

pursuant to State regulations, opportunities exist for beachfront homeowners to apply to the State of Florida for a permit to replace temporary emergency armoring structures with permanent structures. Thus, sea turtles could potentially be exposed to the long-term effects of armoring structures and the HCP and environmental assessment assume that all authorized emergency armoring structures subsequently become permanent structures.

Beaches seaward of seawalls and other armoring structures are typically narrower than natural unarmored beaches. As a result, on eroding shorelines seawalls may increase swash velocity, duration and elevation, thereby accelerating erosion in front of the structure. Additionally, buried portions of a seawall may alter beach porosity, permeability, beach groundwater elevation, and beach slope variability. Collectively, these changes in beach characteristics can diminish the quality of the beach as nesting habitat for sea turtles and these areas may be avoided by gravid female sea turtles. Furthermore, the physical presence of armoring structures may decrease the number of emergences by nesting females in front of the structures. Additionally, females that encounter hardened structures are more likely to return to sea without nesting. Females that encounter hardened structures when seeking suitable nesting habitat may wander more than turtles not encountering hardened structures. Behavioral modifications such as these likely increase energy expenditure and decrease fitness of nesting sea turtles.

The Service has worked with the Applicant to design measures to minimize and mitigate the impacts of coastal armoring on nesting sea turtles. Minimization measures proposed by the Applicant include conservation benefits from pre-project proactive planning, stringent pre-construction assessments and permitting, implementation of construction precautions during the nesting season, and requirements for post-construction monitoring during the nesting season. A public awareness program will be implemented to inform beachfront homeowners of coastal erosion and the regulatory process for protecting properties. Homeowners will be encouraged to take proactive steps to protect their property and prevent the need to seek emergency armoring permits. If landowners voluntarily take preventative action by installing armoring structures prior to an emergency situation, impacts to nesting sea turtles could be reduced. Furthermore, in the event emergency

armoring is requested, the Applicant agrees to stringently review the application, identify the most practical, least-impact armoring design and location, and require avoidance or relocation of affected sea turtle nests. During construction, the Applicant will require daily sea turtle nesting surveys at the construction and access sites, marking of nest sites, relocation of vulnerable nests, and minimization of impacts through timing restrictions on use and location of heavy equipment. Following construction, the Applicant agrees to require that sea turtle nesting surveys continue until all construction debris and materials are removed from the beach. Finally, in the event any emergency structure is removed, all of the minimization measures identified above for use during construction will also be implemented.

The Applicant has completed or is proposing a number of mitigation measures that will indirectly or directly benefit nesting sea turtles. Protection of beachfront property, implementation of a predator control program, better light management, and systematic sea turtle nest surveys are expected to result in conservation of turtles and their nests. Several of the proposed mitigation measures will have quantifiable results, including an expected reduction in nest predation from areas currently known to suffer high predation rates. A coordinated effort to educate beachfront homeowners about the effects of light pollution and subsequent modification and enforcement of a county lighting ordinance is expected to be beneficial to nesting turtles and hatchlings. The Applicant has also cost-shared on the acquisition of beachfront property and anticipates that the protection of 1,500 linear feet of shoreline resulting from this acquisition will eliminate future threats (e.g., lighting, armoring, and human disturbance) associated with residential and commercial development that may have existed without public acquisition. These mitigation benefits should total just over 5,100 additional nests of all species combined over the life of the proposed permit compared to the expected cumulative nest success without conservation measures (a ratio of about 4 saved nests per each destroyed or displaced nest). Finally, the Applicant also proposes to administer systematic sea turtle nest surveys for areas not already covered by index nesting-beach surveys. The Applicant intends to act as a clearinghouse for survey information so that consistent biological information is available for use in making decisions

that may affect sea turtles and/or their nests.

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 sea turtles along Indian River County's coastline. The Service will also evaluate whether the issuance of a section 10(a)(1)(B) permit 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 5, 2003.

Sam D. Hamilton,

Regional Director.

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DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Notice of Intent To Prepare an Environmental Impact Statement for the Proposed Elk Valley Rancheria 203.5 Acre Fee-to-Trust Transfer and Casino/Resort Project, Del Norte County, CA

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice advises the public that the Bureau of Indian Affairs (BIA), with the cooperation of the Elk Valley Rancheria, intends to gather information necessary for preparing an Environmental Impact Statement (EIS) for the proposed 203.50 acre Fee-to-Trust Transfer and Casino Project in Del Norte County, California. The purpose of the proposed action is to help meet the land base and economic needs of the Elk Valley Rancheria. This notice also announces a public scoping meeting to identify potential issues, topics and alternatives for consideration in the EIS.

DATES: Written comments must arrive by December 30, 2003. The public scoping meeting will be held on December 15, 2003, from 5 p.m. to 8 p.m., or until the last public comment is received.

ADDRESSES: You may mail or hand carry written comments on the scope of the EIS to Clay Gregory, Acting Regional Director, Bureau of Indian Affairs, Pacific Region, 2800 Cottage Way, Room W-2820, Sacramento, California 95825.