

**Current Actions:** There are no changes to the information collection. This submission is being submitted to extend the expiration date.

**Type of Review:** Extension (without change).

**Affected Public:** Businesses, Individuals, Institutions.

**Estimated Number of Respondents:** 325.

**Estimated Time Per Respondent:** 37 minutes.

**Estimated Total Annual Burden Hours:** 200.

**Estimated Total Annualized Cost on the Public:** \$8,000.

If additional information is required contact: Tracey Denning, Bureau of Customs and Border Protection, 1300 Pennsylvania Avenue NW., Room 3.2.C, Washington, DC 20229, at (202) 344-1429.

Dated: February 8, 2005.

**Tracey Denning,**

*Agency Clearance Officer, Information Services Branch.*

[FR Doc. 05-2856 Filed 2-14-05; 8:45 am]

**BILLING CODE 4820-02-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### **Proposed Low-Effect Habitat Conservation Plan for the Monument Creek Interceptor Tie-In Along Jackson Creek, El Paso County, CO**

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

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

**SUMMARY:** This notice advises the public that Triview Metropolitan District and Forest Lakes Metropolitan District (Applicant) have applied to the U.S. Fish and Wildlife Service (Service) for an incidental take permit pursuant to section 10(a)(1)(B) of the Endangered Species Act (ESA) of 1973, as amended. The proposed permit would authorize the incidental take of the Preble's meadow jumping mouse, *Zapus hudsonius preblei* (Preble's), federally listed as threatened, through loss and modification of habitat it periodically uses for foraging, breeding and/or hibernation, associated with construction of a new sanitary sewer line extension connecting to an existing sewer line, a nonpotable water reuse line, a secondary sewer line, and a new dirt access road into the Upper Monument Creek Wastewater Treatment Facility (Facility) on Jackson Creek, El Paso County, Colorado. The duration of

the permit would be 20 years from the date of issuance.

We announce the receipt of the Applicant's incidental take permit application, which includes a Low-Effect Habitat Conservation Plan (LEHCP) for Preble's on Jackson Creek within the Facility. The LEHCP fully describes the proposed project and the measures the Applicant would undertake to minimize and mitigate project impacts to Preble's.

We are requesting comments on the permit application and on the preliminary determination that the LEHCP is eligible for a categorical exclusion under the National Environmental Policy Act (NEPA) of 1969, as amended. The basis for this determination is discussed in the LEHCP and associated Low-Effect Screening Form, which are available for public review.

**DATES:** Written comments should be received on or before April 18, 2005.

**ADDRESSES:** Comments should be addressed to Susan Linner, Field Supervisor, U.S. Fish and Wildlife Service, Colorado Field Office, 755 Parfet Street, Suite 361, Lakewood, Colorado 80215. Comments also may be submitted by facsimile to (303) 275-2371.

**FOR FURTHER INFORMATION CONTACT:** Ms. Barbara Spagnuolo, Fish and Wildlife Biologist, Colorado Field Office, telephone (303) 275-2370.

#### **SUPPLEMENTARY INFORMATION:**

##### **Availability of Documents**

Individuals wishing copies of the LEHCP and associated documents for review should immediately contact the above office. Documents also will be available for public inspection, by appointment, during normal business hours at the above address.

##### **Background**

Section 9 of the ESA and Federal regulations prohibit the "take" of a species listed as endangered or threatened. Take is defined under the ESA, in part, as to kill, harm, or harass a federally listed species. However, the Service may issue permits to authorize "incidental take" of listed species under limited circumstances. Incidental take is defined under the ESA as take of a listed species that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity under limited circumstances. Regulations governing permits for threatened species are promulgated in 50 CFR 17.32.

The project site is on Forest Lakes, LLC property located south of the Town of Monument, along Jackson Creek, El

Paso County, in the State of Colorado. The property site is 96.6 hectares (238.6 acres), but the proposed project will directly impact a maximum of 0.2 hectare (less than 0.6 acre), according to the Service's definition of Preble's habitat. Of the total amount of impacted acreage, 0.2 hectare (0.5 acre) will be temporarily disturbed and revegetated, and 0.03 hectare (0.07 acre) will be permanently disturbed.

In addition to the Proposed Action, consisting of the issuance of the incidental take permit and implementation of the LEHCP, other alternatives considered included are—(a) No action, (b) an alternative construction design for the nonpotable water line, and (c) waiting for the El Paso County Regional HCP to be approved.

To mitigate impacts that may result from incidental take, the LEHCP provides a conservation plan that will likely provide a net benefit to the Preble's and other wildlife by enhancing the Jackson Creek corridor on site and its associated riparian areas through revegetation efforts and protection of mitigation habitat from any future development by deed restriction in perpetuity. Following the brief construction period (4 weeks), 0.2 hectare (0.5 acre) of temporarily disturbed uplands will be replanted with native grasses and shrubs. Enhancement of 0.4 hectare (1.1 acres) of existing upland and riparian habitat will consist of native shrub planting and installation of a visual barrier (two-strand wire fence). In addition, noxious weeds in the enhancement area will be controlled with an herbicide at least 4 weeks prior to any native grass seeding efforts. Measures will be taken during construction to minimize impact to the habitat, including monitoring, worker education/awareness of Preble's habitat, and the use of silt fencing to reduce the amount of sediment from construction activities that reaches the creek. All of the proposed mitigation area is within the boundaries of the Facility, all of which is included in the drainage basin of Jackson Creek.

The Service has made a preliminary determination that approval of the LEHCP qualifies as a categorical exclusion under NEPA, as provided by the Department of the Interior Manual (516 DM 2, Appendix 1, and 516 DM 6, Appendix 1) and as a "low-effect" plan as defined by the Habitat Conservation Planning Handbook (November 1996). Determination of LEHCPs is based on the following three criteria—(1) Implementation of the LEHCP would result in minor or negligible effects on federally listed, proposed, and

candidate species and their habitats; (2) implementation of the LEHCP would result in minor or negligible effects on other environmental values or resources; and (3) impacts of the LEHCP, 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 which would be considered significant.

Based on this preliminary determination, we do not intend to prepare further NEPA documentation. We will consider public comments in making the final determination whether to prepare such additional documentation.

This notice is provided pursuant to section 10(c) of the ESA. We will evaluate the permit application, the LEHCP, and comments submitted therein to determine whether the application meets the requirements of section 10(a) of the ESA. If the requirements are met, a permit will be issued for the incidental take of the Preble's in conjunction with the construction of the sanitary sewer line and nonpotable water reuse line extensions and new access road. The final permit decision will be made no sooner than 30 days after the date of this notice.

Dated: January 31, 2005.

**Richard A. Coleman,**

*Acting Regional Director, Denver, Colorado.*

[FR Doc. 05-2850 Filed 2-14-05; 8:45 am]

BILLING CODE 4310-55-P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Receipt of an Application for an Incidental Take Permit for Construction of a Single-Family Home in Brevard County, FL

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

**ACTION:** Notice.

**SUMMARY:** Steven J. Therrien (Applicant) requests an incidental take permit (ITP) pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973 (U.S.C. 1531 *et seq.*), as amended (Act). The Applicant anticipates taking about 0.24 acre of Florida scrub-jay (*Aphelocoma coerulescens*) (scrub-jay) foraging, sheltering, and possibly nesting habitat incidental to lot preparation for the construction of a single-family home and supporting infrastructure in Brevard County, Florida (Project). The destruction of 0.24 acre of foraging,

sheltering, and possibly nesting habitat is expected to result in the take of one family of scrub-jays.

The Applicant's Habitat Conservation Plan (HCP) describes the mitigation and minimization measures proposed to address the effects of the Project to the Florida scrub-jay. These measures are outlined in the **SUPPLEMENTARY INFORMATION** section below. We have determined that the Applicant's proposal, 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), as provided by the Department of Interior Manual (516 DM 2, Appendix 1 and 516 DM 6, Appendix 1). We announce the availability of the HCP for the incidental take application. Copies of the HCP may be obtained by making a request to the Regional Office (*see ADDRESSES*). Requests must be in writing to be processed. This notice is provided pursuant to section 10 of the Endangered Species Act and NEPA regulations (40 CFR 1506.6).

**DATES:** Written comments on the ITP application and HCP should be sent to the Service's Regional Office (*see ADDRESSES*) and should be received on or before March 17, 2005.

**ADDRESSES:** Persons wishing to review the application and HCP may obtain a copy by writing the Service's Southeast Regional Office at the address below. Please reference permit number TE093117-0 in such requests. Documents will also be available for public inspection by appointment during normal business hours at the U.S. Fish and Wildlife Service, Southeast Regional Office, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345 (Attn: Endangered Species Permits), or U.S. Fish and Wildlife Service, Jacksonville Field Office, 6620 Southpoint Drive South, Suite 310, Jacksonville, Florida 32216-0912 (Attn: Field Supervisor).

**FOR FURTHER INFORMATION CONTACT:** Mr. David Dell, Regional HCP Coordinator, Southeast Regional Office (*see ADDRESSES* above), telephone: 404/679-7313, facsimile: 404/679-7081; or Ms. Paula Sisson, Fish and Wildlife Biologist, Jacksonville Field Office, Jacksonville, Florida (*see ADDRESSES* above), telephone: 904-232-2580, ext. 126.

**SUPPLEMENTARY INFORMATION:** If you wish to comment, you may submit comments by any one of several methods. Please reference permit

number TE093117-0 in such comments. You may mail comments to the Service's Southeast Regional Office (*see ADDRESSES*). You may also comment via the internet to [david\\_dell@fws.gov](mailto:david_dell@fws.gov). Please submit comments over the internet as an ASCII file, avoiding the use of special characters and any form of encryption. 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 either telephone number listed above (*see FOR FURTHER INFORMATION CONTACT*). Finally, you may hand-deliver comments to either Service office listed above (*see ADDRESSES*). Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home addresses from the administrative record. We will honor such requests to the extent allowable by law. There may also be other circumstances in which we would withhold from the administrative record a respondent's identity, as allowable by law. If you wish us to withhold your name and address, you must state this prominently at the beginning of your comments. We will not, however, consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

The Florida scrub-jay (scrub-jay) is geographically isolated from other species of scrub-jays found in Mexico and the western United States. The scrub-jay is found exclusively in peninsular Florida and is restricted to xeric uplands (mostly consisting of oak-dominated scrub). Increasing urban and agricultural development has resulted in habitat loss and fragmentation, which has adversely affected the distribution and numbers of scrub-jays. The total estimated population is between 7,000 and 11,000 individuals.

The decline in the number and distribution of scrub-jays in east-central Florida has been exacerbated by tremendous urban growth in the past 50 years. Much of the historic commercial and residential development has occurred on the dry soils which previously supported scrub-jay habitat. Based on existing soils data, much of the historic and current scrub-jay habitat of coastal east-central Florida occurs proximal to the current shoreline and larger river basins. Much of this area of Florida was settled early because