

**Federal Register** on February 25, 2009 (74 FR 8564).

The Hakalau Forest Refuge is located on the Island of Hawai'i. It encompasses two refuge units, the Hakalau Forest Unit and the Kona Forest Unit. The Hakalau Forest Unit was established in 1985 to protect endangered forest birds and their rainforest habitat. The Hakalau Forest Unit encompasses 32,733 acres of land, located on the eastern or windward slope of Mauna Kea, which supports a diversity of native birds and plants. The refuge's Kona Forest Unit was established in 1997, on the southwestern or leeward slope of Mauna Loa, to protect native forest birds and the 'alala, an endangered Hawaiian crow. The Kona Forest Unit supports diverse native bird and plant species, as well as rare habitats found in lava tubes and lava tube skylights.

## Background

### *The CCP Process*

The CCP/EA was prepared under the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee), as amended (Refuge Administration Act), and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) (NEPA). The Refuge Administration Act requires us to develop a CCP for each national wildlife refuge. The purpose of developing a CCP is to provide refuge managers a 15-year plan for achieving refuge purposes and contributing toward the mission of the National Wildlife Refuge System, consistent with sound principles of fish and wildlife conservation, management, legal mandates, and our policies. In addition to outlining broad management direction for conserving wildlife and their habitats, CCPs identify wildlife-dependent recreational opportunities available to the public, including hunting, fishing, wildlife observation and photography, and environmental education and interpretation. We will review and update the CCPs at least every 15 years in accordance with the Refuge Administration Act.

### *Public Outreach*

We began the public scoping phase of the CCP planning process by publishing a notice of intent in the **Federal Register** on February 25, 2009 (74 FR 8564), announcing our intention to complete a CCP/EA for the refuge, inviting the public to two open house meetings, and requesting public comments. Simultaneously, we distributed Planning Update 1 to our mailing list announcing the beginning of the CCP planning process, requesting comments on refuge management issues, and

inviting the public to attend two open house meetings. The meetings were held March 3 and 4, 2009, in Hilo, HI, and Captain Cook, HI, respectively.

In October 2009 we distributed Planning Update 2. In Planning Update 2 we provided a summary of the comments we received and draft vision statements. The public comments we received throughout the planning process were considered during development of the Draft CCP/EA.

## Draft Alternatives We Are Considering

We drafted three alternatives for managing the refuge. All of the alternatives will include actions to control invasive species, develop or improve partnerships, continue coordination with Hawai'i's Department of Forestry and Wildlife, develop volunteer opportunities, and construct a fence around the Kona Forest Unit. Brief descriptions of the alternatives follow.

### *Alternative A*

Alternative A is the no-action alternative. We would continue existing refuge management activities under Alternative A, including fencing projects currently under way at the Kona Forest Unit. Staff would conduct limited additional restoration of various koa forest habitats. Volunteer opportunities to assist refuge staff with planting native plants would continue. Refuge staff would provide limited outreach regarding management activities.

### *Alternative B*

Alternative B is the preferred alternative. We would increase reforestation, restoration, and ungulate removal efforts under Alternative B. Additional areas in both units would be protected through fencing and ungulate removal. Refuge staff, with the assistance of volunteers, would increase efforts to restore understory species in reforested areas. Staff would provide additional opportunities for outreach and environmental education and interpretation. We would work with partners and neighboring landowners to explore habitat protection and restoration opportunities, including the potential for refuge boundary expansion. Opportunities for additional land acquisition would focus on protection of forest birds and their habitats in response to climate change concerns.

### *Alternative C*

Under Alternative C, we would focus on maintaining existing koa forest and allowing natural regeneration of the understory on the Kona Forest Unit. We

would place less emphasis on ungulate removal and maintenance. Additional grassland areas would be maintained for foraging and nesting nēnē. We would open additional areas of the Hakalau Forest Unit to the public. Fewer volunteer opportunities would be provided. As in Alternative B, we would explore habitat protection opportunities.

## Public Availability of Documents

We encourage you to stay involved in the CCP planning process by reviewing and commenting on the proposals we have developed in the Draft CCP/EA. Copies of the Draft CCP/EA are available by request from Jim Kraus or via the internet (*see* ADDRESSES).

## Next Steps

After this comment period ends, we will analyze the comments and address them in the final CCP.

## Public Availability of Comments

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: August 10, 2010.

**Theresa E. Rabot,**

*Acting Regional Director, Region 1, Portland, Oregon.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS–R2–ES–2010–N167; 20124–1113–0000–C2]

### Endangered and Threatened Wildlife and Plants; Draft Ocelot (*LEOPARDUS PARDALIS*) Recovery Plan, First Revision

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

**ACTION:** Notice of document availability for public review.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce the availability of the Draft Ocelot (*Leopardus pardalis*) Recovery Plan, First Revision. We request review and comment from the public on this draft revised recovery plan. We will also accept any new information on the status of the ocelot throughout its range

to assist in finalizing the revised recovery plan.

**DATES:** To ensure consideration, we must receive any comments no later than October 25, 2010.

**ADDRESSES:** An electronic copy of the recovery plan can be obtained from our Web site at <http://www.fws.gov/southwest/es/Library/>. Copies of the recovery plan are also available by request. To obtain a copy, contact Jody Mays by U.S. mail at Laguna Atascosa National Wildlife Refuge, 22817 Ocelot Road, Los Fresnos, TX 78566; by phone at (956) 748-3607; or by e-mail at [Jody\\_Mays@fws.gov](mailto:Jody_Mays@fws.gov). Written comments and materials on the draft revised recovery plan may be mailed to Jody Mays at the address above.

**FOR FURTHER INFORMATION CONTACT:** Jody Mays (see **ADDRESSES**).

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

The Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*), requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Recovery plans help guide the recovery effort by describing actions considered necessary for the conservation of the species, and estimating time and costs for implementing the measures needed for recovery. A recovery plan was originally completed for the ocelot in 1990 (*The Listed Cats of Texas and Arizona Recovery Plan*), but the recommendations contained in that plan are outdated given the species' current status.

Section 4(f) of the Act requires that we provide public notice and an opportunity for public review and comment during recovery plan development. We will consider all information presented during a public comment period prior to approval of each new or revised recovery plan. We will also take these comments into account in the course of implementing recovery actions. In fulfillment of this requirement, we are making this draft first revision of the recovery plan for the ocelot available for a 60-day public comment period.

The ocelot was listed as an endangered foreign species in 1972 under the authority of the Endangered Species Conservation Act of 1969 (37 FR 6476; March 30, 1972). Following passage of the Endangered Species Act in 1973, the ocelot was included on the January 4, 1974 (39 FR 1158; January 4, 1974), list of "Endangered Foreign Wildlife" that "grandfathered" species from the lists under the 1969

Endangered Species Conservation Act into a new list under the ESA. Endangered status was extended to ocelots in the U.S. portion of the species' range for the first time, with a final rule published July 21, 1982 (47 FR 31670). In that rule, we made a determination that designation of critical habitat was not prudent, because such a designation would not be in the best interests of conservation of the species. Currently, the ocelot is listed as endangered throughout its range, from southern Texas and southern Arizona through Central and South America into northern Argentina and Uruguay.

The ocelot requires dense vegetation (more than 75 percent canopy cover), with 95 percent cover preferred in Texas. Habitats used by the ocelot throughout its range vary from tropical rainforest, pine forest, gallery forest, riparian forest, semideciduous forest, and dry tropical forest, to savanna, shrublands, and marshlands. Contiguous areas of vegetation are necessary for ocelot dispersal. In south Texas, 2 remaining ocelot populations of less than 25 total known individuals inhabit dense thornscrub communities on the Lower Rio Grande Valley and Laguna Atascosa National Wildlife Refuges, as well as on private lands. Its prey consists primarily of rabbits, rodents, birds, and lizards.

In November 2009, an ocelot was documented in Arizona with the use of camera traps for the first time since 1964, when the last known ocelot in Arizona was legally shot. However, a number of ocelots have been recently documented 30–35 miles south of the Arizona border in Sonora, Mexico.

Habitat conversion, fragmentation, and loss, comprise the primary threats to the ocelot today. In Texas, over 95 percent of the dense thornscrub habitat in the Lower Rio Grande Valley has been converted to agriculture, rangelands, or urban land uses. Small population sizes in Texas and isolation from conspecifics in Mexico endanger the ocelot in Texas with genetic impoverishment and increased susceptibility to stochastic (random) events. Connectivity among ocelot populations or colonization of new habitats is discouraged by the proliferation of highways and increased road mortality among dispersing ocelots. Issues associated with developing and patrolling the boundary between the United States and Mexico further exacerbate the isolation of Texas ocelots from those in Mexico.

While the draft ocelot recovery plan considers the ocelot throughout its range, its major focus is on two cross-border management units, the Texas/

Tamaulipas Management Unit and the Arizona/Sonora Management Unit. The draft ocelot recovery plan includes scientific information about the species and provides objectives and actions needed for recovery and to ultimately remove it from the list of threatened and endangered species. Recovery actions include:

- Assessment, protection, reconnection, and restoration of sufficient habitat to support viable populations of the ocelot in the borderlands of the United States and Mexico;
- Reduction of effects of human population growth and development to ocelot survival and mortality;
- Maintenance or improvement of genetic fitness, demographic conditions, and health of the ocelot;
- Assurance of long-term viability of ocelot conservation through partnerships, the development and application of incentives for landowners, application of existing regulations, and public education and outreach;
- Use of adaptive management, in which recovery is monitored and recovery tasks are revised by the Service in coordination with the Ocelot Recovery Team as new information becomes available; and
- Support of international efforts to ascertain the status of and conserve the ocelot south of Tamaulipas and Sonora.

##### **Public Comments**

We are accepting written comments and information during this comment period on the revised draft recovery plan. All comments received by the date specified above will be considered prior to approval of the final recovery plan. Comments and materials we receive will be available for public inspection, by appointment, during normal business hours at the Laguna Atascosa National Wildlife Refuge (see **ADDRESSES**).

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publically available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

**Authority:** The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: August 4, 2010.

Joy E. Nicholopoulos,

Regional Director, Region 2.

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS-R4-ES-2010-N166; 40120-1112-0000-F2]

#### Environmental Impact Statement; Alabama Beach Mouse Draft General Conservation Plan; Fort Morgan Peninsula, Baldwin County, AL

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

**ACTION:** Notice of intent; announcement  
of public meetings.

**SUMMARY:** Under the National Environmental Policy Act (NEPA), we, the Fish and Wildlife Service (Service), advise the public that we intend to gather information necessary to prepare an environmental impact statement (EIS) on the draft Alabama Beach Mouse General Conservation Plan (ABM GCP) Project. We are preparing the ABM GCP under the Endangered Species Act of 1973, as amended (Act). We provide this notice to (1) Describe the proposed action and possible alternatives; (2) advise other Federal and State agencies, affected Tribes, and the public of our intent to prepare an EIS; (3) announce the initiation of a public scoping period; and (4) obtain suggestions and information on the scope of issues to be included in the EIS.

**DATES:** *Comments:* We must receive any written comments at our Field Office (see **ADDRESSES**) on or before September 27, 2010.

*Public Meetings:* Two public scoping meetings will be held on September 29, 2010: The first from 2 p.m. to 4 p.m., and the second from 6 p.m. to 8 p.m.

**ADDRESSES:** *Public Meetings:* Gulf Shores Adult Activities Center, 260 Club House Drive, Gulf Shores, AL 36542.

*Document Availability:* Documents will be available for public inspection by appointment during normal business hours at the Fish and Wildlife Service Field Office, 1208-B Main Street, Daphne, AL 36526.

*Comments:* For how and where to submit comments, see Public Comments below.

**FOR FURTHER INFORMATION CONTACT:** Mr. Darren LeBlanc, Project Manager, at the Alabama Field Office (see **ADDRESSES**), telephone: 251/441-5868.

**SUPPLEMENTARY INFORMATION:** Under the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*), we announce that we intend to gather information necessary to prepare an EIS on the draft ABM GCP Project under the Act (16 U.S.C. 1531 *et seq.*).

#### Background

Section 9 of the Act and Federal regulations prohibit the “take” of wildlife species listed as endangered or threatened (16 U.S.C. 1538). The Act defines the term “take” as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect listed species, or to attempt to engage in such conduct (16 U.S.C. 1532). Harm includes significant habitat modification or degradation that actually kills or injures listed wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, and sheltering [50 CFR 17.3(c)]. Under section 10(a)(1)(B) of the Act, the Service may issue permits to authorize “incidental take” of listed species. “Incidental Take” is defined by the Act as take that is incidental to, and not the purpose of, carrying out an otherwise lawful activity. Regulations governing permits for threatened species and endangered species, respectively, are in the Code of Federal Regulations (CFR) at 50 CFR 17.32 and 50 CFR 17.22. All species included on an incidental take permit would receive assurances under the Service’s “No Surprises” regulations [50 CFR 17.22(b)(5) and 17.32(b)(5)].

#### Proposed ABM GCP

Species we propose for coverage in the ABM GCP are species that are currently listed as federally threatened or endangered and have some likelihood to occur within the project area. Three protected species covered by the ABM GCP are known to occur within the area. Currently the following listed animal species are included in the plan: Alabama beach mouse (ABM) (*Peromyscus polionotus ammobates*), Loggerhead sea turtle (*Caretta caretta*), and Kemp’s ridley sea turtle (*Lepidochelys kempii*).

The proposed ABM GCP utilizes a conservation strategy that would provide for preservation of a large portion of the developable habitat for the ABM while still allowing economic growth to occur in the area. The ABM GCP coverage area extends along the Gulf of Mexico for about 17 miles, encompassing approximately 2,400 acres of open beach and associated nearshore coastal dune environments on the Fort Morgan Peninsula, Baldwin County, AL. The coverage area begins at Little Lagoon Pass, on State Hwy 182 in Gulf Shores, and extends westward to

the tip of the Fort Morgan State Historic site at the western terminus of the Fort Morgan Peninsula. The area is defined biologically as that area where an ABM population and/or subpopulations (i.e., metapopulations) could be affected by the proposed actions. The coverage area is based on what the Service currently knows about ABM movement and dispersal, locations of separate yet connected populations, and where future development could occur within these areas. It is important that suitable habitat be maintained within these areas so that barriers to dispersal do not develop, to allow for expansion of subpopulations, and for maintaining or increasing genetic diversity.

The ABM GCP would result in take authorization for otherwise lawful actions, such as private development that may incidentally take or harm animal species or their habitats within the ABM GCP area, in exchange for the assembly and management of a coordinated ABM GCP area. Specifically, these activities would include residential development and infrastructure improvement, as well as response activities related to impacts from tropical weather systems. The ABM GCP would develop a program of take avoidance, minimization, and mitigation, with an emphasis on preservation of remaining natural lands that will support viable populations and the continued existence of federally listed threatened or endangered species, including an in-lieu-fee proposal. The ABM GCP creates a framework for complying with federally listed threatened or endangered species regulations for specified species while accommodating future growth in the ABM GCP area. The framework established by the ABM GCP in-lieu-fee plan will allow for the purchase of select parcels of high-priority habitat, preserve movement corridors within viable habitat, conduct post-storm habitat restoration on public lands and assist the public with the same on private property, and assist in the conservation of species through research.

If the ABM GCP is established, property owners who wish to develop low-density residences on the Fort Morgan peninsula in Alabama, and who meet the qualifying conditions of the ABM GCP, may apply for a 50-year Incidental Take Permit (ITP) from the Service. The ITP is needed to authorize the incidental take of threatened and endangered species that would occur as a result of private residential development.