

2. Applicant will to the maximum extent practicable, minimize, and mitigate the impacts of such taking.

3. Applicant will ensure that adequate funding for the HCP and procedures to deal with unforeseen circumstances will be provided.

4. The taking will not appreciably reduce the likelihood of survival and recovery of the species in the wild.

5. Applicant will ensure that other measures that the Service may require as being necessary or appropriate will be provided.

6. The Service has received such other assurances as may be required that the HCP will be implemented.

The HCP describes measures by the Applicant to avoid and mitigate "take" that would occur as a result of the project. To minimize impacts, the Applicant will ensure that clearing of vegetation within 150 feet of active nests will not take place during the nesting season for Florida scrub-jays (March 1 through July 1). To mitigate for the up to 0.134 acres of occupied habitat that would be eliminated on-site, the Applicant will contribute \$1,688.00 to the National Fish and Wildlife Foundation Fund for the conservation and management of the Florida scrub-jay. This money will be used, along with other funds received from Section 10(a)(1)(B) permits, to purchase scrub-jay habitat in Volusia County, Florida. This amount is based on replacement at a rate of 2:1 (0.268 acre purchased to replace 0.134 acre at a current cost of \$5,000.00 per acre for a final cost of \$1,340.00), provides a \$1,000 per acre (\$268.00) management endowment for perpetual management, and includes a five percent fee (\$84.00) for the administration of the National Fish and Wildlife Foundation account. Once purchased, the land will be transferred to a third party land management organization along with the \$1,000 per acre management endowment. This management will be accomplished through the use of a conservation easement specifying that the land be left undeveloped and managed into perpetuity. It is believed that ensuring the protection and viability of quality, occupied habitat in a large contiguous preserve such as that which will be purchased in Volusia County, is more beneficial to the scrub-jay than any on-site mitigation plan could offer.

As stated above, we have determined that the HCP is a low-effect plan that is categorically excluded from further NEPA analysis, and does not require the preparation of an Environmental Assessment or Environmental Impact Statement. This preliminary information may be revised due to public comment

received in response to this notice. Low-effect HCPs are those involving: (1) Minor or negligible effects on federally listed or candidate species and their habitats, and (2) minor or negligible effects on other environmental values or resources. The Applicant's HCP qualifies for the following reasons:

1. Approval of the HCP would result in minor or negligible effects on the Florida scrub-jay population as a whole. The Service does not anticipate significant direct or cumulative effects to the Florida scrub-jay population as a result of the construction project.

2. Approval of the HCP would not have adverse effects on known unique geographic, historic or cultural sites, or involve unique or unknown environmental risks.

3. Approval of the HCP would not result in any significant adverse effects on public health or safety.

4. The project does not require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act, nor does it threaten to violate a Federal, State, local or tribal law or requirement imposed for the protection of the environment.

5. Approval of the Plan would not establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.

The Service has therefore determined that approval of the Plan qualifies as a categorical exclusion under the NEPA, as provided by the Department of the Interior Manual (516 DM 2, Appendix 1 and 516 DM 6, Appendix 1). Therefore, no further NEPA documentation will be prepared.

The Service will evaluate the HCP and comments submitted thereon to determine whether the application meets the requirements of section 10(a) of the Act. If it is determined that those requirements are met, the ITP will be issued for the incidental take of the Florida scrub-jay. The Service will also evaluate whether issuance of the section 10(a)(1)(B) ITP complies with section 7 of the Act by conducting an intra-Service section 7 consultation. The results of this consultation, in combination with the above findings, will be used in the final analysis to determine whether or not to issue the ITP.

Dated: May 8, 2003.

**Christine E. Eustis,**  
Acting Regional Director.

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Availability of a Draft National Management Plan for the European Green Crab

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

**ACTION:** Notice of document availability and request for comments.

**SUMMARY:** This notice announces the availability of a draft Management Plan for the European Green Crab, *Carcinus maenas*, for public review and comment. Comments received will be considered in preparing the final Management Plan for *C. maenas*, which will become the basis for cooperative and integrated management of the European Green Crab, *C. maenas*, with the involvement of Federal, State, Tribal, and local resource agencies.

**DATES:** Comments on the draft Management Plan for the European Green Crab should be received by July 31, 2003.

**ADDRESSES:** Mail written responses and requests for copies of the draft management plan to Fred Kern, Chair, Green Crab Control Working Group, NOAA National Ocean Service, Cooperative Oxford Laboratory, 904 South Morris Street, Oxford, MD 21654. The draft Management Plan for the European Green Crab is also available on the ANS Task Force Web site (<http://www.anstaskforce.gov>). You may also request copies of the draft plan by calling or writing the person listed under **FOR FURTHER INFORMATION CONTACT**.

**FOR FURTHER INFORMATION CONTACT:** Fred Kern, Chair, Green Crab Control Working Group, at 410-226-5193 or by e-mail at [fred.kern@noaa.gov](mailto:fred.kern@noaa.gov) or Sharon Gross, Executive Secretary, Aquatic Nuisance Species Task Force at 703-358-2308 or by e-mail at [sharon\\_gross@fws.gov](mailto:sharon_gross@fws.gov).

**SUPPLEMENTARY INFORMATION:** The European green crab, *Carcinus maenas*, is one of the most ecologically and economically damaging predators in nearshore coastal communities of both eastern and western North America. Native of northern Europe, green crabs colonized eastern North America in the early 19th century and now occur abundantly from Nova Scotia to Maryland. In contrast, green crabs are a recent arrival to western North America, where they successfully colonized San Francisco Bay, CA, in 1989-90. Their impacts on both natural ecosystems and commercial fisheries are well