

Dated: February 11, 2000.

Kristen Nelson,

Chief, Branch of Permits (Domestic), Office of Management Authority.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability of an Environmental Assessment/Habitat Conservation Plan and Receipt of an Application for an Incidental Take Permit for the Houston Toad (*Bufo houstonensis*) During Construction of One Single Family Residence on each of 21 Lots in the Circle D Country Acres Subdivision and on each of 6 Lots in the Piney Ridge Subdivision, Bastrop County, Texas

SUMMARY: SPSSCT Inc. DBA SPS Builders (Applicant) has applied to the U.S. Fish and Wildlife Service (Service) for an incidental take permit pursuant to Section 10(a) of the Endangered Species Act (Act). The Applicant has been assigned permit number TE-021532-0. The requested permit, which is for a period of 5 years, would authorize the incidental take of the endangered Houston toad (*Bufo houstonensis*). The proposed take would occur as a result of the construction of a single family residence on each of 21 lots in the Circle D Country Acres Subdivision [Section 3, Lot 66 (1.018 acres); Section 5, Lot 39 (1.32 acres); Section 7, Lot 12 (0.498 acre); Section 8, Lot 21 (0.942 acre); Section 6, Lots 16 (0.069 acre), 28 (1.13 acres), 30 (0.646 acre), 31 (0.656 acre), 32 (0.400 acre), 40 (0.446 acre), 53 (0.517 acre), 54 (0.584 acre), 55 (0.0457 acre), 56 (0.396 acre), 96 (0.763 acre), 100 (0.758 acre), 101 (0.758 acre), 105 (0.758 acre), 109 (0.758 acre), 110 (0.747 acre), and 111 (1.06 acres)] and 6 lots in the Piney Ridge Subdivision [Section 1, Lots 18A and 18B (1.036 acres each), 19A, 19B, and 19C (1.302 acres each), and 25A (0.818 acre)] in Bastrop County, Texas.

The Service has prepared the Environmental Assessment/Habitat Conservation Plan (EA/HCP) for the incidental take application. A determination of jeopardy to the species or a Finding of No Significant Impact (FONSI) will not be made until at least 30 days from the date of publication 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 application should be received on or before March 17, 2000.

ADDRESSES: Persons wishing to review the application may obtain a copy by writing to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Persons wishing to review the EA/HCP may obtain a copy by contacting Tannika Englehard, Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, Texas 78758 (512/490-0063). Documents will be available for public inspection by written request, by appointment only, during normal business hours (8:00 to 4:30) at the U.S. Fish and Wildlife Service, Austin, Texas. Written data or comments concerning the application and EA/HCP should be submitted to the Field Supervisor, Ecological Services Field Office, Austin, Texas, at the above address. Please refer to permit number TE-021532-0 when submitting comments.

FOR FURTHER INFORMATION CONTACT: Tannika Englehard at the above Austin Ecological Services Field Office.

SUPPLEMENTARY INFORMATION: Section 9 of the Act prohibits the "taking" of endangered species such as the Houston toad. However, the Service, under limited circumstances, may issue permits to take endangered wildlife species incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for endangered species are at 50 CFR 17.22.

Applicant

SPSSCT Inc. DBA SPS Builders plans to construct a single family residence on each of 21 lots in the Circle D Country Acres Subdivision [Section 3, Lot 66 (1.018 acres); Section 5, Lot 39 (1.32 acres); Section 7, Lot 12 (0.498 acre); Section 8, Lot 21 (0.942 acre); Section 6, Lots 16 (0.069 acre), 28 (1.13 acres), 30 (0.646 acre), 31 (0.656 acre), 32 (0.400 acre), 40 (0.446 acre), 53 (0.517 acre), 54 (0.584 acre), 55 (0.0457 acre), 56 (0.396 acre), 96 (0.763 acre), 100 (0.758 acre), 101 (0.758 acre), 105 (0.758 acre), 109 (0.758 acre), 110 (0.747 acre), and 111 (1.06 acres)] and 6 lots in the Piney Ridge Subdivision [Section 1, Lots 18A and 18B (1.036 acres each), 19A, 19B, and 19C (1.302 acres each), and 25A (0.818 acre)] in Bastrop County, Texas. This action will eliminate less than one acre of habitat per homesite and result in an unquantifiable amount of indirect impact. The applicant proposes to compensate for this incidental take of the Houston toad by contributing \$40,500 (\$1,500 for each homesite) to the National Fish and Wildlife

Foundation for the specific purpose of land acquisition and management within Houston toad habitat, as identified by the Service.

Charlie Sanchez, Jr.,

Regional Director, Region 2, Albuquerque, New Mexico.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of an Environmental Assessment, Preliminary Finding of No Significant Impact, and Receipt of an Application for an Incidental Take Permit by The St. Joe Company for Development of Two Residential/Commercial Projects on its Lands in Walton County, Florida

AGENCY: Fish and Wildlife Service.

ACTION: Notice.

SUMMARY: The St. Joe Company (Applicant) seeks an incidental take permit (ITP) from the Fish and Wildlife Service (Service) pursuant to Section 10(a)(1)(B) of the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*), as amended. The permit would apply to two individual land holdings of the Applicant in Walton County, Florida. At the first site, The Villages at Seagrove, south parcel, the applicant has a total of 16.4 acres of designated critical habitat for the federally endangered Choctawhatchee beach mouse (*Peromyscus polionotus allophtys*) that is currently occupied by the species. The other site, Camp Creek, has habitat suitable for Choctawhatchee beach mice but is currently unoccupied by beach mice. This ITP would authorize take of 4.65 acres of designated Choctawhatchee beach mouse critical habitat, 0.5 acre of suitable but currently unoccupied habitat, and secondary impacts related to human occupancy and use of the two developments. The Service has evaluated the proposed project plans and determined that, with the incorporation and implementation of appropriate conservation measures, the projects would not likely adversely affect the threatened loggerhead (*Caretta caretta*), endangered green (*Chelonia mydas*), and endangered leatherback (*Dermochelys coriacea*) sea turtles.

The Service also announces the availability of the draft EA and Plan for the incidental take application. Copies of the draft EA and/or Plan may be obtained by making a request to the Regional Office (see **ADDRESSES**). Requests must be in writing to be