

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****National Key Deer Refuge; Key West, Great White Heron, and Crocodile Lake National Wildlife Refuges**

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of Intent to Prepare Comprehensive Conservation Plans and Environmental Assessments for National Key Deer Refuge; Key West, Great White Heron, and Crocodile Lake National Wildlife Refuges in Florida.

SUMMARY: This notice advises the public that the Fish and Wildlife Service, Southeast Region, intends to gather information necessary to prepare comprehensive conservation plans and environmental assessments pursuant to the National Environmental Policy Act and its implementing regulations. The Service is furnishing this notice in compliance with the National Wildlife Refuge System Administration Act of 1966, as amended (16 U.S.C. 668dd *et seq.*), to achieve the following:

- (1) Advise other agencies and the public of our intentions, and
- (2) Obtain suggestions and information on the scope of issues to include in the environmental documents.

Special mailings, newspaper articles, and other media announcements will be used to inform the public and government and non-government agencies of the opportunities for input throughout the planning process.

ADDRESSES: Address comments, questions, and requests for more information to the following: Van Fischer, Natural Resource Planner, National Key Deer Refuge, 28950 Watson Boulevard, Big Pine Key, Florida 33043-0510, Telephone 305/872-2239; Fax 305/872-3675; E-mail Van_Fisher@fws.gov. Additional information concerning these refuges may be found at the Service's Internet site <http://www.fws.gov>.

SUPPLEMENTARY INFORMATION: Federal law, all lands within the National Wildlife Refuge System are to be managed in accordance with an approved comprehensive conservation plan. The plan guides management decisions and identifies refuge goals, long-range objectives, and strategies for achieving refuge purpose. The planning process will consider many elements including wildlife and habitat management, public recreational activities, and cultural resource protection. Public input into the planning process is essential.

Crocodile Lake National Wildlife Refuge was established in 1980, to provide wildlife and habitat protection for federally listed threatened and endangered species and migratory birds. A draft comprehensive conservation plan is expected to be completed for this refuge by June 2004.

Key West and Great White Heron National Wildlife Refuges were established in 1908 and 1938 respectively, to protect herons and egrets from plume hunters. National Key Deer Refuge was established in 1957, to protect the endangered Key Deer and other wildlife. Each of the refuges is located in Monroe County, Florida.

As the draft plans for these refuges are completed, reviews will be conducted in accordance with the requirements of the National Environmental Policy Act of 1969, as amended (41 U.S.C. 4321 *et seq.*), NEPA regulations (40 CFR parts 1500-1508), other appropriate Federal laws and regulations, and Service policies and procedures for compliance with those regulations.

Authority: This notice is published under the authority of the National Wildlife Refuge System Improvement Act of 1997, Public Law 105-57.

Dated: March 31, 2003.

Christine E. Eustis,

Acting Regional Director.

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DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****Notice of Availability and Public Comment Period for Documents Associated With the Incidental Take Permit (ITP) Previously Issued to Waterman's Realty Co./Winchester Creek Limited Partnership for the Home Port on Winchester Creek Habitat Conservation Plan**

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: Waterman's Realty Company/Winchester Creek Limited Partnership was issued an ITP, permit number TE006310, on May 13, 1999, for take of the Delmarva for squirrel. In response to a ruling by the Court of Appeals, the U.S. Fish and Wildlife Service (Service) announces the availability of two documents associated with this ITP and the opening of a 60-day comment period.

DATES: Written comments on these documents should be received within 60 days of the date of this publication.

ADDRESSES: Persons wishing to review these documents may obtain a copy at <http://www.fws.gov/r5cbfo>, or by written or telephone request to John Wolflin, U.S. Fish and Wildlife Service, 177 Admiral Cochrane Drive, Annapolis, Maryland 21401 (410-573-4573). Additionally, documents will be available for public inspection by appointment during normal business hours (8 to 4:30) at the U.S. Fish and Wildlife Service, Annapolis, Maryland. Data or comments concerning the offsite mitigation map or revised analysis should be submitted in writing to the Project Leader, U.S. Fish and Wildlife Service Office, Annapolis, Maryland at the above address. Please refer to permit number TE006310 when submitting comments.

FOR FURTHER INFORMATION CONTACT: John Wolflin at the above Service Office, Annapolis, Maryland.

SUPPLEMENTARY INFORMATION: On May 13, 1999, after an expanded public comment period of 37 days on the proposed Home Port On Winchester Creek Habitat Conservation Plan (Home Port HCP), the Service issued an ITP for "take" of the Delmarva fox squirrel (DFS). The ITP was issued pursuant to the Endangered Species Act (ESA) § 10(a)(2)(B), 16 U.S.C. 1539(a)(2)(B), and its implementing regulations at 50 CFR 17.22(b)(1). On September 7, 1999, a neighbor to the proposed development (Gerber) and Defenders of Wildlife (DOW) filed suit alleging numerous violations of the National Environmental Policy Act (NEPA), ESA and the Administrative Procedure Act (APA) related to issuance of the ITP for the Home Port HCP.

The District Court granted summary judgment on all counts in favor of the Service on May 15, 2001. *See Gerber v. Babbitt*, 146 F.Supp.2d 1 (D. D.C. 2001). DOW appealed the District Court's ruling on two issues. The availability of a map during the original public comment period, and the Service's finding regarding the impracticability of a project design alternative.

A summary of the first issued follows: The Plaintiffs/Appellants, who had been provided approximately 45 days (due to receipt of an advance copy by agreement) to comment on the HCP, notified the Service shortly before the end of the public comment period of their desire for additional time to comment because no map of the offense mitigation area had been provided. The Service sent them the map, but did not extend the comment period. While the District Court ruled that omission of the map was a harmless error, not in violation of the ESA, the Court of