

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.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Division 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.

The U.S. Fish and Wildlife has information collection approval from OMB through February 28, 2001. OMB Control Number 1018-0093. Federal Agencies may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a current valid OMB control number.

Documents and other information submitted with these applications 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 following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203. Phone: (703/358-2104); FAX: (703/358-2281).

Dated: October 27, 2000.

Charlie Chandler,

Chief, Branch of Permits, Division of Management Authority.

[FR Doc. 00-28086 Filed 11-01-00; 8:45 am]

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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 Application for a Road Project in the City of Highland, San Bernardino County, CA

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability and receipt of application.

SUMMARY: The City of Highland, California (the Applicant) has applied to the Fish and Wildlife Service for an incidental take permit pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended. The Service proposes to issue a 5-year

permit to the Applicant that would authorize take of the endangered San Bernardino kangaroo rat (*Dipodomys merriami parvus*) incidental to otherwise lawful activities. Such take would occur during the construction of new roadway surfaces, sidewalks, pedestrian walkways, and storm drains. Project construction would be performed by the Metropolitan Water District during construction of their Inland Feeder Project across Boulder Avenue and Base Line Street in the City of Highland. This project would permanently eliminate 0.046 acres of occupied habitat for the San Bernardino kangaroo rat.

We request comments from the public on the permit application and Environmental Assessment, which are available for review. The permit application includes the proposed Habitat Conservation Plan (Plan) and an Implementing Agreement (legal contract). The Plan describes the proposed project and the measures that the Applicant would undertake to minimize and mitigate take of the San Bernardino kangaroo rat.

This notice is provided pursuant to section 10(a) of the Endangered Species Act and National Environmental Policy Act regulations (40 CFR 1506.6). All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public.

DATES: We must receive written comments on or before January 2, 2001.

ADDRESSES: Please address written comments to Mr. Jim Bartel, Assistant Field Supervisor, Fish and Wildlife Service, 2730 Loker Avenue West, Carlsbad, California 92008. You also may send comments by facsimile to (760) 431-5902.

FOR FURTHER INFORMATION CONTACT: Mr. Jim Bartel, Assistant Field Supervisor, at the above address or call (760) 431-9440.

SUPPLEMENTARY INFORMATION:

Availability of Documents

You may obtain copies of these documents for review by contacting the above office. Documents also will be available for public inspection, by appointment, during normal business hours at the above address and at the City of Highland Offices, the Highland Branch Library, and the Highland Police Station.

Background

Section 9 of the Endangered Species 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 include kill, harm, or harass. The Service may, under limited circumstances, issue permits to authorize 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 in 50 CFR 17.32 and 17.22, respectively.

The Applicant has proposed roadway and storm drain improvements to Base Line Street and Boulder Avenue in the City of Highland, California. Typical land uses in the area surrounding the project site include several residential developments, commercial centers, and undeveloped alluvial fan sage scrub areas in City Creek.

Biologists surveyed the project sites for special status plants and wildlife in 1994, 1998, and 1999. 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 endangered San Bernardino kangaroo rat.

The Applicants propose to implement the following measures to minimize and mitigate take of the San Bernardino kangaroo rat: (1) Exclude animals from the construction area by means of pre-construction trapping, relocation, and construction of a barrier fence; (2) monitor all project activities by a Service-approved biologist during clearing of sage scrub vegetation; (3) restrict contractor movements, prohibit pets on-site, and install temporary fencing to protect the adjacent biological resources during construction; (4) use the previously-permitted Metropolitan Water District construction staging area for staging during this project; (5) reduce the width of the pedestrian parkway on Boulder Avenue adjacent to occupied habitat from 20 to 12 feet in width and eliminate the 6-foot-wide pedestrian walkway on the south side of Base Line Street; (6) recontour and revegetate 0.023 acres of alluvial fan sage scrub habitat and control weeds in the revegetation area for 2 years; (7) shield all lights to direct night-time lighting away from occupied habitat; (8) install signs along sidewalks and trails in the vicinity of occupied habitat that notify the public of endangered species habitat and the necessity to stay on designated trails and sidewalks; and (9) mitigate the loss of 0.046 acres of alluvial fan sage scrub habitat by purchasing 1 acre of San Bernardino kangaroo rat habitat at the CalMat Mitigation Bank in San Bernardino County, California.

The Environmental Assessment considers the environmental consequences of the Proposed Action and two alternatives. The Proposed Action 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 San Bernardino kangaroo rat. Alternative 2 (Modification of the Site Design) would also require a Habitat Conservation Plan and issuance of an incidental take permit. This alternative assumes a 6-foot wide graded dirt parkway on the north and south sides of Base Line Street and a 20-foot wide graded dirt parkway on the east side of Boulder Avenue. This alternative would result in a total of 1.6 acres of disturbance to occupied San Bernardino kangaroo rat habitat, a 1.55-acre increase over the Proposed Action. Under the No Action Alternative, the Service would not issue a permit, the existing roadway conditions would remain unchanged, pedestrian traffic would continue along the unpaved shoulders of Base Line Street, and non-native, invasive plant species would not be managed at the site. The two alternatives would result in less habitat value for the San Bernardino kangaroo rat than the off-site mitigation proposed under the Proposed Action.

This notice is provided pursuant to section 10(a) of the Endangered Species Act and the National Environmental Policy Act of 1969 regulations (40 CFR 1506.6). We will evaluate the application, associated documents, and comments submitted thereon to determine whether the application meets the requirements of the National Environmental Policy Act regulations and section 10(a) of the Endangered Species Act. If we determine that those requirements are met, then we will issue a permit to the Applicants for incidental take of the San Bernardino kangaroo rat. Our final permit decision will be made no sooner than 60 days from the date of this notice.

Dated: October 26, 2000.

John Engbring,

*Deputy Manager, California/Nevada
Operations Office, Sacramento, California.*
[FR Doc. 00-28070 Filed 11-1-00; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Receipt of Applications for Incidental Take Permits for the Delhi Sands Flower-Loving Fly and Availability of an Environmental Assessment Associated With the Development of Five Sites in the Cities of Rialto and Colton, San Bernardino County, CA

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability and receipt of applications.

SUMMARY: John J. Reichel, Serenata LLC, West San Bernardino County Water District, Richard A. Steidl, and Brigitta M. Steidl (Applicants) have applied to the Fish and Wildlife Service for the approval of a Habitat Conservation Plan and issuance of incidental take permits pursuant to section 10(a)(1)(B) of the Endangered Species Act, 1973, as amended (Act). The Applicants propose to independently develop a municipal well, commercial/retail development, two residential developments, and one project that will either be residential and/or commercial/retail on five different sites in the cities of Colton and Rialto. The Applicants seek permits for a period of 20 years that would authorize incidental take of the endangered Delhi Sands flower-loving fly (*Rhaphiomidus terminatus abdominalis*) associated with the development and use of an approximately 32.8-acre area of which 29.9 acres is appropriate Delhi soils.

The Service seeks public comment on the permit applications, which include a Habitat Conservation Plan and the Implementation Agreement that defines the responsibilities of the parties under the Habitat Conservation Plan. We also seek comment on an Environmental Assessment for our proposed permit actions. All comments will become part of the administrative record and may be released to the public.

DATES: We must receive your written comments on or before January 2, 2001.

ADDRESSES: Please address comments to Mr. Ken Berg, Field Supervisor, Fish and Wildlife Service, 2730 Loker Avenue West, Carlsbad, California 92008. You may send comments by facsimile to telephone (760) 930-0846.

FOR FURTHER INFORMATION CONTACT: Mr. Jim Bartel, Assistant Field Supervisor, Carlsbad Fish and Wildlife Service Office, at the above address or call (760) 431-9440.

SUPPLEMENTARY INFORMATION:

Availability of Documents

You may obtain copies of the documents for review by calling the Service's Carlsbad Fish and Wildlife Office at the above referenced telephone number. Documents also are available for public inspection, by appointment, during normal business hours at the above address.

Background

Section 9 of the Act and its implementing regulations prohibit the "take" of threatened or endangered species. That is, no one may harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect listed animal species, or attempt to engage in such conduct (16 U.S.C. 1538). Harm may include significant habitat modification where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, and sheltering [50 CFR 17.3(c)]. The Service, however, may issue permits to take endangered and/or threatened wildlife species incidental to, and not the purpose of otherwise lawful activities. Regulations governing permits for endangered and/or threatened species are found at 50 CFR 17.22 and 17.32.

We propose to authorize incidental take of the Delhi Sands flower-loving fly from the Applicants' proposed activities, on the five sites, as described in the Habitat Conservation Plan. The Habitat Conservation Plan describes alternatives to the proposed action and provisions for minimization, mitigation, and monitoring of impacts.

The Applicants propose to develop up to 32.8 acres, of which, approximately 29.9 acres consists of Delhi soils. The majority of the 29.9 acres proposed for development consists of compacted soils with invasive weed species. Approximately 11 acres of Delhi Sands flower-loving fly habitat is proposed to be transferred in fee title to the National Fish and Wildlife Foundation to be preserved and managed in perpetuity for the conservation of the Delhi Sands flower-loving fly. The proposed conservation area is comprised of Delhi soils, contiguous to other known occupied habitat. Prior to ground disturbance, the Applicants and the National Fish and Wildlife Foundation propose to provide funding for the management of the conservation area. This action would compensate for the loss of habitat resulting from the project and would benefit the long-term conservation of the Delhi Sands flower-loving fly.

The Habitat Conservation Plan and the Environmental Assessment