

from severe storms, tornadoes, and flooding during the period June 16–18, 2007, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act). Therefore, I declare that such a major disaster exists in the State of Texas.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance in the designated areas, Hazard Mitigation throughout the State, and any other forms of assistance under the Stafford Act that you deem appropriate. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation and Other Needs Assistance will be limited to 75 percent of the total eligible costs. If Public Assistance is later warranted, Federal funds provided under that program will also be limited to 75 percent of the total eligible costs, except for any particular projects that are eligible for a higher Federal cost-sharing percentage under the FEMA Public Assistance Pilot Program instituted pursuant to 6 U.S.C. 777. Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Kenneth Clark, of FEMA is appointed to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Texas to have been affected adversely by this declared major disaster:

Cooke, Coryell, Denton, Grayson, Lampasas, and Tarrant Counties for Individual Assistance.

All counties within the State of Texas are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund Program; 97.032, Crisis Counseling; 97.033, Disaster Legal Services Program; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance; 97.048, Individuals and Households Housing; 97.049, Individuals and Households Disaster Housing Operations; 97.050, Individuals and Households Program—Other Needs; 97.036, Public

Assistance Grants; 97.039, Hazard Mitigation Grant Program.)

**R. David Paulson,**

*Administrator, Federal Emergency Management Agency.*

[FR Doc. E7–13321 Filed 7–9–07; 8:45 am]

**BILLING CODE 9110–10–P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Construction of a Single-Family-Home Subdivision

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

**ACTION:** Notice: receipt of application for an incidental take permit; request for comments.

**SUMMARY:** We, the Fish and Wildlife Service (Service), announce the availability of an incidental take permit (ITP) application and Habitat Conservation Plan (HCP). Eber Cove, LLC (applicant) requests an incidental take permit (ITP) for a duration of 5 years pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The applicant anticipates taking approximately 1.55 acre (ac) of Florida scrub-jay (*Alphelocoma coerulescens*)—occupied habitat incidental to constructing a single-family-home subdivision in Brevard County, Florida (project). The applicant's HCP describes the mitigation and minimization measures the applicant proposes to address the effects of the project to the scrub-jay.

**DATES:** We must receive any written comments on the ITP application and HCP on or before August 9, 2007.

**ADDRESSES:** If you wish to review the application and HCP, you may write the Field Supervisor at our Jacksonville Field Office, 6620 Southpoint Drive South, Suite 310, Jacksonville, FL 32216, or make an appointment to visit during normal business hours. If you wish to comment, you may mail or hand deliver comments to the Jacksonville Field Office, or you may e-mail comments to [erin\\_gawera@fws.gov](mailto:erin_gawera@fws.gov). For more information on reviewing documents and public comments and submitting comments, see **SUPPLEMENTARY INFORMATION.**

**FOR FURTHER INFORMATION CONTACT:** Erin Gawera, Fish and Wildlife Biologist, Jacksonville Field Office (see **ADDRESSES**); telephone: 904/232–2580, ext. 121.

**SUPPLEMENTARY INFORMATION:**

### Public Review and Comment

Please reference permit number TE151089–0 for Eber Cove, LLC, in all requests or comments. Please include your name and return address in your e-mail message. If you do not receive a confirmation from us that we have received your e-mail message, contact us directly at the telephone number listed under **FOR FURTHER INFORMATION CONTACT.** Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. 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. 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.

### Background

The Florida scrub-jay (scrub-jay) is found exclusively in peninsular Florida and is restricted to xeric uplands (predominately in oak-dominated scrub). Increasing urban and agricultural development has resulted in habitat loss and fragmentation, which have 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 east-central Florida has been exacerbated by tremendous urban growth in the past 50 years. Much of the historic commercial and residential development has occurred on the dry soils which previously supported scrub-jay habitat. 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.

## Applicant's Proposal

The applicant is requesting take of approximately 1.55 ac of occupied scrub-jay habitat incidental to the construction of a single-family-home subdivision. The project is located within Section 17, Township 28 South, Range 37 East, Melbourne, Brevard County, Florida, south of Eber Rd, west of the Eber Rd-Dairy Rd interchange.

Development of the project, including infrastructure and landscaping, precludes retention of scrub-jay habitat on site. Therefore, the applicant proposes to mitigate for the loss of 1.55 ac of occupied scrub-jay habitat by donating \$31,043 to the Florida Scrub-jay Fund administered by The Nature Conservancy. Funds in this account are earmarked for use in the conservation and recovery of scrub-jays and may include habitat acquisition, restoration, and/or management.

We have determined that the applicant's proposal, including the proposed mitigation and minimization measures, would have minor or negligible effects on the species covered in the HCP. Therefore, the ITP is a "low-effect" project and qualifies for categorical exclusions under the National Environmental Policy Act (NEPA), as provided by the Department of the Interior Manual (516 DM 2 Appendix 1 and 516 DM 6 Appendix 1). This preliminary information may be revised based on our review of public comments that we receive in response to this notice. A low-effect HCP is one 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.

We will evaluate the HCP and comments submitted thereon to determine whether the application meets the requirements of section 10(a) of the Act (16 U.S.C. 1531 *et seq.*). If we determine that the application meets those requirements, we will issue the ITP for incidental take of the Florida scrub-jay. We 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. We will use the results of this consultation, in combination with the above findings, in our final analysis to determine whether or not to issue the ITP.

**Authority:** We provide this notice under Section 10 of the Endangered Species Act and NEPA regulations (40 CFR 1506.6).

Dated: June 10, 2007.

**David L. Hankla,**

*Field Supervisor, Jacksonville Field Office.*

[FR Doc. E7-13351 Filed 7-9-07; 8:45 am]

**BILLING CODE 4310-55-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Application From the Duckwater Shoshone Tribe, Nye County, Nevada for an Enhancement of Survival Permit for the Railroad Valley Springfish

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

**ACTION:** Notice of availability, receipt of application

**SUMMARY:** The Duckwater Shoshone Tribe (Applicant) has applied to the Fish and Wildlife Service (Service) for an enhancement of survival permit pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (Act). The permit application includes a proposed Safe Harbor Agreement (SHA) between the Applicant and the Service. The SHA provides for voluntary habitat restoration, maintenance, and enhancement activities to implement the reintroduction and long-term recovery of Railroad Valley Springfish (*Crenichthys nevadae*) within Nye County, Nevada. The proposed duration of both the SHA and permit is 25 years.

The Service has made a preliminary determination that the proposed SHA and permit application are eligible for categorical exclusion under the National Environmental Policy Act of 1969 (NEPA). The basis for this determination is contained in an Environmental Action Statement and low-effect screening form, which are also available for public review.

**DATES:** Written comments must be received by 5 p.m. on August 9, 2007.

**ADDRESSES:** Comments should be addressed to Robert D. Williams, Field Supervisor, Nevada Fish and Wildlife Office, 1340 Financial Boulevard, Suite 234, Reno, Nevada, 89502, facsimile number (775) 861-6301 (see **SUPPLEMENTARY INFORMATION**, Public Review and Comment).

**FOR FURTHER INFORMATION CONTACT:** Bridget Nielsen, Conservation Partnerships Coordinator for the Nevada Fish and Wildlife Office, at the above address or by calling (775) 861-6300.

**SUPPLEMENTARY INFORMATION:**

#### Background

The primary objective of this SHA is to encourage the reintroduction

activities and voluntary maintenance of previously implemented habitat restoration activities, to benefit the Railroad Valley springfish by relieving the Applicant, who enters into the provisions of the Safe Harbor Agreement with the Service, from any additional Section 9 liability under the Endangered Species Act beyond that which exists at the time the Safe Harbor Agreement is signed ("regulatory baseline"). A SHA encourages landowners and tribes to conduct voluntary conservation activities and assures them that they will not be subjected to increased listed species restrictions should their beneficial stewardship efforts result in increased listed species populations. Application requirements and issuance criteria for enhancement of survival permits through SHAs are found in 50 CFR 17.22 and 17.32(c). As long as the Applicant allows the agreed upon conservation measures to be completed on their property and maintain their baseline responsibilities, they may make any other lawful use of the property during the permit term, even if such use results in the take of individual Railroad Valley springfish or harm to their habitat.

The Duckwater Shoshone Tribe, located within Nye County, Nevada has suitable aquatic habitat for the reintroduction and long-term recovery of the Railroad Valley springfish which may be enrolled under the SHA. The Safe Harbor Agreement will include: (1) A map of the property and its legal location; (2) a description of the existing biological community including nonnative aquatic species and sensitive or protected species if any; (3) the portion of the property to be enrolled and its acreage; (4) a description of the habitat types that occur on the portion of the property to be enrolled including an accurate description of ponds or other aquatic habitats and their characteristics; and (5) current land-use practices and existing development, and the characteristics of water supplies to aquatic habitats.

The Applicant is committed to the long-term recovery of the Railroad Valley springfish and in so doing; an elevated baseline was negotiated for Big Warm Spring. In order to meet recovery objectives, at least 21,000 adult Railroad Valley springfish must be present within the 6 springs identified for recovery, with each population containing at least 1,000 adults and documented annual reproduction and recruitment for 5 consecutive years. Considering Big Warm Spring is currently not populated with of Railroad Valley springfish, the regulatory baseline would be zero however, the