

sandy peninsulas, and near coastal inlets. During a 1991 census, in which 32 miles of Volusia County beachfront were surveyed, a total of four piping plovers were observed, all in the immediate vicinity of Ponce Inlet.

On Volusia County beaches, sea turtles and other protected species may be affected by artificial lighting, vehicular and pedestrian traffic, erosion control structures, beach maintenance practices, stormwater runoff, and recreational equipment. Volusia County is seeking an incidental take permit for vehicular traffic and county-owned and operated artificial lighting on the beach.

The presence of vehicles on the beach has the potential to take sea turtles by hitting or running over nesting females, hatchlings, juvenile turtles that have washed up on the beach (as often happens during storms), and turtle nests. Vehicle traffic and vehicle lights may deter female sea turtles during their nesting attempts, and vehicle lights may also disorient newly hatched sea turtles. Tire ruts in the sand may trap, misdirect, or otherwise detain hatchlings from reaching the ocean. Equipment allowed on the beach for moving sand may run over sea turtle nests, as well as place sand on top of nests, which could interfere with the incubation process and hatchlings emergence.

Artificial lighting can be detrimental to sea turtles in several ways. Studies have shown that light pollution can deter female sea turtles from coming onto the beach to nest. Also, females attempting to return to sea after nesting can be disoriented by beach lighting and have difficulty making it back to the ocean. In some cases, nesting females have ended up on coastal highways and been struck by vehicles. Artificial beach lighting is even more detrimental to sea turtle hatchlings, which emerge from nests at night. Under natural conditions, hatchlings move toward the brightest, most open horizon, which is over the ocean. However, when bright light sources are present on the beach, they become the brightest spot on the horizon and attract hatchlings in the wrong direction, making them more vulnerable to predators, desiccation, exhaustion, and automobiles on highways and in parking lots.

The EA considers the consequences of four alternatives. The no action alternative would continue to implement a beach management program as required by existing Volusia County regulations and ordinances and may result in take of sea turtles and piping plovers. Without an exemption provided by Section 10 of the Act, the Applicant will risk exposure to the

enforcement provisions of Section 9 of the Act. One alternative would continue the requirements of a Court Order issued in 1995 nesting season for sea turtles. It may result in take of sea turtles and piping plovers and, as with the no action alternative, continue to expose the Applicant to the enforcement provisions of Section 9 of the Act. A third alternative examines removing all public vehicles from the county beaches; it would have an immediate adverse impact to segments of the tourist economy and to beach revenues. In addition, because of lack of adequate off-beach parking, a large number of people would be kept off the beach. The proposed action alternative is issuance of the incidental take permit. This provides for establishment of zones of the beach where public driving would not be allowed (an additional 9 miles of no-driving beach established), and coincides with areas of highest use by sea turtles. Transitional Areas would be established, where public driving would be allowed with the exception of a 30-foot Conservation Zone, as measured from the toe of the dunes or seawall, whichever is closest to the sea. Urban Areas would be established, where public driving would be allowed, with the exception of a 30-foot Conservation Zone, the seaward 15 feet of which could be used for parking. There would be no nighttime public driving or parking allowed on the beach. The HCP also includes monitoring of protected species, increased enforcement of the county lighting ordinance, and increased educational activities for protected species. It would also provide for an economic development plan for off-beach parking, diversification of beach uses and experiences, and increased cooperation between volunteer turtle patrols, State and Federal agencies, and the county. The HCP provides a funding mechanism for these minimization and mitigation measures.

As stated above, the Service has made a preliminary determination that the proposed action, e.g., issuance of the incidental take permit, 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, as amended. This preliminary information may be adjusted 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 the incidental take permit will not appreciably reduce the likelihood of survival and recovery of the affected species in the wild or result in the adverse modification of designated critical habitat. This decision is based upon and considers the cumulative impacts of past, present and future issuance of incidental take permits within the historic and current range of each species affected in the permit action.

2. Issuance of an incidental take permit would not have significant effects on the human environment in the project area.

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

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

5. 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 incidental take permit are addressed by other regulations and statutes under the jurisdiction of other government entities. The validity of the Service's incidental take permit 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.

Dated: March 5, 1996.

Sam D. Hamilton,

*Acting Regional Director.*

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**Availability of an Environmental Assessment and Receipt of an Application for an Incidental Take Permit for Parkside Homes Planned Unit Development, South San Francisco, San Mateo County, California**

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

**ACTION:** Notice of Availability.

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**SUMMARY:** This notice advises the public that Parkside Homes Planned Unit Development has 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 of 1973, as amended (Act). The application has been assigned permit number 811259. The proposed permit would authorize the incidental take of the endangered mission blue butterfly (*Icaricia icaroides*

*missionensis*) and San Bruno elfin butterfly (*Callophrys mossii bayensis*) and/or their habitat during the construction of a housing development. The permit would become effective for the Callippe silverspot butterfly (*Speyeria callippe callippe*), currently proposed for endangered status, if it is listed under the Act. The permit would be in effect for 10 years.

The Service also announces the availability of an environmental assessment (EA) for the incidental take permit application, which includes the proposed Habitat Conservation Plan (HCP) fully describing the proposed project and mitigation, and the accompanying Implementing Agreement (IA). This notice is provided pursuant to section 10(a) of the Act and National Environmental Policy Act regulations (40 CFR 1506.6). All comments, including names and addresses, received will become part of the official administrative record and may be made available to the public.

**DATES:** Written comments on the permit application, EA and IA should be received on or before April 10, 1996.

**ADDRESSES:** Comments regarding the application or adequacy of the EA and IA should be addressed to Mr. Joel Medlin, Field Supervisor, U.S. Fish and Wildlife Service, Sacramento Field Office, 2800 Cottage Way, Room E-1823, Sacramento, California 95825. Please refer to permit number PRT-811259 when submitting comments. Individuals wishing copies of the application, EA or IA for review should immediately contact the above office (916-979-2725).

**FOR FURTHER INFORMATION CONTACT:** Mr. Michael Horton or Ms. Tiki Baron, U.S. Fish and Wildlife Service, Sacramento Field Office, 2800 Cottage Way, Room E-1823, Sacramento, California 95825 (916-979-2725).

#### **SUPPLEMENTARY INFORMATION:**

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

Individuals wishing copies of the documents should immediately contact the Service's Sacramento Field Office at the above referenced address, or by telephone at (916) 979-2725. Documents will also be available for public inspection, by appointment, during normal business hours at the above address.

##### **Background**

Section 9 of the Act prohibits the "taking" of a species listed as threatened or endangered. However, the Service, under limited circumstances, may issue permits to take listed species incidental to, and not the purpose of,

otherwise lawful activities. Regulations governing permits for threatened species are promulgated in 50 CFR 17.32; regulations governing permits for endangered species are promulgated in 50 CFR 17.22.

Parkside Homes proposes to construct 156 units of moderate-cost housing on a 25.4-acre parcel in South San Francisco, San Mateo County, California. The site is located on the north side of Sign Hill and faces the south side of San Bruno Mountain. Parkside Homes seeks coverage for the removal of habitat for the mission blue butterfly, San Bruno Elfin butterfly, and Callippe silverspot butterfly on 19.53 acres of the site. Though the proposed project would remove suitable habitat for these butterflies, the HCP involves the establishment of a 12.11-acre butterfly conservation area onsite to be maintained in perpetuity. The conservation area would include 5.87 acres of ungraded land and 6.24 acres of graded land, restored as butterfly habitat. All *Sedum spathulifolium* and *Viola pedunculata*, host plants for the San Bruno elfin butterfly and Callippe silverspot, respectively, within the grading plan would be transplanted to the conservation area. In addition, approximately 250 lupine (host plant for the mission blue butterfly) and 100 *Sedum* (host plant for the San Bruno elfin butterfly) would be planted in the conservation area. Other measures are specified in the HCP to minimize to potential for take during construction activities.

The EA considers the environmental consequences of three alternatives. The no project alternative would result in no immediate environmental impacts. However, under this alternative a butterfly conservation area would not be established and maintained in perpetuity, and the quality of the existing habitat may decline over time as a result of invasive exotic vegetation which exists on the site. This alternative was rejected because it would deny the landowner the opportunity to develop housing on the property and no enhancement of the site for listed species would occur. Alternative 1, the proposed action, was selected because: (1) It best satisfies the needs and purpose of the proposed project; (2) it is likely to result in a relatively low level of incidental take; and (3) impacts are minimized and mitigated through the establishment of a butterfly conservation area. The third alternative involves the development of 25 single family homes on one-acre lots over the entire 25.4-acre parcel. This alternative was not selected because: (1) The level of incidental take would likely be

greater than under the Preferred Alternative 1; and (2) and conservation areas established on site would be relatively small and fragmented.

This notice is provided pursuant to section 10(a) of the Act and National Environmental Policy Act of 1969 (NEPA) regulations (40 CFR 1506.6). The Service will evaluate the application, associated documents, and comments submitted thereon to determine whether the application meets the requirements of section 10(a) of the Act. If it is determined that the requirements are met, a permit will be issued for the incidental take of the listed species. The final permit decision will be made no sooner than 30 days from the date of this notice.

Dated: March 1, 1996.

Thomas Dwyer,

Deputy Regional Director, Region 1, Portland, Oregon.

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#### **Aquatic Nuisance Species Task Force Risk Assessment and Management Committee**

**AGENCY:** Department of the Interior, Fish and Wildlife Service.

**ACTION:** Notice of document availability.

**SUMMARY:** This notice announces the availability for public comment two documents produced by the Risk Assessment and Management Committee (Committee), a committee of the Aquatic Nuisance Species Task Force. The documents are as follows: (1) Final Draft—Generic Nonindigenous Aquatic Organisms Risk Analysis Review Process; and, (2) Final Draft—Risk Assessment on the black carp (*Pisces: Cyprinidae*). The Aquatic Nuisance Species Task Force was established under the authority of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990.

**DATES:** Comment period ends on May 10, 1996.

**ADDRESSES:** Written responses and requests for copies of the documents should be mailed to: Richard Orr, Risk Assessment and Management Committee Chairman, U.S. Dept. of Agriculture, Animal and Plant Health Inspection Service—PPD, 4700 River Road, Unit 117, Riverdale, Maryland, 20737-1238.

**FOR FURTHER INFORMATION CONTACT:** Richard Orr, Risk Assessment and Management Committee Chairman at (301) 734-8939.

**SUPPLEMENTARY INFORMATION:** The Generic Nonindigenous Aquatic