

*Fax:* Trish Adams, (772) 562-4288, Attn: Permit number TE214678-0.

*U.S. mail:* Trish Adams, HCP Coordinator, South Florida Ecological Services Field Office, Attn: Permit number TE214678-0, U.S. Fish and Wildlife Service, 1339 20th Street, Vero Beach, FL 32960-3559.

*In-person drop-off:* You may drop off information during regular business hours at the above office address.

**FOR FURTHER INFORMATION CONTACT:** Ms. Trish Adams, HCP Coordinator, South Florida Ecological Services Office, Vero Beach, Florida (see **ADDRESSES**), telephone: 772-562-3909, extension 232.

**SUPPLEMENTARY INFORMATION:** If you wish to submit comments or information, you may do so by any one of several methods. Please reference permit number TE214678-0, in such comments. You may mail comments to the Service's South Florida Ecological Services Office (see **ADDRESSES**). You may also comment via the Internet to [trish\\_adams@fws.gov](mailto:trish_adams@fws.gov). Please also include your name and return address in your Internet message. If you do not receive a confirmation from us that we have received your Internet message, contact us directly at the telephone number listed under **FOR FURTHER INFORMATION CONTACT**. Finally, you may hand deliver comments to the Service office listed under **ADDRESSES**.

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.

*Applicant's Proposed Project:* We received an application from the applicant for an incidental take permit, along with a proposed habitat conservation plan. The applicant requests a 5-year permit under section 10(a)(1)(B) of the Act. If we approve the permit, the applicant anticipates taking approximately 1 acre (0.4 hectares (ha)) of Florida scrub-jay breeding, feeding and sheltering habitat incidental to land preparation for construction of a gas station, convenience store, several light industrial warehouse condominiums, and supporting infrastructure in St. Lucie County, Florida. In 1987, we listed this species as threatened (June 3, 1987; 52 FR 20715). The listing became effective July 6, 1987.

Project construction would take place at latitude 27.4833, longitude -80.3577, St. Lucie County, Florida, at St. Lucie Boulevard, Lots 1 through 18 and north half of Hawthorn Road adjacent on south side of Lot 18, Block 37, and Lot 1 and south half of Hawthorn Road adjacent on north side of Lot 1, Block 15A, San Lucie Plaza Unit One, Florida. Parts of these lots are within scrub-jay-occupied habitat.

The parcels encompass about 2.92 acres (1.18 ha), and the footprint of the commercial buildings, paved areas, infrastructure, and landscaping precludes retention of viable scrub-jay habitat on this lot. In order to minimize take on site, the applicant proposes to mitigate for the loss of 1.0 acres (0.4 ha) of occupied scrub-jay habitat by contributing \$82,904.00 to a Service-approved scrub-jay conservation fund, or purchase the equivalent amount of credit in an appropriate Service-approved scrub-jay conservation bank within 180 days of permit issuance or before the commencement of clearing and construction activities, whichever is sooner.

*Our Preliminary Determination:* The Service has made a preliminary determination that the applicant's Project, including the proposed mitigation and minimization measures, will individually and cumulatively 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) (40 CFR 1506.6), as provided by the Department of the Interior Manual (516 DM 2 Appendix 1 and 516 DM 6 Appendix 1), and as defined in our Habitat Conservation Planning Handbook (November 1996). We base our determination that the plan qualifies as a low-effect plan on the following three criteria: (1) Implementation of the plan would result in minor or negligible effects on federally listed, proposed, and candidate species and their habitats; (2) Implementation of the plan would result in minor or negligible effects on other environmental values or resources; and (3) Impacts of the plan, considered together with the impacts of other past, present, and reasonably foreseeable similarly situated projects, would not result, over time, in cumulative effects to environmental values or resources that would be considered significant. As more fully explained in our environmental action statement and associated Low Effect Screening Form, the applicant's proposed plan qualifies as a "low-effect" plan. This preliminary determination may be revised based on

our review of public comments that we receive in response to this notice.

*Next Steps:* The Service will evaluate the HCP and comments submitted thereon to determine whether the applications meet the requirements of section 10(a) of the Act (16 U.S.C. 1531 *et. seq.*). If it is determined that those requirements are met, the ITP will be issued for the incidental take of the Florida scrub-jay. The Service will also evaluate whether issuance of the section 10(a)(1)(B) ITP comply 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.

**Authority:** This notice is provided pursuant to Section 10 of the Endangered Species Act and NEPA regulations (40 CFR 1506.6).

Dated: January 15, 2010.

**Paul Souza,**

*Field Supervisor, South Florida Ecological Services Office.*

[FR Doc. 2010-1808 Filed 1-28-10; 8:45 am]

**BILLING CODE 4310-55-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS-R3-ES-2009-N263; 30120-1113-0000-F6]

#### Endangered and Threatened Wildlife and Plants; Indiana Bat; 30-Day Scoping Period for a National Environmental Policy Act Decision on a Proposed Habitat Conservation Plan and Incidental Take Permit

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

**ACTION:** Notice of intent to conduct a 30-day scoping period for a National Environmental Policy Act decision on a proposed habitat conservation plan and incidental take permit; request for comments.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), intend to prepare a National Environmental Policy Act (NEPA) document for a decision on a proposed habitat conservation plan (HCP) and incidental take permit (ITP) for the Indiana bat (*Myotis sodalis*) at a wind power project in Champaign County, Ohio. We provide this notice to advise other agencies, tribes, and the public of our intentions, and to obtain suggestions and information on the scope of the NEPA review and issues to consider in the planning process. We are also using this opportunity to seek comments on

the appropriate level of NEPA review, and whether an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) would be the appropriate level.

**DATES:** To ensure consideration, please send your written comments by March 1, 2010.

**ADDRESSES:** You may submit comments by one of the following methods:

*U.S. mail or hand-delivery:* Ms.

Megan Seymour, U.S. Fish and Wildlife Service, Ohio Field Office, 4625 Morse Rd., Suite 104, Columbus, OH 43230;

*E-mail:* [EverPowerHCP@fws.gov](mailto:EverPowerHCP@fws.gov); or

*Fax:* (614) 416-8994 (Attention:

Megan Seymour).

**FOR FURTHER INFORMATION CONTACT:** Ms. Megan Seymour at (614) 416-8993, extension 16. Individuals who are hearing-impaired or speech-impaired may call the Federal Relay Service at (800) 877-8337 for TTY assistance.

**SUPPLEMENTARY INFORMATION:**

**Public Comments**

We request data, comments, new information, or suggestions from the public, other concerned governmental agencies, the scientific community, Tribes, industry, or any other interested party on this notice. We will consider all comments we receive in complying with the requirements of NEPA and in the development of an HCP and ITP. We particularly seek comments concerning:

- (1) Biological information concerning the Indiana bat;
- (2) Relevant data concerning wind power and bat interactions;
- (3) Additional information concerning the range, distribution, population size, and population trends of the Indiana bat;
- (4) Current or planned activities in the subject area and their possible impacts on the Indiana bat;
- (5) The presence of facilities within the project area which are eligible to be listed on the National Register of Historic Places or whether other historical, archeological, or traditional cultural properties may be present;
- (6) The appropriate level of NEPA review, specifically whether development of an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) would be appropriate; and
- (7) Identification of any other environmental issues that we should consider with regard to the proposed development and permit action.

You may submit your comments and materials considering this notice by one of the methods listed in the **ADDRESSES** section.

Comments and materials we receive, as well as supporting documentation we

use in preparing the NEPA document, will be available for public inspection by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, Ohio Field Office (see **FOR FURTHER INFORMATION CONTACT**). You may obtain copies of this notice by mail from the Ohio Field Office, or on the Internet at: <http://www.fws.gov/midwest/Endangered/permits/hcp/r3hcps.html>.

**Background**

The Indiana bat was added to the list of Endangered and Threatened Wildlife and Plants on March 11, 1967 (32 FR 4001). It is currently listed as an endangered species under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*; ESA). The population decline of this species is attributed to habitat loss and degradation of both winter hibernation habitat and summer roosting habitat, human disturbance during hibernation, and possibly pesticides. An additional and emerging threat to Indiana bats is White-Nose Syndrome (*Geomyces destructans*), a recently discovered fungus that invades the skin of bats, causing ulcers that may alter hibernation arousal patterns, and which can cause emaciation. The range of the Indiana bat includes much of the eastern United States, and Ohio is located within the core maternity range of the bat. Winter habitat for the Indiana bat includes caves and mines that support high humidity and cool but stable temperatures. In the summer, Indiana bats roost under the loose bark of dead or dying trees. During summer, males roost alone or in small groups, while females and their offspring roost in larger groups of 100 or more. Indiana bats forage for insects in and along the edges of forested areas and wooded stream corridors. Maternity colonies of Indiana bats have recently been detected in Champaign County, Ohio, though no Indiana bat hibernacula have been documented in this county.

EverPower Wind Holdings, Inc. is planning the development of a wind power project in Champaign County, Ohio. The project would be spread across 80,370 acres within portions of Union, Wayne, Urbana, Salem, Rush, and Goshen Townships. Development of the wind power project would include installation of up to 100 wind turbines and associated collection lines, access roads, utility lines, substations, operation and maintenance facility buildings, and temporary staging areas and concrete batch plants. The wind turbine hub height would be approximately 100 meters (m), and the rotor diameter would be approximately

100 m, for an approximate total height of 150 m at the rotor apex. Installation of each individual turbine will temporarily impact an area of approximately 2.9 acres, while the final footprint of each turbine will be approximately 0.2 acres. Access roads to the turbines will have a temporary width of up to 55 feet during construction, and a permanent width of 16–20 feet. Despite the relatively small acreage of land to be affected by the project, impacts to wildlife—particularly birds and bats—are anticipated.

The project is located in a rural setting, with the landscape primarily composed of agricultural properties. Woodlots are scattered throughout the project area. Several small towns (Mutual and Cable) occur within the project area, and individual homes and low-density residential areas are also scattered throughout.

EverPower Wind Holdings, Inc., in conjunction with the Service, has determined that take of Indiana bats is likely to occur from development of the proposed wind power project. To authorize take, EverPower Wind Holdings, Inc. plans to develop an HCP and request issuance of an ITP from the Service. Relevant information provided in response to this notice will aid in developing the HCP and NEPA document, and potentially the ITP, should take be authorized.

At this point, the Service has not developed any alternatives for the NEPA document. Any preferred alternative developed by the Service will contain various measures to avoid and minimize impacts to Indiana bats, including the impact of lethal take. Various methods that may be considered include, but are not limited to: Protection of roost trees and surrounding habitat, set-back distances from known roost trees, mapping and avoidance of foraging areas, protection and enhancement of Indiana bat habitat outside the project area, removal of small woodlots near turbines to preclude expansion of Indiana bat usage near turbines, various curtailment regimes for turbines during prime activity or migration periods, and post-construction monitoring for fatalities.

**Authority**

We furnish this notice under NEPA regulations (40 CFR 1501.7 and 1508.22). The intent of the notice is to enable us to obtain suggestions and additional information from other agencies and the public on the scope of issues to be considered.

Dated: December 21, 2009.

Lynn M. Lewis,

Assistant Regional Director, Ecological Services, Region 3, Fort Snelling, MN.

[FR Doc. 2010-1810 Filed 1-28-10; 8:45 am]

BILLING CODE 4310-55-P

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[LLAZC02000L16100000.DR0000.241A]

#### Notice of Availability of Record of Decision for the Yuma Field Office Resource Management Plan/ Environmental Impact Statement

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

**ACTION:** Notice of availability.

**SUMMARY:** The Bureau of Land Management (BLM) announces the availability of the Record of Decision (ROD)/Approved Resource Management Plan (RMP) for the Yuma Field Office (YFO) located in Arizona and California. The Arizona State Director signed the ROD on July 28, 2009, which constitutes the final decision of the BLM and makes the approved RMP effective immediately.

**ADDRESSES:** Copies of the ROD/ Approved RMP are available upon request from the Bureau of Land Management, Yuma Field Office, 2555 Gila Ridge Road, Yuma, Arizona 85365, or via the Internet at [http://www.blm.gov/az/st/en/prog/planning/yuma\\_plan.html](http://www.blm.gov/az/st/en/prog/planning/yuma_plan.html).

**FOR FURTHER INFORMATION CONTACT:** James T. Shoaff, Field Manager, Bureau of Land Management, Yuma Field Office, 2555 Gila Ridge Road, Yuma, Arizona 85365.

**SUPPLEMENTARY INFORMATION:** One of BLM's objectives during the planning process was to understand the views of various public interest groups by providing opportunities for meaningful participation. Through communication media such as meetings, newsletters, and news releases, the public was provided opportunities to identify issues that needed to be addressed. The public also provided comments during the 90-day public comment period on the Draft Environmental Impact Statement (EIS), which were addressed in the Final EIS. The Approved RMP/ Final EIS was developed with the following cooperating agencies: the Bureau of Reclamation; the Arizona Game and Fish Department; the Arizona Department of Transportation; the Federal Highway Administration; the Imperial, Cibola, and Kofa National

Wildlife Refuges; the Fort Yuma Quechan Tribe; the Marine Corps Air Station, Yuma; Natural Resource Conservation Service; the Yuma County Department of Public Works; the city of Yuma; the U.S. Army Yuma Proving Ground; the U.S. Department of Agriculture, the Natural Resources Conservation Service; the U.S. Department of Homeland Security, Customs and Border Patrol; the Cocopah Indian Tribe; the town of Quartzsite; the Wellton-Mohawk Irrigation District; and the Yavapai-Apache Nation. The BLM also initiated consultation with tribes that have oral traditions or cultural concerns relating to the planning area or that are documented as having occupied or used portions of the planning area during prehistoric or historic times.

The Approved RMP includes strategies for protecting and preserving the biological, cultural, recreational, geological, educational, scientific, and scenic values that balance multiple uses of the BLM-administered lands throughout the YFO planning area. The planning area encompasses more than 1.2 million acres of BLM-administered lands.

The ROD and Approved RMP include one new Area of Critical Environmental Concern (ACEC): Dripping Springs Natural and Cultural ACEC (11,733 acres). One existing ACEC is expanded under the new plan: Gila River Cultural ACEC (from 3,668 to 28,504 acres). The Gila River Cultural ACEC is renamed the Sears Point Cultural ACEC. The following types of resource use limitations generally apply to these ACECs:

(1) Allowable uses are limited to those which are compatible with the natural or cultural resources for which the area is designated; (2) Recreation facilities are limited to projects that protect ACEC values; and (3) Travel is permitted only on designated open and signed routes. Detailed information is provided in the Special Designations Management section of the Approved RMP.

The Preferred Alternative in the *Draft Resource Management Plan/Draft EIS* (published December 15, 2006) was revised to include comments received during the 90-day public comment period. The resulting alternative became the Proposed Plan in the *Proposed Resource Management Plan/Final EIS* (PRMP/FEIS), published on April 11, 2008. Seven protests were received during the Final EIS 30-day protest period. The Proposed Plan was clarified based on these protests. The Proposed Plan is now called the "Approved RMP" and is attached to the ROD. As a result of protests, only minor editorial modifications were made in preparing

the Approved RMP. These modifications provided further clarification of some of the decisions. Minor clarifications and changes between the Proposed Plan/Final EIS and the ROD/Approved Plan include the recalculation of Geographic Information System acreage to ensure consistency between lands available for grazing and those unavailable for grazing in the YFO, and minor text changes to clarify certain decisions. The BLM has determined that the Approved RMP provides an optimal balance between authorized resource use and the protection and long-term sustainability of sensitive resources within the planning area.

Neither the Arizona Governor's Office nor the California Governor's Office identified any inconsistencies between the Proposed RMP/Final EIS and state or local plans, policies, and programs following the 60-day Governors' Consistency Reviews (initiated March 6, 2008), in accordance with planning regulations at 43 CFR part 1610.3-2(e).

The Approved RMP does not contain implementation decisions. Future activity-level plans will address the implementation of the approved RMP. These implementation plans will provide the required additional site-specific planning and National Environmental Policy Act (NEPA) analyses. At that time, such decisions will become appealable. The appeal process will be outlined in the future individual implementation (activity or project-level) plans.

**Authority:** H-1790-1 National Environmental Policy Act Handbook, January 30, 2008.

James G. Kenna,  
Arizona State Director.

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## DEPARTMENT OF THE INTERIOR

### National Park Service

#### Winter Use Plan, Environmental Impact Statement, Yellowstone National Park

**AGENCY:** National Park Service, Department of the Interior.

**ACTION:** Notice of Intent to prepare an Environmental Impact Statement for a Winter Use Plan, Yellowstone National Park.

**SUMMARY:** Pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C), the National Park Service (NPS) is preparing an Environmental Impact Statement (EIS) for a Winter Use Plan for Yellowstone