 acres of the 2.67-acre lot will eliminate less than one acre of GCWA habitat and indirectly impact less than four additional acres of habitat. The original permit included, and the Applicant has already provided \$1,500 to the Balcones Canyonlands Preserve to mitigate impacts to the GCWA. This money will be used by the Balcones Canyonlands Preserve to acquire additional GCWA habitat. The Applicant has agreed to follow all other existing permit terms and conditions. If renewed, all of the permit terms and conditions will remain the same, and no additional take will be authorized.

Section 9 of the Act prohibits the "taking" of threatened or endangered species. However, the Service, under limited circumstances, may issue permits to take threatened and endangered wildlife species incidental to, and not the purpose of, otherwise lawful activities.

We provide this notice under section 10(c) of the Act (16 U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.22), and the National Environmental Policy Act (42 U.S.C.

4371 *et seq.*) and its implementing regulations (40 CFR 1506.6).

**Thomas L. Bauer,**

*Acting Regional Director, Region 2,  
Albuquerque, New Mexico.*

[FR Doc. E7-22819 Filed 11-21-07; 8:45 am]

**BILLING CODE 4510-55-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Receipt of an Application for an Incidental Take Permit for Residential Construction in Charlotte County, FL

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

**ACTION:** Notice.

**SUMMARY:** We, the Fish and Wildlife Service (Service), announce the availability of an incidental take permit (ITP) and Habitat Conservation Plan (HCP). The Carlisle Group (applicant) requests an ITP pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The applicant anticipates taking about 12.72 acres of Florida scrub-jay (*Aphelocoma coerulescens*) (scrub-jay) foraging, sheltering, and nesting habitat incidental to lot preparation for the construction of a multiple-family apartment complex and supporting infrastructure in Charlotte County, Florida (project). The applicant's HCP describes the mitigation and minimization measures proposed to address the effects of the project on the scrub-jay.

**DATES:** We must receive your written comments on the ITP application and HCP on or before December 24, 2007.

**ADDRESSES:** See the **SUPPLEMENTARY INFORMATION** section below for information on how to submit your comments on the ITP application and HCP. You may obtain a copy of the ITP application and HCP by writing the South Florida Ecological Services Office, *Attn:* Permit number TE168754-0, U.S. Fish and Wildlife Service, 1339 20th Street, Vero Beach, FL 32960-3559. In addition, we will make the ITP application and HCP available for public inspection by appointment during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Ms. Trish Adams, Fish and Wildlife Biologist, South Florida Ecological Services Office (see **ADDRESSES**); telephone: (772) 562-3909, ext. 232.

**SUPPLEMENTARY INFORMATION:** If you wish to comment on the ITP application and HCP, you may submit comments by

any one of the following methods. Please reference permit number TE168754-0 in such comments.

1. Mail or hand-deliver comments to our South Florida Ecological Services Office address (see **ADDRESSES**).

2. E-mail comments to *trish\_adams@fws.gov*. If you do not 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.

Multiple-family apartment complex construction for the applicant's HCP will take place within Sections 04 and 5, Township 40, Range 23, Punta Gorda, Charlotte County, Florida, at the lot identified by property identification number 00952621460004. This lot is within scrub-jay-occupied habitat.

The lot encompasses about 20.11 acres. The project will be constructed in two phases. Phase I consists of construction on 5.08 acres of the western 12.47 acres, and Phase II consists of the eastern 7.64 acres. Phase II construction is not expected to begin until Phase I is complete. The applicant proposes to place 2.85 acres of occupied scrub-jay habitat located in Phase I under a perpetual conservation easement. In order to minimize take on site, the applicant has reduced the site plan, will clear vegetation outside of the scrub-jay nesting season (March 1 through June 30) or will conduct a nest survey prior to vegetation clearing, and will landscape with native vegetation. The applicant proposes to mitigate for the loss of 12.72 acres of scrub-jay habitat by acquiring 25.44 acres of credit at a Service approved scrub-jay conservation bank, or contributing a total of \$569,417 to the Florida Scrub-jay Conservation Fund administered by The Nature Conservancy for Phase I impacts and an amount determined by multiplying 15.28 acres and the cost per acre determined by the Florida Scrub-jay Conservation Fund at the time of Phase II impacts. Funds in the Florida Scrub-jay Conservation Fund are earmarked for use in the conservation and recovery of scrub-jays and may include habitat acquisition, restoration, and/or management.

We have determined that the applicants' 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). 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: November 1, 2007.

**Paul Souza,**

*Field Supervisor, South Florida Ecological Services Office.*

[FR Doc. E7-22816 Filed 11-21-07; 8:45 am]

**BILLING CODE 4310-55-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[MT-030-1430-HN; NDM 032161]

#### Opening Order for Reconveyed Land; North Dakota

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** This order opens 3.61 acres of reconveyed land to appropriation under the public land laws.

**DATES:** *Effective Date:* November 23, 2007.

**FOR FURTHER INFORMATION CONTACT:** Linda Gisvold, Bureau of Land