

an important raptor conservation area; and the preferred alternative, with the alignment and mitigation per the proposed HCP. None of these alternatives, except no action, eliminated potential take of Preble's.

To mitigate impacts that may result from incidental take, the HCP provides for the following mitigation: All temporarily impacted areas resulting from trail construction will be mitigated onsite at a minimum of 1.5:1 ratio by replanting these areas into similar native vegetation to what existed prior to trail construction. Primarily, these areas are currently in weedy vegetation and will, instead, be planted back into native grasses. Shrub habitat will be replaced with identical native shrub species. Additional mitigation activities for temporary take will include weed control at a ratio of 8:1 onsite. Mitigation activities for permanent take will be in the form of weed control at a ratio of 15:1 and also will occur onsite.

The County is committed to providing the necessary staff time and resources to support the implementation of the HCP/EA and currently has adequate staff to do so.

This notice is provided pursuant to section 10(c) of the Act. We will evaluate the permit application, the HCP, and comments submitted therein to determine whether the application meets the requirements of section 10(a) of the Act. If it is determined that those requirements are met, a permit will be issued for the incidental take of the Preble's in conjunction with the construction and use of the proposed trail. The final permit decision will be made no sooner than 60 days from the date of this notice.

Dated: March 11, 2003.

**John A. Blankenship,**

*Deputy Regional Director, Denver, Colorado.*

[FR Doc. 03-8197 Filed 4-3-03; 8:45 am]

BILLING CODE 4310-55-P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

RIN 1018-AH86

#### Final Environmental Impact Statement (FEIS) for the Florida Manatees; Incidental Take Rule Under the Marine Mammal Protection Act During Specified Activities

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

**ACTION:** Notice of availability.

**SUMMARY:** We, the Fish and Wildlife Service (Service), announce the

availability of the FEIS that assesses effects from proposing regulations to authorize the incidental, unintentional take of small numbers of Florida manatees (*Trichechus manatus latirostris*) resulting from government activities related to watercraft and watercraft access facilities within three regions of Florida for the next five years. This FEIS analyzes the environmental and socioeconomic consequences of the proposed action, and alternatives to the proposed action, as required under section 102(2)(c) of the National Environmental Policy Act.

**DATES:** The Fish and Wildlife Service will execute a Record of Decision based on the FEIS, no sooner than May 3, 2003, or 30 days after the date of publication of this Notice of Availability in the **Federal Register**, and after publication of the related notice by the Environmental Protection Agency.

**ADDRESSES:** Information regarding this FEIS is available in alternative formats upon request. Comments and materials received on the proposed EIS, as well as supporting documentation used in the preparation of this FEIS, will be available for public inspection, by appointment, during normal business hours from 8 a.m. to 4:30 p.m. Monday through Friday at the Jacksonville Field Office, U.S. Fish and Wildlife Service, 6620 Southpoint Drive, South, Suite 310, Jacksonville, Florida 32216. You may obtain copies of this document online at <http://northflorida.fws.gov>, by electronic mail request to [manatee@fws.gov](mailto:manatee@fws.gov) or by calling Chuck Underwood of the Jacksonville Field Office at (904) 232-2580 (extension 109).

#### SUPPLEMENTARY INFORMATION:

##### Background

The MMPA of 1972 (16 U.S.C. 1361-1407) sets a general moratorium, with certain exceptions, on the taking and importation of marine mammals and marine mammal products and makes it unlawful for any person to take, possess, transport, purchase, sell, export, or offer to purchase, sell, or export, any marine mammal or marine mammal product unless authorized. "Take" as defined by the MMPA and its implementing regulations (50 CFR part 18) means "to harass, hunt, capture, collect, or kill, or attempt to harass, hunt, capture, collect, or kill any marine mammal, including, without limitation, any of the following—the collection of dead animals or parts thereof; the restraint or detention of a marine mammal, no matter how temporary; tagging a marine mammal; or the negligent or intentional operation of an aircraft or vessel, or the

doing of any other negligent or intentional act which results in the disturbing or molesting of a marine mammal."

"Harassment" is defined under the MMPA as, "any act of pursuit, torment, or annoyance which—(i) has the potential to injure a marine mammal or marine mammal stock in the wild; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering."

The prohibitions on take apply to all persons, including Federal, State, and local government agencies with the exception of humane taking (including euthanasia) by government officials while engaged in their official duties, if such taking is (1) for the protection or welfare of a marine mammal; (2) for the protection of the public health and welfare; or (3) the non-lethal removal of nuisance animals. When feasible, steps designed to ensure return of such animals to their natural habitat, if not killed in the course of such taking, must be implemented (16 U.S.C. 1379(h)).

Section 101(a)(5)(A) of the MMPA allows the Secretary of the Department of the Interior, through the Director of the Service, upon request, to authorize by specific regulation the incidental, unintentional take of small numbers of marine mammals by U.S. citizens engaged in specific identified activities (other than commercial fishing) within specific geographic areas. This is the mechanism by which incidental, but not intentional, take of small numbers of marine mammals may be authorized in accordance with Federal law for activities other than commercial fishing if certain findings are made and regulations are enacted pursuant to 50 CFR 18.27. The Director must find that the total of such taking during the specified time period (which cannot be more than five consecutive years) will have no more than a negligible impact on the species or stock and will not have an unmitigable impact on the availability of such species or stock for subsistence uses. The subsistence provision is not applicable to Florida manatees.

The regulations implementing the MMPA define negligible impact as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival (50 CFR 18.27(c)). If negligible impact findings are made, we establish specific regulations identifying permissible