

the draft recovery plan: (1) Protect habitat; (2) manage habitat; (3) increase size and number of populations; (4) conduct field surveys for new population occurrences or potential habitat for introduction; (5) conduct research on restoration, management and introduction techniques; (6) maintain conservation populations; (7) promote public understanding; and (8) review and track recovery progress.

Recovery will be achieved, and the species may be removed from the list of Threatened and Endangered Species when the following criteria are met: (1) 26 populations are distributed across plant communities and physiographic regions within the historic range of the species, (2) each of these 26 populations is highly viable, and (3) monitoring data indicates that these populations have been stable or increasing for 15 years.

Public Comments Solicited

The Service solicits written comments on the recovery plan described. All comments received by the date specified will be considered prior to approval of the plan. Written comments and materials regarding the plan should be sent to the Field Supervisor, Ecological Services Field Office (see **ADDRESSES** section). Comments received will be available for public inspection by appointment during normal business hours.

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

Dated: February 19, 2003.

Charles M. Wooley,

Assistant Regional Director, Ecological Services, Region 3.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability of a Draft Environmental Assessment/Habitat Conservation Plan Related to Application for an Incidental Take Permit for the Long Point Homeowner's Association Development

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: This notice advises the public and other agencies of the availability of a draft Environmental Assessment (EA)/Habitat Conservation Plan (HCP) and Incidental Take Permit (ITP) application for review and comment. The draft EA/

HCP and ITP application were submitted to the U.S. Fish and Wildlife Service (Service) by the Long Point Homeowner's Association proposing residential development of the Long Point Subdivision on Kelleys Island, Erie County, Ohio. Federally-threatened Lake Erie water snakes (*Nerodia sipedon insularum*) occupy the project area and it has been determined that the proposed actions will result in incidental take. The Long Point Homeowner's Association submitted an ITP application to the Service for incidental take pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973 (Act), as amended. The submission of the ITP application required the development of an HCP by the applicants detailing measures to be taken to avoid, minimize, and mitigate impacts to Lake Erie water snakes.

DATES: Written comments must be received on or before May 16, 2003.

ADDRESSES: Written comments can be mailed to the address or fax number below. Electronic mail comments should be submitted to: longpointhcp@fws.gov. Persons wishing to review the documents may obtain copies by writing, telephoning, faxing, or e-mailing: Regional HCP Coordinator, U.S. Fish and Wildlife Services, 1 Federal Drive, Fort Snelling, MN 55111-4056, Telephone: (612) 713-5343, Fax: (612) 713-5292. The draft EA/HCP is also available at the following internet address: <http://midwest.fws.gov/nepa/>. Copies of the draft EA/HCP may also be viewed at four public libraries listed in **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Mr. Peter Fasbender, Regional HCP Coordinator, Telephone: (612) 713-5343, or e-mail peter_fasbender@fws.gov

SUPPLEMENTARY INFORMATION:

Public Involvement

The draft EA/HCP is available for public review and comment for a period of 60 days. This notice is provided pursuant to section 10(a) of the Endangered Species Act and National Environmental Policy Act (NEPA) regulations (40 CFR 1506.6). Copies of the documents can be obtained as indicated in the **ADDRESSES** section. In addition, documents will be available for public inspection during normal business hours (8-4:30), at the U.S. Fish and Wildlife Service, 1 Federal Drive, Fort Snelling, Minnesota, and at the Reynoldsburg Ecological Services Field Office, 6950 Americana Parkway, Suite H, Reynoldsburg, Ohio and at the following libraries:

Port Clinton Public Library, 310 Madison St., Port Clinton, Ohio 43452

Sandusky Library, 114 W. Adams St., Sandusky, Ohio 44870
Sandusky Library, 528 Division St., Kelleys Island, Ohio 43438
Oak Harbor Public Library, 147 W. Main St., Oak Harbor, Ohio 43449

All comments received from individuals become part of the official public record. Requests for such comments will be handled in accordance with the Freedom of Information Act and the Council on Environmental Quality's NEPA regulations [40 CFR 1506.6(f)]. 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 record, which we will honor to the extent allowable by law. If a respondent wishes us to withhold his/her name and/or address, this must be stated prominently at the beginning of the comment.

Incidental Take Permits

Section 9 of the Endangered Species Act (Act) and Federal regulations prohibit "take" of fish or wildlife species listed as endangered or threatened. Take of listed fish or wildlife is defined under the Act to mean harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or to attempt to engage in any such conduct (16 U.S.C. 1538). Harm may include significant habitat modification where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, and sheltering [50 CFR 17.3(c)]. The Service may under limited circumstances issue permits to take listed species, provided such take is incidental to, and not the purpose of, an otherwise lawful activity. Regulations governing permits for endangered species are found in 50 CFR 17.22.

Background on Habitat Conservation Plan

The Long Point Homeowner's Association proposes to develop the 15-acre Long Point Subdivision on Kelleys Island, Erie County, Ohio. The Lake Erie water snake and its habitat occur on the 15-acre tract. Within the HCP boundary, 7 acres will be cleared and 6.1 acres permanently maintained for the proposed development of the seven residential lots known as the Long Point Subdivision. Incidental take of Lake Erie water snakes is expected to occur due to the loss and degradation of sheltering and hibernation habitat and due to the increase in human activity in the project area. Loss of suitable habitat would