

All decisions related to injury assessment, restoration activities, or other use of natural resource damage recovery monies obtained by the governments, including all decisions regarding:

- a. Planning, evaluation and allocation of available funds;
- b. Planning, evaluation and conduct of injury assessment; and
- c. Planning, evaluation and conduct of restoration activities.

Trustee Council intentions regarding the importance of obtaining a diversity of viewpoints is stated in the *Public Advisory Group Background and Guidelines* (March 1993, updated June 1994 and August 1996): "The Trustee Council intends that the Public Advisory Group be established as an important component of the Council's public involvement process." The Council continues, stating their desire that " * * * a wide spectrum of views and interest are available for the Council to consider as it evaluates, develops, and implements restoration activities. It is the Council's intent that the diversity of interests and views held by the Public Advisory Group members contribute to wide ranging discussions that will be of benefit to the Trustee Council."

In order to ensure that a broad range of public viewpoints continues to be available to the Trustee Council, and in keeping with the settlement agreement, the continuation of the Public Advisory Group for another two-year period is recommended.

Dated: November 6, 1998.

Bruce Babbitt,

Secretary of the Interior.

[FR Doc. 98-30994 Filed 11-19-98; 8:45 am]

BILLING CODE 4310-RG-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of an Environmental Assessment, Finding of No Significant Impact, and Receipt of an Application for an Incidental Take Permit for a 48-Acre Mixed Residential/Commercial Development Project, in Volusia County, Florida

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: Mortgage Management, L. P. of Chattanooga, Tennessee (Applicant), is seeking 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 (Act), as amended. The ITP

would authorize the take of one family of the threatened Florida scrub-jay, *Aphelocoma coerulescens* and the threatened Eastern indigo snake, *Drymarchon corais couperi*, in Volusia County, Florida, for a period of ten (10) years. The proposed taking is incidental to land clearing activities and mixed residential/commercial development on a 48-acre project site (Project). The Project contains about 8.2 acres of occupied Florida scrub-jay habitat, and the potential exists for the entire Project to provide habitat to the Eastern indigo snake. A description of the mitigation and minimization measures outlined the Applicant's Habitat Conservation Plan (HCP) to address the effects of the Project to the protected species is as described further in the **SUPPLEMENTARY INFORMATION** section below.

The Service also announces the availability of an environmental assessment (EA) and HCP for the incidental take application. Copies of the EA and/or HCP may be obtained by making a request to the Regional Office (see **ADDRESSES**). Requests must be in writing to be processed. This notice also advises the public that the Service has made a preliminary determination that issuing the ITP 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 of 1969 (NEPA), as amended. The Finding of No Significant Impact (FONSI) is based on information contained in the EA and HCP. The final determination will be made no sooner than 30 days from the date of this notice. This notice is provided pursuant to Section 10 of the Act and NEPA regulations (40 CFR 1506.6).

The Service specifically requests information, views, opinions from the public via this Notice, including the identification of any other aspects of the human environment not already identified in the Service's EA. Further, the Service is specifically soliciting information regarding the adequacy of the HCP as measured against the Service's ITP issuance criteria found in 50 CFR Parts 13 and 17.

DATES: Written comments on the permit application, EA, and HCP should be sent to the Service's Regional Office (see **ADDRESSES**) and should be received on or before December 21, 1998.

ADDRESSES: Persons wishing to review the application, HCP, and EA may obtain a copy by writing the Service's Southeast Regional Office, Atlanta, Georgia. Documents will also be available for public inspection by appointment during normal business

hours at the Regional Office, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345 (Attn: Endangered Species Permits), or Field Supervisor, U.S. Fish and Wildlife Service, 6620 Southpoint Drive, South, Suite 310, Jacksonville, Florida 32216-0912. Written data or comments concerning the application, EA, or HCP should be submitted to the Regional Office. Requests for the documentation must be in writing to be processed. Comments must be submitted in writing to be processed. Please reference permit number PRT-TE004632-0 in such comments, or in requests of the documents discussed herein.

FOR FURTHER INFORMATION CONTACT: Mr. Rick G. Gooch, Regional Permit Coordinator, (see **ADDRESSES** above), telephone: 404/679-7110, facsimile: 404/679-7081; or Mr. Jay B. Herrington, Fish and Wildlife Biologist, Jacksonville Field Office, (see **ADDRESSES** above), telephone: 904/232-2580, extension 120.

SUPPLEMENTARY INFORMATION:

Aphelocoma coerulescens is geographically isolated from other subspecies of scrub-jays found in Mexico and the Western United States. The Florida scrub-jay is found almost exclusively in peninsular Florida and is restricted to scrub habitat. The total estimated population is between 7,000 and 11,000 individuals. Due to habitat loss and degradation throughout the State of Florida, it has been estimated that the Florida scrub-jay population has been reduced by at least half in the last 100 years. Surveys have indicated that one family of Florida scrub-jays inhabit the Project site. Construction of the Project's infrastructure, commercial construction and construction of the individual home sites will likely result in death of, or injury to, *Aphelocoma coerulescens* incidental to the carrying out of these otherwise lawful activities. Habitat alteration associated with property development will reduce the availability of feeding, shelter, and nesting habitat.

The Eastern Indigo snake (*Drymarchon corais couperi*) is the longest north American snake, is reclusive, ranges up to 250 acres in the summer and down to less than 25 acres in the winter. Historical distribution is largely uncertain; however, records reflect distribution throughout the Florida peninsula as well as occurrence in the panhandle and Georgia. It is known to frequent dry, upland habitats with nearby wetlands. Destruction of suitable habitat for agriculture, livestock, forestry and development of commercial/residential properties as

well as commercial exploitation (collecting) and "gassing" are well documented as diminishing the population to a suggested viable presence only in the states of Florida and Georgia. The acquisition, preservation and management of large tracts of suitable habitat as opposed to small, isolated parcels is generally recommended.

Although not observed on site, the Applicant has requested authorization for incidental take of any Eastern Indigo snake occurring within the tract. In addition to the normal species specific precautionary and educational materials to be provided to on site personnel for the Eastern Indigo snake as outlined in the HCP, the mitigation strategy as identified above for the Florida scrub jay will be applied to offset unavoidable impacts to the Eastern Indigo snake.

The EA considers the environmental consequences of three alternatives. The no action alternative may result in loss of habitat for *Aphelocoma coerulescens* and exposure of the Applicant under Section 9 of the Act. The on-site preservation alternative would preserve 8.2 acres of occupied habitat. This option would not require an ITP, however, the portion of commercially developable property would be reduced from 11 acres to 2.8 acres. In addition, this option would not provide any management for the Florida scrub-jay family currently located on the property. The third alternative, the off-site mitigation alternative, would provide funds to the National Fish and Wildlife Foundation Fund for the Conservation of the Florida Scrub-jay to procure occupied Florida scrub-jay habitat in Volusia County, Florida to be managed into perpetuity. The proposed action alternative is issuance of the ITP with off-site mitigation. The affirmative conservation measures outlined in the HCP to be employed to offset the anticipated level of incidental take to the protected species are the following:

1. To mitigate for the up to 8.2 acres of occupied habitat that would be eliminated on site the applicant will provide funds to the National Fish and Wildlife Foundation in the amount of \$103,320.00 to be spent for procurement of occupied Florida scrub-jay habitat and conservation in Volusia County at a later date. This amount is based on mitigation at a ratio of 2:1 (two acres purchased for every one acre impacted and land costs of \$5,000 per acre), a \$1,000 per acre management endowment, and an administrative fee of five percent of the total cost for management of the National Fish and Wildlife Foundation Fund for conservation of the Florida scrub-jay.

Upon procurement, the mitigation land would first be donated to and subsequently managed by a holding company. After initial habitat restoration, the property would then be conveyed to Volusia County or other acceptable land conservation program, along with a conservation easement, requiring preservation and management for Florida scrub-jays (and eastern indigo snakes) into perpetuity.

2. No clearing of scrub vegetation would occur during the nesting season of the Florida scrub jay.

3. The HCP provides a funding mechanism for these mitigation measures.

As stated above, the Service has made a preliminary determination that the issuance of the ITP is not a major Federal action significantly affecting the quality of the human environment within the meaning of Section 102(2)(C) of 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.

An appropriate excerpt from the FONSI reflecting the Service's finding on the application is provided below:

Based on the analysis conducted by the Service, it has been determined that:

1. Issuance of an ITP would not have significant effects on the human environment in the project area.

2. The proposed take is incidental to an otherwise lawful activity.

3. The Applicant has ensured that adequate funding will be provided to implement the measures proposed in the submitted HCP.

4. Other than impacts to endangered and threatened species as outlined in the documentation of this decision, the indirect impacts which may result from issuance of the ITP are addressed by other regulations and statutes under the jurisdiction of other government entities. The validity of the Service's ITP is contingent upon the Applicant's compliance with the terms of the permit and all other laws and regulations under the control of State, local, and other Federal governmental entities.

The Service will also evaluate whether the issuance of a Section 10(a)(1)(B) ITP complies with Section 7 of the Act by conducting an intra-Service Section 7 consultation. The results of the biological opinion, in combination with the above findings, will be used in the final analysis to determine whether or not to issue the ITP.

Dated: November 4, 1998.

Sam D. Hamilton,
Regional Director.

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT-951-99-1020-00]

Call for Nominations for Butte Resource Advisory Council

AGENCY: Bureau of Land Management, DOI.

ACTION: Notice.

SUMMARY: The purpose of this notice is to solicit public nominations for the Elected Official position on the Butte Resource Advisory Council (RAC). The term of the position will expire in September 1999. RACs provide advice and recommendations to the Bureau of Land Management (BLM) on land use planning and management of the public lands within their geographic areas. Public nominations will be considered for 45 days after the publication date of this notice.

The Federal Land Policy and Management Act directs the Secretary of the Interior to involve the public in the planning and management of the public lands administered by the BLM. Each Council has 15 members who serve staggered terms. RAC membership must reflect a balanced representation of the various interests and users of the public lands. These include persons who are representatives of the following categories:

Category One—Holders of federal grazing permits and representatives of energy and mining development, timber industry, off-road vehicle use, and developed recreation.

Category Two—Representatives of environmental and resource conservation organizations, archaeological and historic interests, and wild horse and burro groups;

Category Three—Representatives of State, county and local government, Native American tribes, academicians involved in natural sciences, and the public at large.

At least one member of the RAC must be an elected official of general purpose government serving the people within the geographic area the RAC represents.

Nominees will be evaluated based on their education, training, and experience of the issues and knowledge of the geographical area of the RAC. Nominees should have demonstrated a