

re delegated to the Associate General Counsel for Human Resources Law and to the Field Assistant General Counsel, the authority to handle claims relating to the Federal Tort Claims Act and the Military Personnel and Civilian Employees' Claims Act. This Notice revokes that portion of 59 FR 52986 that had re delegated authority to the Field Assistant General Counsel.

Under the HUD 2020 Management Reform Plan, all claims relating to the Federal Tort Claims Act and the Military Personnel and Civilian Employees' Claims Act will be the responsibility of HUD's Federal Tort Claims Center. This Notice re delegates to the Assistant General Counsel for New England, within HUD's Federal Tort Claims Center, the authority to adjust, determine, compromise and settle claims under the Federal Tort Claims Act, 28 U.S.C. 2871, and the Military Personnel and Civilian Employees' Claims Act of 1964, 31 U.S.C. 3721.

Accordingly, the General Counsel revokes and re delegates authority as follows:

#### Section A. Authority Revoked

This Notice revokes Section A.2. of the Notice of Redelegation of Authority published in the **Federal Register** on October 20, 1994 at 59 FR 52986, which re delegated authority to consider, ascertain, adjust, determine, compromise, allow, deny or otherwise dispose of claims under the Federal Tort Claims Act and the Military Personnel and Civilian Employees Claims Act of 1964, from the General Counsel to the Field Assistant General Counsel.

#### Section B. Authority Redelegated

The General counsel re delegates to the Assistant General Counsel for New England, within HUD's Federal Tort Claims Center, the power and authority to consider, ascertain, adjust, determine, compromise, allow, deny or otherwise dispose of claims under the Federal Tort Claims Act and the Military Personnel and Civilian Employees' Claims Act of 1964.

#### Section C. Authority to Further Redelegate

The authority re delegated under Section B., above, may not be further re delegated.

**Authority:** Section 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d); 24 CFR 17.7 and 17.47.

Dated: January 4, 2000.

**Gail Laster,**

*General Counsel, Department of Housing and Urban Development.*

[FR Doc. 00-2043 Filed 1-28-00; 8:45 am]

**BILLING CODE 4210-01-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Notice of Receipt of Applications for Permit

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*):

*Applicant:* Fort Worth Zoological Park, Fort Worth Texas PRT-021647.

The applicant requests a permit to import 4.1 captive born cheetah (*Acinonyx jubatas*) from the Hoedspruit Research And Breeding Facility, Republic of South Africa, for public display and breeding purposes to enhance the survival of the species.

*Applicant:* Kay Rosaire-Mowrey, Sarasota, FL, PRT-696911.

The applicant requests a permit to export, re-export and re-import tigers (*Panthera tigris*), and progeny of the animals currently held by the applicant and any animals acquired in the United States by the applicant to/from worldwide locations to enhance the survival of the species through conservation education. This notification covers activities conducted by the applicant over a three-year period.

*Applicant:* Hawthorn Corporation, Grayslake, IL, PRT-823832.

The applicant requests a permit to re-export and re-import captive-born Bengal tigers (*Panthera tigris tigris*), and progeny of the animals currently held by the applicant and any animals acquired in the United States by the applicant to/from worldwide locations to enhance the survival of the species through conservation education. This notification covers activities conducted by the applicant over a three year period.

*Applicant:* Robert C. Webster, Linville, NC, PRT-21989.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*). Culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

*Applicant:* Daniel Anderson, University of California, Davis, CA, PRT-766567.

The applicant requests renewal of his permit to import biological samples including feathers, eggs, bones, and blood of the California brown pelican (*Pelecanus occidentalis*) for contaminant analysis in the Gulf of California for the purpose of enhancement of the survival of the Species. This notification covers activities conducted by the applicant for a period of five years.

*Applicant:* Gladys Porter Zoo, Brownsville, TX, PRT-018992.

The applicant requests a permit to export one male and two female Philippine crocodile (*Crocodylus mindorensis*) to the Crocodile Farming Institute, Puerto Princesa, Philippines, for the purpose of a cooperative global effort to maintain genetic diversity in the captive population.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

Documents and other information submitted with the application are available for review, *subject to the requirements of the Privacy Act and Freedom of Information Act*, by any party who submits a written request for a copy of such documents to the above address within 30 days of the date of publication of this notice.

Dated: January 24, 2000.

**Kristen Nelson,**

*Chief, Branch of Permits, Office of Management Authority.*

[FR Doc. 00-2045 Filed 1-28-00; 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 Endangered Species Act Permit To Allow Incidental Take of the Coastal California Gnatcatcher by Evergreen Nursery, Oceanside, California

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

**ACTION:** Notice of availability.

**SUMMARY:** Evergreen Nursery has applied for an incidental take permit from the Fish and Wildlife Service pursuant to section 10(a)(1)(B) of the

Endangered Species Act of 1973, as amended. The proposed 15-year permit would authorize take of the threatened coastal California gnatcatcher (*Poliophtila californica californica*; gnatcatcher) incidental to construction and operation of an 80.15-acre nursery in the City of Oceanside, San Diego County, California.

The permit application includes a Habitat Conservation Plan and Implementation Agreement, both of which are available for public review and comment. The Environmental Assessment for proposed issuance of the permit also is available for review and comment. All comments on the permit application and Environmental Assessment will become part of the administrative record and may be released to the public.

**DATES:** Written comments should be received on or before March 1, 2000.

**ADDRESSES:** Comments should be addressed to Mr. Ken Berg, Field Supervisor, U.S. Fish and Wildlife Service, 2730 Loker Avenue West, Carlsbad, California 92008. Comments may be sent by facsimile to telephone 760-431-9618.

**FOR FURTHER INFORMATION CONTACT:** Mr. Mark Elvin, Fish and Wildlife Biologist, at the above address or telephone 760-431-9440.

**SUPPLEMENTARY INFORMATION:**

**Document Availability**

If you would like copies of the documents for review, please contact the office listed above immediately. Documents also will be available for public inspection, by appointment, during normal business hours at the above address.

**Background**

Under Section 9 of the Endangered Species Act and its implementing regulations, taking of threatened and endangered wildlife species is prohibited. Under the Act, the term "take" means to harass, harm, pursue, hunt, shoot, wound, kill, capture or collect listed wildlife, or attempt to engage in such conduct. Harm includes habitat modification that kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. Under limited circumstances, the Service may issue permits to take threatened or endangered wildlife species if such taking is incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for threatened and endangered species are found at 50 CFR 17.22 and 17.32.

Evergreen Nursery is seeking an incidental take permit from the Service pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended. The permit would authorize incidental take of the federally threatened coastal California gnatcatcher for the proposed project. The site is also occupied by the endangered least Bells vireo (*Vireo bellii pusillus*); however, Evergreen Nursery has incorporated measures into its Habitat Conservation Plan to avoid take of this species. Therefore the permit would not authorize take of the vireo.

The proposed project is located in the City of Oceanside immediately south of Oceanside Boulevard, east of El Camino Real, and west of Rancho del Oro. The proposed project consists of: (1) The construction and operation of a plant nursery on 80.15 acres; and (2) implementation of a Habitat Conservation Plan over a 15-year period. The Plan would establish and provide for management of a 29.66-acre conservation area on the project site, consisting of 24.0 acres of coastal sage scrub for the gnatcatcher and 5.66 acres of riparian habitat for the least Bells vireo. Evergreen Nursery would re-vegetate or enhance approximately 7 acres of coastal sage scrub habitat within the conservation area.

Project features include two primary nursery areas where plants would be grown and sold, a sales and administration building, a maintenance building, a facility building, a compost production area, and a water collection pond. To access the south side of the site an approximately 100 foot-long bridge would be constructed over Loma Alta Creek (at the location of an existing road crossing) and over active railroad tracks. Existing flat and disturbed areas south of the railroad tracks would be used for plant growing and storage in containers. Existing dirt roads would be used for access.

The Habitat Conservation Plan and the Environmental Assessment consider three alternatives to the proposed commercial development project: the no project alternative, the alternate location alternative, and the alternate plan designs alternative. Under the proposed project alternative, a permit would be issued for incidental take of the gnatcatcher. This alternative would result in the permanent loss of 4.11 acres of habitat that currently supports 3 gnatcatchers (one breeding pair, plus an unpaired male) within the 80.15-acre project site. This alternative would permanently preserve 29.66 acres of habitat for the gnatcatcher.

Under the no project alternative, Evergreen Nursery would not apply for

an incidental take permit, would not construct the proposed nursery on the site, and would not establish and manage a preserve for the threatened coastal California gnatcatcher. Present disturbance of the project area would continue in the form of trespassing in gnatcatcher-occupied habitat, illegal dumping, erosion, and periodic fire. Considering the area is zoned for commercial use, it is likely that the area would eventually be developed for another commercial use.

Under the alternate location alternative, Evergreen Nursery sought alternative sites for the proposed nursery within the county limits of San Diego County. The environmental consequences of developing some of these sites were not analyzed since none of the sites met the requirements that would allow for sale of nursery stock. The sites that did not meet the project goals would not have required a permit. One property that did meet the needs of the project was eliminated from consideration due to environmental concerns. Approximately 90 acres of the parcel lies in the San Luis Rey River basin. The remainder of the property is coastal sage scrub habitat on steep slopes. This site would have had greater impacts to sensitive and listed species than the proposed project and would have required the issuance of a permit.

Evergreen Nursery also considered alternate plan designs to its project. This alternative would have resulted in greater impacts to sensitive and listed species than the proposed project. The open space preserve would have been smaller and the benefit to the gnatcatcher and vireo would have been less than the proposed project.

This notice is provided pursuant to section 10(c) of the Endangered Species Act and pursuant to implementing regulations for the National Environmental Policy Act (40 CFR 1506.6). The Service will evaluate the permit application, associated documents, and comments submitted thereon to determine whether the application meets the requirements of National Environmental Policy Act regulations and section 10(a) of the Endangered Species Act. If we determine that the requirements are met, we will issue a permit for the incidental take of the gnatcatcher. Our final decision will not be completed until after the end of the 30-day comment period and will fully consider all public comments received during the comment period.

Dated: January 19, 2000.

**Daniel S. Walsworth,**

*Acting Manager, California/Nevada  
Operations Office, Fish and Wildlife Service,  
Sacramento, California.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### **Availability of an Environmental Assessment and Receipt of an Application for an Incidental Take Permit for the Railroad Canyon-Lake Elsinore Partnership Tract 20704 in the City of Lake Elsinore, Riverside County, California**

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

**ACTION:** Notice of Availability.

**SUMMARY:** The partnership of Railroad Canyon-Lake Elsinore (the Applicant) has applied to the Fish and Wildlife Service (Service) for an Incidental Take Permit (Permit) pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The proposed permit would authorize take of the coastal California gnatcatcher (*Poliophtila californica californica*) incidental to otherwise lawful activities in the City of Lake Elsinore, Riverside County, California. The proposed permit duration is 10 years.

The application includes: (1) The proposed Habitat Conservation Plan (Plan), which fully describes the proposed project and the measures that the Applicant would undertake to minimize and mitigate anticipated take of the California gnatcatcher, as required in Section 10(a)(2)(B) of the Act; and (2) the proposed Implementing Agreement. Activities covered by the requested Permit and addressed by the proposed Plan include the development of 120 undeveloped lots with Riverside coastal sage scrub for residential use. This project would permanently eliminate 9.2 acres of suitable habitat for the California gnatcatcher. The Service also announces the availability of an Environmental Assessment for the permit application.

This notice is provided pursuant to section 10(a) of the Act and National Environmental Policy Act regulations (40 CFR 1506.6). The Plan, Implementing Agreement, and the Environmental Assessment are available for review and comment by other agencies and the public. All comments received, including names and addresses, will become part of the public record and will be available for

review pursuant to section 10(c) of the Act.

**DATES:** Written comments must be received no later than March 1, 2000.

**ADDRESSES:** Written comments should be addressed to Mr. Jim Bartel, Assistant Field Supervisor, Fish and Wildlife Service, 2730 Loker Avenue West, Carlsbad, California 92008. Comments may also be sent by facsimile to (760) 431-5902.

**FOR FURTHER INFORMATION CONTACT:** Ms. Karin Cleary-Rose, Fish and Wildlife Biologist, at the above address or call (760) 431-9440.

#### **SUPPLEMENTARY INFORMATION:**

##### **Document Availability**

You may obtain copies of these documents by contacting the Carlsbad Fish and Wildlife Office at the above address and telephone number. Documents also will be available for public inspection, by appointment, during normal business hours at the Carlsbad Fish and Wildlife Office and at the Lake Elsinore City Library located at 600 W Graham Street, Lake Elsinore.

##### **Background**

Section 9 of the Act and Federal regulation prohibit the "take" of fish or wildlife species listed as endangered or threatened, respectively. Take of listed fish or wildlife is defined under the Act to mean harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. However, the Service, under limited circumstances, may issue permits to authorize incidental take; i.e., take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity. Regulations governing incidental take permits for threatened and endangered species are found at 50 CFR 17.32 and 17.22, respectively.

The Applicant has proposed one tract for development within the Canyon Creek Specific Plan Area. The project site is located between Interstate 15 and Canyon Lake, at the mouth of Railroad Canyon in the City of Lake Elsinore, Riverside County, California. Typical land uses in the area surrounding the project site include several residential developments, one commercial center, and undeveloped coastal sage scrub areas. The San Jacinto River is south of the project site and a 40-acre Bureau of Land Management parcel is adjacent to the north side of the project site. The Applicant proposes residential development of 120 homes on the project site.

Biologists surveyed the project site for special-status plants and wildlife in

1998. Based on these surveys and previous knowledge of the area, the Service concluded that the project may result in the take of one federally listed species, the threatened California gnatcatcher.

The Applicant proposes to implement the following measures to minimize and mitigate take of the California gnatcatcher: (1) Constructing a masonry wall between the proposed residential lots and adjacent Bureau of Land Management property with an additional barrier placed between the edge of the subdivision and the main road to minimize effects to adjacent California gnatcatcher populations; (2) placing restrictions pertaining to pets and lighting in the lot titles and using signs to educate the public and encourage protection of the adjacent biological resources; (3) attaching an information packet describing the biological values of adjacent coastal sage scrub areas as part of the recorded deed for the proposed homes; (4) revegetating 5.79 acres onsite; and (5) mitigating the loss of 9.2 acres of successional Riverside coastal sage scrub habitat by purchasing 13.8 acres of good quality Riverside coastal sage scrub in the Sedco Hills Mitigation Bank within the Lake Mathews/Lake Skinner gnatcatcher corridor in western Riverside County. The Applicant would endow the management of the off-site mitigation area at a cost of \$2,500/acre. The mitigation site would be managed by The Environmental Trust.

The Environmental Assessment considers the environmental consequences of two alternatives in addition to the Proposed Project Alternative. The Proposed Project Alternative consists of the issuance of an incidental take permit and implementation of the Plan and its Implementing Agreement, which include measures to minimize and mitigate impacts of the project to the California gnatcatcher. Under the Reduced Project Alternative, 18 lots would be dedicated as open space to form a buffer between the subdivision and the Bureau of Land Management parcel. As there would no longer be a potential for take by excluding these lots from development, no mitigation or minimization measures would be necessary. Under the No Action Alternative, the Service would not issue a permit and the project area would continue to remain as slowly recovering Riverside coastal sage scrub habitat fragmented by intrusions of existing paved streets. The two alternatives would result in less habitat value for the California gnatcatcher than the off-site