

As stated above, the Service has made a preliminary determination that the issuance of the ITP is not a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of NEPA. This preliminary information may be revised due to public comment received in response to this notice and is based on information contained in the EA and Plan.

The Service will also evaluate whether the issuance of a section 10(a)(1)(B) ITP complies with section 7 of the Act by conducting an intra-Service section 7 consultation. The results of the biological opinion, in combination with the above findings, will be used in the final analysis to determine whether or not to issue the ITP.

Dated: November 3, 2003.

**Sam D. Hamilton,**  
Regional Director.

[FR Doc. 03-29080 Filed 11-20-03; 8:45 am]

BILLING CODE 4310-55-P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Availability of an Environmental Assessment and Receipt of an Application for an Incidental Take Permit for Regulation of Coastal Armoring by Indian River County, FL.

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

**ACTION:** Notice

**SUMMARY:** Indian River County Board of County Commissioners (Applicant) requests an incidental take permit (ITP) pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973 (U.S.C. 1531 *et seq.*), as amended (Act). The Applicant anticipates taking loggerhead (*Caretta caretta*), green (*Chelonia mydas*), leatherback (*Dermochelys coriacea*), Kemp's ridley (*Lepidochelys kempi*), and hawksbill (*Eretmochelys imbricata*) sea turtles, as a result of authorizing the construction and removal of emergency coastal armoring structures along eroding sections of the 22.25 miles of County coastline. Take is also anticipated in instances where the emergency coastal armoring structures are subsequently replaced by permanent armoring structures. The Applicant's Habitat Conservation Plan (HCP) identifies the need to protect up to 31 upland structures with armoring resulting in about 3,196 linear feet of shoreline impacted by construction and presence of armoring structures. Based on coastal erosion modeling, the

Applicant has identified critically eroded sections of beach where armoring structures may be needed over the duration of the requested 30-year ITP.

Sea turtle nests may be impacted during construction of the armoring structures. In addition, once armoring structures are complete they may affect sea turtles by adversely modifying nesting habitat and/or sea turtle nesting behavior. The Applicant proposes to minimize impacts of constructing coastal armoring through implementation of stringent construction timing restrictions and best management practices. To mitigate for unavoidable impacts, the Applicant proposes to implement various actions that will increase sea turtle nesting success. A more detailed description of the minimization and mitigation measures to address the effects of coastal armoring on sea turtles are outlined in the Applicant's HCP, and in the **SUPPLEMENTARY INFORMATION** section below.

The Service announces the availability of the HCP and our Environmental Assessment (EA) for the incidental take application. Copies of the HCP and EA may be obtained by making a request to the Regional Office (see **ADDRESSES**). Requests must be in writing to be processed. This Notice is provided pursuant to section 10 of the Endangered Species Act and NEPA regulations (40 CFR 1506.6).

The Service specifically requests information, views, and opinions from the public via this Notice on the Federal action. Further, the Service specifically solicits information regarding the adequacy of the HCP as measured against the Service's permit 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. 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 submit comments over the internet as an ASCII file avoiding the use of special characters and any form of encryption. Please also include your name and return address in your Internet message. If you do not receive a confirmation from the Service that we have received your Internet message, contact us directly at either telephone number listed below (see **FURTHER INFORMATION**). Finally, you may hand deliver comments to either Service office listed below (see **ADDRESSES**). 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 administrative record. We will honor such requests to the extent allowable by law. There may also be other circumstances in which we would withhold from the administrative record a respondent's identity, as allowable by law. If you wish us to withhold your name and address, you must state this prominently at the beginning of your comments. We will not, however, consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

**DATES:** Written comments on the permit application, supporting documentation, EA, and HCP should be sent to the Service's Regional Office (see **ADDRESSES**) and should be received on or before January 20, 2004.

**ADDRESSES:** Persons wishing to review the application, supporting documentation, EA, and HCP may obtain a copy by writing the Service's Southeast Regional Office, Atlanta, Georgia. Documents will also be available for public inspection by appointment during normal business hours at the Regional Office, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345 (Attn: Endangered Species Permits), or Field Supervisor, 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 TE057875-0 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 Field Office (see **ADDRESSES** above), telephone: 772/562-3909 extension 324.

**SUPPLEMENTARY INFORMATION:** Florida law allows for beachfront homeowners to apply for permits to construct armoring structures to safeguard homes and other eligible structures from damage due to impending coastal erosion. If threats of property damage