

received your internet message, contact us directly at either telephone number listed (*see* **FURTHER INFORMATION**).

Finally, you may hand deliver comments to either Service office listed (*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 address 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.

### Background

The EA considers the direct, indirect, and cumulative effects of the proposed incidental take and the measures that will be implemented to minimize and mitigate such impacts. The EA contains an analysis of three alternatives for each site, including: (1) No Action Alternative; (2) development with wholesale clearing, grading and formal landscaping; and (3) the Applicant's preferred alternative. Under Alternative 1, we would not issue the ITPs and no new construction would result.

Alternative 2 would result in the construction of single family and duplex residences and the loss of 16.24 acres of ABM habitat. Alternative 3 would result in a loss of 2.72 acres consisting of the footprint of the residences and access driveways. Project effects are considered in the EA in terms of affected environment, environmental consequences, and cumulative effects to the human and natural environment.

The ABM is one of eight subspecies of the old field mouse restricted to coastal habitats. The Service estimates that ABM historically occupied approximately 45 km (28 mi) of shoreline and currently occupy approximately 37 kilometers (23 miles) of shoreline.

We believe that ABM utilize approximately 2,697 acres of lands which we have identified as ABM habitat. We have determined that these sites provide suitable habitat for ABM because they provide the following:

1. Cover or shelter;
2. food, water, air, light, minerals, or other nutritional or physiological requirements;
3. sites for breeding and rearing offspring.

Under the Preferred Alternative, project development will result in the loss of 2.72 acres of ABM habitat. Thus, this action will result in the loss of approximately 0.011 percent of the total estimated ABM habitat of 2,697 acres.

The EA considers the potential effects of the proposed projects on the ABM. Construction activities associated with site preparation, heavy equipment operations, and site alterations within habitat occupied by ABM may impact individual ABM by crushing or entombing them in their burrows, or by impairing essential breeding, feeding, or sheltering behaviors. The additional residences also increase the risk of competitors and predators of ABM such as house cats and non-native mice.

The EA considers the potential effects of the projects on nesting sea turtles. The green sea turtle has a circumglobal distribution and is found in tropical and sub-tropical waters. The Florida population of this species is federally listed as endangered; elsewhere the species is listed as threatened. Primary nesting beaches in the southeastern United States occur in a six-county area of east-central and southeastern Florida, where nesting activity ranges from approximately 350–2,300 nests annually. Our turtle nesting surveys of the Fort Morgan Peninsula, from Laguna Key west to Mobile Point, for the period 1994–2001 have not confirmed any green turtle nests, though some crawls were suspected in 1999 and 2000.

The loggerhead turtle is listed as a threatened species throughout its range. This species is circumglobal, preferring temperate and tropical waters. In the southeastern United States, 50,000 to 70,000 nests are deposited annually, about 90 percent of which occur in Florida. Most nesting in the Gulf outside of Florida appears to be in the Chandeleur Islands of Louisiana; Ship, Horn and Petit Bois Islands in Mississippi; and the Gulf-fronting sand beaches of Alabama. The Service's nesting surveys of the Fort Morgan Peninsula, from Laguna Key to Mobile Point, for the 2001 report included over 70 loggerhead turtle nests. During the 2002 nesting season, 63 nests were documented along the Alabama coast.

The Kemp's ridley sea turtle is an endangered species throughout its range. Adults are found mainly in the Gulf of Mexico. Immature turtles can be found along the Atlantic coast as far north as Massachusetts and Canada. The

species' historic range is tropical and temperate seas in the Atlantic Basin and in the Gulf of Mexico. Nesting occurs primarily in Tamaulipas, Mexico, but occasionally also in Texas and other southern states, including an occasional nest in North Carolina. In 1999, a Kemp's ridley sea turtle nested on Bon Secour National Wildlife Refuge and another along the Gulf Islands National Seashore in Perdido Key, Florida. In 2001, two dead Kemp's ridley sea turtle hatchlings were recovered, one on Bon Secour National Wildlife Refuge, and the second in Gulf Shores, Alabama.

Conservation measures, such as sea-turtle friendly lighting, removal of beach furniture from beaches during nesting season, and allowing volunteers to mark and monitor nests on each of the properties have been incorporated into each of the applicant's HCPs. These measures are expected to preclude any take of sea turtles.

Under section 9 of the Act and its implementing regulations, "taking" of endangered and threatened wildlife is prohibited. However, we, under limited circumstances, may issue permits to take such wildlife if the taking is incidental to and not the purpose of otherwise lawful activities. The Applicants have prepared HCPs which include measures for the long-term protection, management, and enhancement of ABM habitat as required for the incidental take permit application as part of the proposed project.

We will evaluate whether the issuance of the section 10(a)(1)(B) ITPs 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 ITPs.

Dated: February 20, 2004.

**J. Mitch King,**

*Acting Regional Director, Fish and Wildlife Service.*

[FR Doc. 04–6497 Filed 3–23–04; 8:45 am]

**BILLING CODE 4310–55–U**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### **Draft Recovery Plan for the Newcomb's Snail (*Erinna newcombi*)**

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

**ACTION:** Notice of document availability.

**SUMMARY:** The U.S. Fish and Wildlife Service ("we") announces the

availability for public review of a draft recovery plan for the Newcomb's snail (*Erinna newcombi*). This aquatic snail is listed as threatened (65 FR 4162) and is endemic to the Hawaiian Island of Kaua'i.

**DATE:** Comments on the draft recovery plan must be received on or before May 24, 2004 to receive our consideration.

**ADDRESSES:** Copies of the draft recovery plan and supporting documents are available for inspection, by appointment, during normal business hours at the following locations: U.S. Fish and Wildlife Service, Pacific Islands Fish and Wildlife Office, 300 Ala Moana Boulevard, Room 3-122, Honolulu, Hawaii 96850 (telephone 808-792-9400) and Hawaii State Library, 478 S. King Street, Honolulu, Hawaii 96813. Requests for copies of the draft recovery plan and written comments and materials regarding this plan should be addressed to Gina Schultz, Acting Field Supervisor, Ecological Services, at the above Pacific Islands Fish and Wildlife Office address. An electronic copy of the draft recovery plan is also available at: <http://endangered.fws.gov/recovery/index.html#plans> (however, due to a temporary interruption in our Internet Service, access to our Website may not be possible).

**FOR FURTHER INFORMATION CONTACT:** Gordon Smith, Fish and Wildlife Biologist, at the above U.S. Fish and Wildlife Service address.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

Recovery of endangered or threatened animals and plants is a primary goal of our endangered species program and the Endangered Species Act (Act) (16 U.S.C. 1531 *et seq.*). Recovery means improvement of the status of listed species to the point at which listing is no longer appropriate under the criteria set out in section 4(a)(1) of the Act. Recovery plans describe actions considered necessary for the conservation of the species, establish criteria for downlisting or delisting listed species, and estimate time and cost for implementing the measures needed for recovery.

The Act requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act requires that public notice and an opportunity for public review and comment be provided during recovery plan development. We will consider all information presented during the public comment period prior to approval of each new or revised

recovery plan. Substantive technical comments may result in changes to the recovery plan. Substantive comments regarding recovery plan implementation may not necessarily result in changes to the recovery plan, but will be forwarded to appropriate Federal or other entities so that they can take these comments into account during the course of implementing recovery actions. Individual responses to comments will not be provided.

The Newcomb's snail is an aquatic snail and is known to occur at 10 small locations in streams and springs located in 6 watersheds found in the mountainous interior of the Hawaiian Island of Kaua'i. The Newcomb's snail is a freshwater snail belonging to the lymnaeid family. Adult Newcomb's snails are approximately 6 millimeters (0.25 inches) long, and 3 millimeters (0.12 inches) wide in size. Newcomb's snails feed on algae and other material growing on submerged rocks. Eggs are attached to underwater rocks or vegetation, and the entire life cycle is tied to the stream system in which the adults live. Populations of Newcomb's snail are currently found in small areas within the Kalalau, Lumaha'i, Hanalei, Waipahe'e-Kealia, Makaleha-kapa'a, and North Wailua stream systems on Kaua'i. The range of the snails is usually limited to a few square meters of a single side-channel or waterfall in a stream in which it is found. Historically, Newcomb's snail was also found in Hanakoa, Hanakapi'ai, and Wainiha Streams, but these populations are thought to be extirpated. The great majority of all known Newcomb's snails, perhaps over 90 percent, are thought to be located in the two populations at the small sites in Kalalau and Lumaha'i Streams. Three of the six watersheds containing sites where Newcomb's snails are found are under private ownership, and the remaining sites are located on State of Hawai'i lands.

Some of the historical decline of the snail may be attributed to habitat loss and degradation through water diversion and well drilling. In addition, predation by alien species, natural disasters, and habitat alteration are threats that imperil Newcomb's snails. Currently, Newcomb's snails face an increased likelihood of extinction from naturally-occurring events due to the small number of remaining populations and their limited distribution. Significant habitat destruction through reduction or elimination of stream or spring flow could destroy an entire population of Newcomb's snails, and natural disasters such as hurricanes or

catastrophic landslides could also destroy vital habitat.

The overall objective of this draft recovery plan is to ensure the species' long-term conservation and eventual delisting. This recovery will be accomplished through a variety of recovery actions, including: (1) Establishing a baseline per population numbers; (2) research into the basic population biology and life history of the Newcomb's snail; (3) analysis and potential prevention of predation and other forms of negative interspecific interactions that may limit or reduce Newcomb's snail populations; (4) assurance of adequate stream and spring flows to protect known and potential Newcomb's snail habitat; (5) making recovery of Newcomb's snail a part of other landscape planning and conservation efforts, such as preservation of the structure and function of upland forests that maintain and regulate surface run-off to streams and act as areas of infiltration for ground water; (6) use of results of initial recovery efforts and research to periodically validate recovery objectives; and (7) development and implementation of a public outreach program for Newcomb's snail conservation.

The recovery criteria outlined in this draft recovery plan will provide for the maintenance of the majority of the genetic diversity of the Newcomb's snail, and will provide assurance that a single catastrophic event will not reduce populations of Newcomb's snails to the point where they are no longer viable. Delisting criteria for the Newcomb's snail are: (1) Abundance and population variability have been quantified, and an appropriate number of populations are stable or increasing in size due to natural reproduction for a minimum of 5 consecutive years; (2) populations are located in a minimum of eight separate watersheds that are geographically distributed throughout its range; (3) minimum flows are established for stream reaches where populations of Newcomb's snails are located; (4) non-native predators and competitors have been studied, their effects quantified, and appropriate control measures have been established; and (5) a post-delisting monitoring plan covering a minimum of eight watersheds has been completed and is ready for implementation.

#### **Public Comments Solicited**

We solicit written comments on the draft recovery plan as described. All comments received by the date specified above will be considered in developing a final recovery plan for this species.

**Authority**

The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: January 14, 2004.

**Cynthia U. Barry,**

*Acting Regional Director, Region 1, U.S. Fish and Wildlife Service.*

[FR Doc. 04-6575 Filed 3-23-04; 8:45 am]

**BILLING CODE 4310-55-P**

**DEPARTMENT OF THE INTERIOR****Bureau of Indian Affairs****Replacement School Construction Priority List as of FY 2004**

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice.

**SUMMARY:** As required by statute, the Bureau of Indian Affairs is publishing the "Replacement School Construction Priority List" in the **Federal Register**. The current priority list, last published in the **Federal Register** on July 9 and July 18, 2003, is revised by the addition of newly prioritized schools. The Bureau will use this list to determine the order in which Congressional appropriations are requested to fund education replacement construction of core academic and/or dormitory facilities.

**FOR FURTHER INFORMATION CONTACT:**

Questions regarding the Education Facilities Replacement Construction Priority List should be referred to Andrew Acoya, AIA, Office of Facilities Management and Construction, P.O. Box 1248, Albuquerque, New Mexico 87103, (505) 346-6508, Fax (505) 346-6542.

**SUPPLEMENTARY INFORMATION:**

Publication of the Replacement School Construction Priority List (Priority List) in the **Federal Register** is required by 25 U.S.C. 2005(d). In addition, the Conference Report (Report 108-330) which accompanied the Fiscal Year 2004 appropriations for the Department of the Interior directed the Secretary of the Interior to submit a new Priority List to Congress: "The managers direct that the Secretary submit a new priority list by February 15, 2004, containing a sufficient number of schools to continue the replacement school program through fiscal year 2007. The priority list should address the most critical needs based on the Bureau's facility management information system."

The process used to develop the Priority List involved identification by the BIA of schools with critical health and safety concerns. This identification

was conducted by the BIA's Office of Facilities Management and Construction (using the facilities management information system), the BIA's regional facilities program, and the Office of Indian Education Programs' facilities program. The BIA then selected, through a competitive bid process, an independent contractor experienced in facilities construction to conduct a site review of each of the identified schools' core academic and/or dormitory facility. The independent contractor then rated each school based on the following criteria, in order of priority: (1) Health and safety deficiencies, (2) environmental deficiencies, (3) accessibility for persons with disabilities, and (4) condition of existing utilities and site improvements. The Priority List includes 14 schools considered in most need of replacement of their core academic and/or dormitory facilities. Complete replacement of the entire school facility may not be necessary.

The BIA will begin the advance planning and design process for these schools to determine the scope and cost of each replacement project. This list will be more than sufficient to continue the replacement school construction program through FY 2007. Funding and scheduling for these projects is contingent on the budget process. In addition, any school placed on the Priority List is eligible for the Tribal School Construction Demonstration Program. Participation in this program would expedite the funding and scheduling for school replacement projects.

Under Section 1125(a)(5) of the No Child Left Behind Act (Pub. L. 107-110), the Secretary is required to conduct negotiated rulemaking regarding Indian school construction. This negotiated rulemaking may impact future replacement school construction priorities.

Schools placed on the previously published "Education Facilities Construction Priority List as of FY 2003," published in the **Federal Register** on July 9, 2003 (68 FR 40996) and July 18, 2003 (68 FR 42815) that were not yet fully funded for construction are retained. In accordance with Congressional directives, the projects listed do not provide for the funding of new schools, grade level expansions, and charter schools.

This notice is published under authority delegated by the Secretary of the Interior to the Assistant Secretary for Indian Affairs in the Departmental Manual at 209 DM 8.

**Replacement School Construction Priority List**

1. Dilcon Community School
2. Porcupine Day School
3. Crown Point/T'iists'oozi'bi'olta Community School
4. Muckleshoot Tribal School
5. Dennehotso Boarding School
6. Circle of Life Survival School
7. Keams Canyon Elementary School
8. Rough Rock Community School
9. Crow Creek Elementary/Middle/High School
10. Kaibeto Boarding School
11. Blackfeet Dormitory
12. Beatrice Rafferty School
13. Little Singer Community School
14. Cove Day School

Dated: March 9, 2004.

**Dave Anderson,**

*Assistant Secretary—Indian Affairs.*

[FR Doc. 04-6533 Filed 3-23-04; 8:45 am]

**BILLING CODE 4310-XN-P**

**DEPARTMENT OF THE INTERIOR****Bureau of Land Management**

[NV-050-5853-ES; N-61839]

**Notice of Realty Action: Lease/Conveyance for Recreation and Public Purposes**

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

**ACTION:** Notice of recreation and public purpose lease/conveyance.

**DATES:** Interested parties may submit comments regarding the proposed lease/conveyance for classification of the lands to the Field Manager, Las Vegas Field Office, Las Vegas, Nevada 89130 until May 10, 2004.

**FOR FURTHER INFORMATION CONTACT:**

Robin Yoakum at (702) 515-5087.

**SUMMARY:** The City of Las Vegas is qualified under the Recreation and Public Purposes Act and has filed an application for these lands to be used as a public park. This land will serve citizens in the Northwest sector of the city, where much growth has occurred.

**SUPPLEMENTARY INFORMATION:** The following described public land in Las Vegas, Clark County, Nevada has been examined and found suitable for lease/conveyance for recreational or public purposes under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 *et seq.*). The City of Las Vegas proposes to use the land for a public park.

**Mount Diablo Meridian**

T. 19S., R. 60E., Sec. 17  
Government Lots, 18, 19, 20