

Environmental Assessment (EA) are available for Patoka River National Wildlife Refuge. Goals and objectives in the CCP describe how the agency intends to manage the refuge over the next 15 years.

**ADDRESSES:** Copies of the Final CCP and FONSI/EA may be viewed at the Patoka River National Wildlife Refuge Headquarters and public libraries near the refuge. You may access and download a copy via the Planning Web site at <http://www.fws.gov/midwest/Planning/PatokaRiver>, or you may obtain a copy on compact disk by contacting: U.S. Fish and Wildlife Service, Division of Conservation Planning, Bishop Henry Whipple Federal Building, 1 Federal Drive, Fort Snelling, MN 55111 (1-800-247-1247, extension 5429) or Patoka River National Wildlife Refuge, 510 1/2 West Morton St., Oakland City, IN 47660 (812-749-3199). A limited number of hardcopies will be available for distribution at the Refuge Headquarters.

**FOR FURTHER INFORMATION CONTACT:** Bill McCoy (812-749-3199).

**SUPPLEMENTARY INFORMATION:**

Established in 1994, Patoka River National Wildlife Refuge lies within a 20 mile section of the Patoka River in Gibson and Pike Counties of southwest Indiana. The Refuge currently manages about 6,000 acres. Ultimately, the Refuge will include up to 6,800 acres with another 15,283 acres to be included in a Refuge administered wildlife management area. The Refuge encompasses one of the last remaining stretches of bottomland forest in Indiana. It provides some of the best wood duck production habitat in the state and is inhabited by at least forty-one species of mammals and over 200 species of birds. The Refuge provides visitor services that include hunting, fishing, wildlife observation and environmental education.

The Draft CCP/EA was released for public review October 17, 2007, the comment period lasted 45 days ending November 30, 2007. During the comment period the Refuge hosted a public meeting attended by a total of 10 people. By the conclusion of the comment period we received 18 responses and identified more than 70 individual comments. In response to these comments we made a number of minor edits and added one objective statement and two strategies.

**Selected Alternative**

After considering the comments received, we have selected Alternative 3 for implementation. The selected alternative will increase opportunities

for wildlife dependent recreation, increase the amount of bottomland forest, maintain stopover habitat for migratory waterbirds, provide habitat for the federally endangered Interior Least Tern, increase the amount of acres under moist soil management, and consider stream channel restoration options for the Patoka River and its tributaries.

**Background**

The National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 668dd-668ee *et seq.*), requires the Service to develop a CCP for each National Wildlife Refuge. The purpose in developing a CCP is to provide refuge managers with a 15-year strategy for achieving refuge purposes and contributing toward the mission of the National Wildlife Refuge System, consistent with sound principles of fish and wildlife management, conservation, legal mandates, and Service policies. In addition to outlining broad management direction for conserving wildlife and their habitats, the CCP identifies wildlife-dependent recreational opportunities available to the public, including opportunities for hunting, fishing, wildlife observation and photography, and environmental education and interpretation. We will review and update these CCPs at least every 15 years in accordance with the National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997, and the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4370d).

Dated: July 22, 2008.

**Charles M. Wooley,**

*Acting Regional Director, U.S. Fish and Wildlife Service, Fort Snelling, Minnesota.*

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**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**[FWS-R5-ES-2008-N0281; 50120-1112-0000-F2]**

**Incidental Take Permit Application for Pleasant Rifts Housing Development, Dorchester County, MD**

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

**ACTION:** Notice of availability; Draft environmental assessment and habitat conservation plan; receipt of application

for an incidental take permit; request for comments.

**SUMMARY:** This notice advises the public that RB & JH Properties, LLC (applicant) has applied to the U.S. Fish and Wildlife Service (Service) for an incidental take permit under Section 10(a)(1)(B) of the Endangered Species Act of 1973 (Act), as amended. The proposed permit would authorize incidental take of the endangered Delmarva fox squirrel (*Sciurus niger cinereus*) (DFS) that is likely to occur on the Pleasant Rifts Housing Development, a 29.6-acre property owned by the applicant near Secretary, in Dorchester County, Maryland. We also announce the availability for public comment of a draft habitat conservation plan (HCP) prepared under the Act in support of the permit application and a draft environmental assessment (EA) for the action prepared in accordance with requirements of the National Environmental Policy Act (NEPA).

**DATES:** All comments from interested parties must be received on or before December 1, 2008.

**ADDRESSES:** Please address written comments to Field Office Supervisor, Chesapeake Bay Field Office, U.S. Fish and Wildlife Service, 177 Admiral Cochrane Drive, Annapolis, Maryland 21401. You may also send comments by facsimile at 410-269-0832.

**FOR FURTHER INFORMATION CONTACT:** Cherry Keller, Fish and Wildlife Biologist, U.S. Fish and Wildlife Service (see **ADDRESSES** above), telephone: 410-573-4532.

**SUPPLEMENTARY INFORMATION:**

**Availability of Documents**

The permit application materials, which include a draft HCP and a draft EA, are available for public inspection, by appointment between the hours of 8 a.m. and 5 p.m. at the Chesapeake Bay Field Office (see **ADDRESSES** above). You may also request copies of the documents by contacting the Service's Chesapeake Bay Field Office (see **FOR FURTHER INFORMATION CONTACT** above). Finally, you may also visit the Chesapeake Bay Field Office Web site (<http://www.fws.gov/chesapeakebay/>) to view the documents.

**Background**

Section 9 of the Act and Federal regulations prohibit the "take" of fish and wildlife species listed as endangered or threatened. Take of federally listed fish and wildlife is defined under the Act to include "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or

to attempt to engage in any such conduct.” The Service may, under limited circumstances, issue permits to authorize incidental take (i.e., take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity). Regulations governing incidental take permits for threatened and endangered species are found in 50 CFR 17.32 and 17.22.

The applicant proposes to subdivide and develop the Pleasant Rifts Housing Development on a 29.6-acre property that contains 19.8 acres of mature forest habitat. The property will be developed into 13 single-family residences, and 4.83 acres of mature forest will be cleared. Development activities on, and subsequent residential uses of, the property may result in the death of, or harm to, DFS through the loss and degradation of habitat.

The HCP will minimize take of DFS by minimizing the amount of clearing and by retaining 14.97 acres of suitable forest habitat on the project site. The habitat is retained through a declaration of covenants and restrictions, and existing State environmental requirements, which have incidental benefits to DFS and its habitat. It also commits to secure off-site compensatory mitigation for the forest clearing and degradation of this project through permanent protection of 39.2 acres of DFS habitat in close proximity to the Blackwater National Wildlife Refuge, which supports a large population of DFS. The HCP also limits activities and uses of DFS habitat retained on the site, provides for distribution of educational materials regarding DFS to construction personnel and homeowners, requires property signage to permanently designate the boundary of the authorized forest clearing area, and provides for the establishment of a homeowners’ association to implement, coordinate, monitor, and enforce the provisions of the HCP following project-related construction. Finally, the HCP requires that any subsequent homeowner be subject to the provisions of the HCP and responsible for its implementation. The EA considers the environmental consequences of three alternatives, including the proposed action. The proposed action alternative is issuance of the incidental take permit and implementation of the HCP as submitted by the applicant.

#### Public Review

The Service invites the public to review the HCP and EA during a 60-day public comment period (see **DATES**). Before including your address, phone number, electronic mail address, or other personal identifying information

in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

This notice is provided pursuant to section 10(a) of the Act and the regulations for implementing NEPA, as amended (40 CFR 1506.6). We will evaluate the application, associated documents, and comments submitted thereon to determine whether the application meets the requirements of NEPA regulations and section 10(a) of the Act. If we determine that those requirements are met, we will issue a permit to the applicant for the incidental take of the DFS.

Dated: October 7, 2008.

**Michael G. Thabault,**

*Acting Regional Director, Region 5.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

**[FWS–R4–ES–2008–N0278; 40120–1112–0000–F2]**

#### Receipt of Application for Incidental Take Permit for One Condominium Complex in Escambia County, FL

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

**ACTION:** Notice.

**SUMMARY:** Seabreeze Properties, LLC (Applicant) requests an incidental take permit (ITP) under section 10(a)(1)(B) of the Endangered Species Act of 1973 (Act), as amended. The Applicant anticipates taking Perdido Key beach mice (*Peromyscus polionotus trissyllepsis*) incidental to developing, constructing, and human occupancy of a condominium complex in Escambia County, Florida (Project). The Applicant’s Habitat Conservation Plan (HCP) describes the mitigation and minimization measures proposed to address the effects of the Project to the Perdido Key beach mouse.

**DATES:** Written comments on the application, environmental assessment (EA), and HCP should be sent to the Service’s Regional Office (see **ADDRESSES**) and should be received on or before December 16, 2008.

**ADDRESSES:** Persons wishing to review the application, EA, and HCP may obtain a copy by writing the Service’s

Southeast Regional Office, Atlanta, Georgia, at the address below. Please reference permit number TE189611, Seabreeze, in such requests. Documents will also be available for public inspection by appointment during normal business hours at the Regional Office, 1875 Century Boulevard, Suite 200, Atlanta, GA 30345 (Attn: Endangered Species Permits); or Field Supervisor, U.S. Fish and Wildlife Service, 1601 Balboa Avenue, Panama City, FL 32405.

**FOR FURTHER INFORMATION CONTACT:** Mr. David Dell, Regional HCP Coordinator, (see **ADDRESSES**), telephone: 404/679–7313, or Ms. Lorna Patrick, Field Office Project Manager, at the Panama City Field Office (see **ADDRESSES**), telephone: 850/769–0552, ext. 229.

**SUPPLEMENTARY INFORMATION:** We announce the application for an ITP and the availability of the HCP and EA. The EA is an assessment of the likely environmental impacts associated with this Project. Copies of these documents may be obtained by making a request, in writing, to the Regional Office (see **ADDRESSES**). This notice is provided pursuant to Section 10 of the Act (16 U.S.C. 1531 et seq.) and National Environmental Policy Act regulations at 40 CFR 1506.6.

We specifically request information, views, and opinions from the public via this notice on the Federal action, including the identification of any other aspects of the human environment not already identified in the EA. Further, we specifically solicit information regarding the adequacy of the HCP as measures against our ITP issuance criteria found in 50 CFR parts 13 and 17.

If you wish to comment, you may submit comments by any one of several methods. Please reference permit number TE189611, Seabreeze, in such comments. You may mail comments to the Service’s Regional Office (see **ADDRESSES**). You may also comment via the internet to [david\\_dell@fws.gov](mailto:david_dell@fws.gov). 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**). Before including your address, phone number, e-mail, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any