DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Receipt of a Permit Application and Availability of an HCP (White) for Incidental Take of the Houston Toad

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: John White (applicant) has applied for an incidental take permit (TE–082706–0) pursuant to section 10(a)(2) of the Endangered Species Act, as amended (Act). The requested permit would authorize the incidental take of the endangered Houston toad. The proposed take would occur as a result of the construction of multi-family residential units (four-plexes or apartments) on a 2.398-acre property in the Tahitian Village Subdivision, Bastrop County, Texas.

DATES: To ensure consideration, written comments must be received on or before April 23, 2004.

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, Room 4102, Albuquerque, New Mexico 87103. Persons wishing to review the EA/HCP may obtain a copy by contacting Clayton Napier, U.S. Fish and Wildlife Service, 10711 Burnet Road, Suite 200, Austin, Texas 78758 (512/490–0057). Documents will be available for public inspection by written request or by appointment only, during normal business hours (8 to 4:30) at the U.S. Fish and Wildlife Service, Austin, Texas Office. Written data or comments concerning the application and EA/HCP should be submitted to the Supervisor, U.S. Fish and Wildlife Service, Austin, Texas, at the above address. Please refer to permit number TE–082706–0 when submitting comments.

FOR FURTHER INFORMATION CONTACT: Clayton Napier at the above U.S. Fish and Wildlife Service, Austin, Texas Office.

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

The Service has prepared the Environmental Assessment/Habitat Conservation Plan (EA/HCP) for the incidental take application. A determination of jeopardy or non-jeopardy to the species and a decision pursuant to the National Environmental Policy Act (NEPA) will not be made until at least 60 days from the date of publication of this notice. This notice is provided pursuant to section 10(c) of the Act and NEPA regulations (40 CFR 1506.6).

Applicant: John White plans to construct multi-family residential units, within 5 years, on a 2.398-acre property in the Tahitian Village Subdivision in Bastrop County, Texas. This action will eliminate 2.398 acres or less of Houston toad habitat and result in indirect impacts within the lot. The applicant proposes to compensate for this incidental take of the Houston toad by providing $4,796.00 to the Houston Toad Conservation Fund at the National Fish and Wildlife Foundation for the specific purpose of land acquisition and management within Houston toad habitat.


Bryan Arroyo, Assistant Regional Director, Ecological Services, Region 2, Albuquerque, New Mexico.

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