

Species Permits), or South Florida Ecological Services Office, U.S. Fish and Wildlife Service, 1339 20th Street, Vero Beach, Florida 32960-3559. Written data or comments concerning the application, supporting documentation, EA, or HCP should be submitted to the Regional Office. Requests for the documentation must be in writing to be processed. Comments must be submitted in writing to be adequately considered in the Service's decision-making process. Please reference permit number TE067104-0 in such comments, or in requests of the documents discussed herein.

FOR FURTHER INFORMATION CONTACT: Mr. David Dell, Regional Coordinator, (see **ADDRESSES** above), telephone: 404/679-7313, facsimile: 404/679-7081; or Ms. Sharon Tyson, Fish and Wildlife Biologist, South Florida Ecological Services Office (see **ADDRESSES** above), telephone: 772/562-3909, extension 324.

SUPPLEMENTARY INFORMATION: The Florida scrub-jay is geographically isolated from other subspecies of scrub-jays found in Mexico and the Western United States. The scrub-jay is found exclusively in peninsular Florida and is restricted to xeric uplands (predominately in oak dominated scrub). Urban and agricultural development have resulted in habitat loss and fragmentation which has adversely affected the distribution and numbers of scrub-jays. The total estimated population is between 7,000 and 11,000 individuals.

The decline in the number and distribution of scrub-jays in southeastern Florida has been greater than in most of regions of the State. Southeastern Florida has experienced tremendous urban growth in the past 50 years and much of the commercial and residential development has occurred on the dry soils or the Atlantic coastal ridge which historically supported scrub-jay habitat. Based on existing soils data, much of the historic and current scrub-jay habitat of coastal east Florida occurs along a narrow stretch of historic sand dunes that are situated on a north-south axis from Dade to Flagler County. Much of this area of Florida was settled early because few wetlands restricted urban and agricultural development. Due to the effects of urban and agricultural development over the past 100 years, much of the remaining scrub-jay habitat is now relatively small and isolated. What remains is largely degraded due to the exclusion of fire which is needed to maintain xeric uplands in conditions suitable for scrub-jays.

Scrub-jays using the Project site and surrounding area are considered part of a larger complex of scrub-jays that occupy xeric uplands of southeastern coastal Florida. This complex of scrub-jay families ranges from about east-central Martin County south to northeastern Palm Beach County. The majority of scrub-jays within this complex are found in Jonathan Dickinson State Park (JDSP). The Project is located on the southern boundary of JDSP. The continued survival of scrub-jays in this area is dependent on the maintenance of suitable habitat and the restoration of unsuitable habitat in northeastern Palm Beach and southeastern Martin counties.

JDSP monitors the scrub-jay population within the Park on a regular basis, but the Project site is not included in the survey area. Therefore, long-term data on use of the Project site by scrub-jays is not available. However, during the planning phase of the Project, one comprehensive scrub-jay survey and two one-day surveys were conducted to determine the extent of scrub-jay use of the Project site. Based on the results of these surveys, it was estimated that of the 13.5 acres to be impacted by the proposed Project, about 9.0 acres of occupied scrub-jay habitat will be destroyed. Land clearing in preparation for excavation will remove habitat and result in death of, or injury to, scrub-jays, incidental to the carrying out of these otherwise lawful activities. Habitat alteration associated with the proposed excavation will reduce the availability of feeding, nesting, and sheltering habitat for scrub-jays.

The Applicant proposes several actions to minimize and mitigate unavoidable impacts to scrub-jays. Minimization measures include: (1) A 31 percent decrease in the Project footprint from the originally proposed design; and (2) siting the Project footprint to avoid the most ecologically sensitive areas within the planning area, thereby avoiding impacts to a federally listed plant and focusing impacts to lower quality scrub-jay habitat. Mitigation measures include: (1) Abandonment of about 29.2 acres of unopened road right-of-way (ROW) within the Hyland Terrace subdivision plat that is now largely encompassed within JDSP, (2) transfer of fee title of about 3.3 acres of private land in the Hyland Terrace subdivision to JDSP, (3) installation of 12,941 linear feet of fencing along the southern boundary of portions of JDSP to preclude off-road vehicle use and trash dumping, and (4) restoration of about 4.3 acres of occupied scrub-jay habitat within the Project boundary.

While not proposed as mitigation, the Applicant's minimization and mitigation measures will lead to a consolidation of ownership on the southern boundary of JDSP and will likely lead to more effective land management in this area. Due to liability issues related to private inholdings, JDSP was previously unable to implement planned prescribed fire in a 183-acre management block that included the Project site and an adjacent platted, but mostly undeveloped subdivision. Without periodic fire, this management block has become increasingly unsuitable for scrub-jays. With boundary consolidation, JDSP will be able to implement short and long-term management strategies in the 183-acre management block. Habitat restoration activities by JDSP in this area are expected to result in the enhancement of scrub-jay habitat, and possibly an expansion of suitable habitat for this species.

The EA considers the environmental consequences of one action alternative which would require issuance of an ITP and two alternatives that would not require issuance of an ITP, including the no action alternative. Both alternatives not requiring issuance of an ITP will ultimately result in loss of scrub-jay habitat within the Project site due to habitat degradation resulting from lack of management. The no action alternative (*i.e.*, the Service would not issue an ITP) may also expose the Applicant under Section 9 of the Act, if they proceed with the Project as designed. The preferred alternative would affect about 13.5 acres of occupied scrub-jay habitat while protecting and enhancing about 36.8 acres of scrub habitat that may be subject to urban development in the future.

The proposed action alternative is issuance of the ITP for a three-year term according to the Plan as submitted and described above. Under the proposed alternative, the effect of the proposed minimization and mitigation measures will be the protection of about 36.8 acres of scrub-jay habitat adjacent to and within the Project. The mitigation parcels currently provide habitat for scrub-jay nesting, foraging, and sheltering. Conveyance of fee title of mitigation lands will result in a consolidated southern boundary and removal of inholdings within JDSP which should result in implementation of more effective land management actions. With management, existing conditions within JDSP are expected to improve over the long-term for scrub-jays in the vicinity of the Project site.