

At this time, no scrub-jay conservation banks have been approved by the Service. We include conservation banks as a mitigation option in the umbrella HCP/EA in order to maintain incentives for private interests that may want to develop a scrub-jay conservation bank in the future. Conservation banks have been established for a few other listed species throughout the Southeast, as well as in other regions of the country. A conservation bank typically comprises a tract of land managed to restore, enhance, and protect a listed species' habitat with the purpose of making units of habitat value available for sale to third-party project applicants who need to compensate for impacts to listed species that would result from their projects. Ideally, a conservation bank would make listed species mitigation practicable for project proponents who otherwise would find it difficult to develop their own mitigation plan.

The Service has made a preliminary determination that issuance of incidental take permits in accordance with the proposed HCP/EA 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 (NEPA). This preliminary determination is based on information contained in the HCP/EA and may be revised, however, due to public comment received in response to this notice.

The Service will also evaluate whether issuance of section 10(a)(1)(B) ITPs in accordance with the proposed HCP/EA complies with section 7 of the Act (16 U.S.C. 1531 *et seq.*) by conducting an intra-Service section 7 consultation. The results of the biological opinion, in combination with the above findings, will be used in our final analysis to determine whether or not to make the HCP/EA available for use by qualifying landowners and to issue ITPs. This notice is provided pursuant to section 10 of the Endangered Species Act and NEPA regulations (40 CFR 1506.6).

Dated: March 21, 2006.

**Cynthia K. Dohner,**

*Acting Regional Director.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### **Draft Safe Harbor Agreement With Assurances and Application for an Enhancement of Survival Permit for the Houston Toad in Bastrop County, TX**

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

**ACTION:** Notice of availability; receipt of application.

**SUMMARY:** Small Family Investments, Ltd. (Applicant) has applied to the U.S. Fish and Wildlife Service (Service) for an enhancement of survival permit pursuant to section 10(a)(1)(A) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*). The requested permit, which is for a period of 12 years, includes a draft Safe Harbor Agreement (SHA) for the endangered Houston toad (*Bufo houstonensis*) in Bastrop County, Texas. We invite the public to review and comment on the permit application and the associated SHA.

**DATES:** To ensure consideration, written comments must be received on or before May 8, 2006.

**ADDRESSES:** Persons wishing to review the application may obtain a copy by writing to the Regional Director, P.O. Box 1306, Room 4102, Albuquerque, New Mexico, 87103. Persons wishing to review the draft SHA or other related documents may obtain a copy by written or telephone request to Paige Najvar, U.S. Fish and Wildlife Service, 10711 Burnet Road, Suite 200, Austin, Texas 78758 (512-490-0057; Fax 512-490-0974). The documents will also be available for public inspection, by appointment only, during normal business hours (8 a.m. to 4:30 p.m.) at the Service's Austin office. The Draft Agreement may also be obtained from the Internet at [http://www.fws.gov/ifw2es/Documents/R2ES/Small\\_SHA\\_for\\_notice.pdf](http://www.fws.gov/ifw2es/Documents/R2ES/Small_SHA_for_notice.pdf). Comments concerning the draft SHA or other related documents should be submitted in writing to the Field Supervisor at the U.S. Fish and Wildlife Service, 10711 Burnet Road, Suite 200, Austin, Texas 78758. Please refer to permit number TE-120475-0 when submitting comments. All comments received will become a part of the official administrative record and may be made available to the public.

#### **FOR FURTHER INFORMATION CONTACT:**

Paige Najvar at the U.S. Fish and Wildlife Service, 10711 Burnet Road, Suite 200, Austin, Texas 78758 (512-

490-0057; Fax 512-490-0974), or [Paige\\_Najvar@fws.gov](mailto:Paige_Najvar@fws.gov).

**SUPPLEMENTARY INFORMATION:** The Applicant has applied to the Service for a section 10(a)(1)(A) enhancement of survival permit for the endangered Houston toad in Bastrop County, Texas for a period of 12 years.

The Applicant intends to work collaboratively with Environmental Defense and the Service to implement conservation measures that are expected to provide a net conservation benefit to the Houston toad and will improve the quality of Houston toad habitat on the 836-acre property in Bastrop County, Texas. The Applicant has agreed to undertake conservation measures such as prescribed burning and brush thinning activities in order to control invasive woody understory species and decrease existing fuel load. These conservation measures are expected to facilitate the establishment of native, herbaceous vegetation while expanding and enhancing potential breeding, foraging, and hibernating habitats for the Houston toad currently occupying the property and the adjacent Bastrop State Park.

Incidental take of toads may occur on the property due to habitat management actions conducted in accordance with the conservation measures in the SHA, on-going ranch activities, and the possible cessation of management activities by the Applicant.

We provide this notice pursuant to section 10(c) of the Act, the National Environmental Policy Act (42 U.S.C. 4371 *et seq.*), and its implementing regulations (40 CFR 1506.6).

**Geoffrey L. Haskett,**

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

[FR Doc. E6-4993 Filed 4-5-06; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### **Proposed Finding for Federal Acknowledgment of the Mashpee Wampanoag Indian Tribal Council, Incorporated of Massachusetts**

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice of Proposed Finding.

**SUMMARY:** Pursuant to 25 CFR 83.10(h), notice is hereby given that the Associate Deputy Secretary (ADS) proposes to determine that the Mashpee Wampanoag Indian Tribal Council, Inc., P.O. Box 1048, Mashpee, Massachusetts 02649, c/o Mr. Glenn Marshall, is an