

California. The six plants are threatened by one or more of the following—urban development, recreational activities, alteration of fire cycles and fire suppression activities, excessive collecting, habitat fragmentation and degradation, and competition from invasive weeds. Several of the plants are also threatened with stochastic extinction by virtue of their small numbers and small population sizes.

The goal of this plan is to stabilize and protect existing populations to allow for the downlisting of *Astragalus brauntonii* and *Pentachaeta lyonii* and their eventual delisting, and the delisting of all four of the *Dudleya* species. These plants all have very restricted distributions in specialized habitats, so the main conservation actions will be to protect existing populations of these plants, ensuring that the sites are managed for their benefit. The voluntary cooperation of private landowners will be sought.

Public comments solicited

The Service solicits written comments on the recovery plan described. All comments received by the date specified above will be considered prior to approval of this plan.

Authority

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

Dated: December 8, 1998.

Michael J. Spear,

Manager, California/Nevada Operations Office, U.S. Fish and Wildlife Service, Sacramento, California.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of a Habitat Conservation Plan and Receipt of an Application for an Incidental Take Permit for the City of The Dalles Municipal Watershed, Wasco County, Oregon

AGENCY: Fish and Wildlife Service, DOI.

ACTION: Notice of receipt.

SUMMARY: This notice advises the public that the City of The Dalles (City) has applied to the Fish and Wildlife Service (Service) for an incidental take permit pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The application has been assigned permit number TE004366-0. The proposed permit would authorize the incidental take, in

the form of habitat modification (i.e., harm), of the northern spotted owl (*Strix occidentalis caurina*) which is federally listed as threatened. The permit would be in effect for up to 30 years.

We request comments from the public on the City's incidental take permit application and the accompanying proposed City of The Dalles Habitat Conservation Plan (Plan). The Plan fully describes the proposed project and the measures the City will undertake to mitigate for project impacts to the owl. These measures and associated impacts are also described in the background and summary information that follow.

We also request comments from the public on our preliminary determination that the City's Plan would qualify as a "Low Effect" Plan, eligible for a categorical exclusion under the National Environmental Policy Act, as provided by the Department of the Interior Manual (516 DM2, Appendix 1 and 516 DM 6, Appendix 1). The basis for this determination is discussed in an Environmental Action Statement, which is also available for public review.

DATES: Written comments on the permit application and Plan should be received on or before February 5, 1999.

ADDRESSES: Individuals wishing copies of the permit application, copies of the Service's preliminary Low Effect Determination, or copies of the full text of the Plan, which includes a map of the permit area, references, legal descriptions of the permit area and an associated Memorandum of Understanding between the U.S. Forest Service and the City, should immediately contact the office and personnel listed below. Documents also will be available for public inspection, by appointment, during normal business hours at the address below. Comments regarding the permit application or the Plan should be addressed to State Supervisor, Fish and Wildlife Service, Oregon State Office, 2600 S.E. 98th Avenue, Suite 100, Portland, Oregon 97266, fax number (503) 231-6195. Please refer to permit number TE004366-0 when submitting comments.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Zisa, Fish and Wildlife Service, Oregon State Office, telephone (503) 231-6179.

SUPPLEMENTARY INFORMATION: Section 9 of the Act and federal regulation prohibits the "taking" of a species listed as endangered or threatened. However, the Service, under limited circumstances, may issue permits to "take" listed species, provided such take is incidental to, and not the purpose of, an otherwise lawful activity.

Regulations governing permits for threatened species are promulgated in 50 CFR 17.32. Regulations governing permits for endangered species are promulgated in 50 CFR 17.22.

Background

The proposed permit area encompasses 1,432 acres of City-owned land in the South Fork Mill Creek Watershed of Wasco County, Oregon. It is an access-restricted watershed that is managed for the purposes of municipal water supply and quality. The City has determined that forest management activities in the permit area are compatible with their water supply and quality purposes. The permit area occurs in a narrow, linear distribution along the upper South Fork Mill Creek and is nearly surrounded by adjacent Forest Service land.

Much of the permit area is young or degraded Douglas Fir-White Fir and Ponderosa Pine-White Fir stands that are unsuitable for use by spotted owls. However, about 850 of the 1,432 forested acres are classified as useable by spotted owls. Nearly 500 of the 850 acres are lower quality habitat that may provide for owl dispersal opportunities but are of limited value for owl foraging or nesting. The surrounding Forest Service lands are designated as "matrix" under the Northwest Forest Plan for the purpose of providing dispersal and connectivity opportunities for the spotted owl.

The City-owned lands that provide spotted owl habitat occur within the likely home ranges of two spotted owl activity centers: one is occupied by a pair of owls, and the other is occupied by a territorial single owl. Neither of these home ranges contain habitat quantities sufficient to support the long-term viability and occupancy of the resident owls. Currently, about 79 acres of the Plan area within these likely home ranges function as suitable nesting, roosting, or foraging habitat for owls. In addition, 270 acres of suitable nesting, roosting, or foraging habitat is considered unoccupied by owls.

Summary of the Habitat Conservation Plan

The Plan would ensure that the City's timber harvest impacts to spotted owls are minimized and mitigated to the maximum extent practicable by coordinating City activities with the Forest Service to manage the land on an ecosystem-wide basis. The City has entered into a Memorandum of Understanding with the Forest Service, Mt. Hood National Forest, to provide for coordinated and consistent management across the watershed. Standards and

guidelines established for management of federal lands designated as matrix under the Northwest Forest Plan will be applied to the municipal ownership for a period of 20 years. Under the Memorandum of Understanding the City shall:

(1) Maintain riparian buffers along South Fork Mill Creek and Crow Creek for a slope distance equal to or greater than the height of 2 site-potential trees from the edge of the stream channel in which 60 to 80 percent conifer canopy closure will be maintained.

(2) Cooperatively maintain, with the Forest Service, 100 acres of the best spotted owl habitat as close as possible to identified activity centers for all known spotted owl activity centers located on City-owned or Forest Service lands. City-owned habitat within activity centers on City-owned lands must be maintained until it is determined through accepted protocol survey efforts that the sites have been vacated by spotted owls for a period of 3 years.

(3) Timber management within retained 100-acre areas will be consistent with the guidelines for Late-Successional Reserves as defined in the Northwest Forest Plan.

(4) Provide for maintenance of adequate levels of coarse woody debris during timber harvest activities on City-owned lands based upon a target (where present and practicable) of 120 linear feet of logs per acre, 16 inches in diameter or greater and 16 feet long, for regeneration harvests, and appropriately modified for partial-cut harvests (modified targets to be developed jointly with the Forest Service).

Phase I of this Plan is a commitment by the City to abide by the terms of the Memorandum of Understanding for a period of 20 years. Phase II of the Plan will last for a period of 10 years, during which the City would either continue conditions set forth in the Memorandum of Understanding or ensure that the following conditions are met:

(1) Either 79 acres of owl nesting, roosting, or foraging habitat and an additional 730 acres of dispersal or better habitat is maintained on the permit lands or 100 acres of nesting, roosting, or foraging habitat and an additional 590 acres of dispersal or better habitat is maintained on the permit area. The above habitat requirements must be within the permit area, but need not be the same habitat currently existing on the permit area.

(2) Impacts to any known owl-occupied sites on or adjacent to the ownership would be minimized through: the avoidance of the 70-acre core area surrounding site centers until

the sites have been determined by the Service to be vacant for 3 years; and no harvest activities within 1/4 mile of a known, active nest site between 01 March and 30 June.

The Service has made a preliminary determination that the City Plan qualifies as a "Low-Effect" Plan as defined by the Service's Habitat Conservation Planning Handbook. Low-Effect Plans are those involving: (1) minor or negligible effects on federally listed and candidate species and their habitats; and (2) minor or negligible effects on other environmental values or resources. As more fully explained in the Service's Environmental Action Statement, the City Plan qualifies as a Low Effect Plan for the following reasons:

(1) Approval of the Plan will result in minor or negligible effects on the owl and other listed or proposed species. Due to the low quality of this area for habitat suitability and occupation by owls and the minimization measures contained in the Plan, the amount of take likely to occur is low. The Service anticipates the take of approximately two owl sites over the entire 30-year permit duration. This level of loss would likely have occurred absent this proposed action due to management actions undertaken on adjacent federal land.

(2) The Plan will not have adverse effects on unique geographic, historic or cultural sites, or involve unique or unknown environmental risks.

(3) Approval of the Plan will not result in any cumulative or growth-inducing impacts and, therefore, will not result in significant adverse effects on public health or safety.

(4) The project does not require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act, nor does it threaten to violate a Federal, state, local or tribal law or requirement imposed for the protection of the environment.

(5) Approval of this Plan will not establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.

The Service has therefore made a preliminary determination that approval of the City Plan qualifies as a categorical exclusion under the National Environmental Policy Act, as provided by the Department of the Interior Manual (516 DM2, Appendix 1 and 516 DM 6, Appendix 1). Based upon this preliminary determination, we do not intend to prepare further National Environmental Policy Act

documentation. The Service will consider public comments in making its final determination on whether to prepare such additional documentation.

This notice is provided pursuant to section 10(c) of the Act. The Service will evaluate the permit application, Plan, and comments submitted thereon to determine whether the application meets the requirements of section 10(a) of the Act. If it is determined that the requirements are met, a permit will be issued for the incidental take of the northern spotted owl. The final permit decision will be made no sooner than 30 days from the date of this notice.

Dated: December 29, 1998.

Thomas J. Dwyer,

Acting Regional Director, Region 1, Portland, Oregon.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Service Regulations Committee Meeting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: The Fish and Wildlife Service (hereinafter Service) will conduct an open meeting on January 27, 1999, to identify and discuss preliminary issues concerning the 1999-2000 migratory bird hunting regulations.

DATES: January 27, 1999.

ADDRESSES: The Service Regulations Committee will meet at the U.S. Fish and Wildlife Service, Arlington Square Building, Room 200 A/B, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Robert J. Blohm, Acting Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, ms 634-ARLSQ, 1849 C Street, NW., Washington, DC 20240, (703) 358-1714.

SUPPLEMENTARY INFORMATION: Representatives from the Service, the Service's Migratory Bird Regulations Committee, and Flyway Council Consultants will meet on January 27, 1999, at 8:30 a.m. to identify preliminary issues concerning the 1999-2000 migratory bird hunting regulations for discussion and review by the Flyway Councils at their March meetings.

In accordance with 50 CFR 20.153 and Departmental policy regarding meetings of the Service Regulations Committee attended by any person