

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, Q, Department of Housing and Urban Development, 451 Seventh Street, Southwest, Washington, DC 20410; e-mail *Wayne_Eddins@HUD.gov*; telephone (202) 708-2374. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35). The notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the

description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposals; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revisions of an information collection requirement; and (10) the name and telephone number of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

This Notice also lists the following information:

Title of Proposal: Information request to owners of HUD-assisted multifamily

housing in Boston, pursuant to Section III.A of Consent Decree in *N.A.A.C.P., Boston Chapter v. Martinez*.

OMB Approval Number: 2510-0008.

Form Numbers: HUD-23002.

Description of the Need for the Information and its Proposed Use: Pursuant to Section III.A of the Consent Decree in *NAACP, Boston Chapter v. Martinez*, as modified, HUD is required to submit annual reports to the Court setting forth the current racial makeup, family composition, and vacancy rate of HUD-assisted multifamily rental housing located in the City of Boston. The information is required to prepare reports to determine if there has been any progress toward achieving the goal of the Decree.

Respondents: Business or other for profit, Not-for-profit institutions.

Frequency of Submission: Annually.

| | Number of respondents | × | Frequency of response | × | Hours per response | = | Burden hours |
|------------------------|-----------------------|---|-----------------------|---|--------------------|---|--------------|
| Reporting burden | 213 | | 1 | | 1 | | 213 |

Total Estimated Burden Hours: 213.
Status: Reinstatement, with change.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: September 27, 2001.

Wayne Eddins,
Departmental Reports Management Officer,
Office of the Chief Information Officer.
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DEPARTMENT OF INTERIOR

Fish and Wildlife Service

Availability of an Environmental Action Statement and Receipt of an Application From Paramount Farming Company for a Permit To Enhance the Survival of the San Joaquin Kit Fox in Kern County, CA

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of Availability.

SUMMARY: Paramount Farming Company (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. The permit application includes a proposed Safe Harbor Agreement (Agreement) between the Applicant and the Service. The Agreement allows for management and conservation of the endangered San

Joaquin kit fox (*Vulpes macrotis mutica*) on 1,668 acres of private land, owned by the Applicant, between the Lost Hills oil field and the California Aqueduct, in western Kern County. The proposed duration of both the Agreement and permit is 3 years, and can be extended on an annual basis.

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

DATES: Written comments should be received on or before November 2, 2001.

ADDRESSES: Comments should be addressed to Chief, Conservation Planning Division, Fish and Wildlife Service, 2800 Cottage Way, W-2605, Sacramento, California, 95825-1846 or sent by facsimile to (916) 414-6713.

FOR FURTHER INFORMATION CONTACT: Susan Jones, Fish and Wildlife Biologist, at (916) 414-6600 (see **ADDRESSES**).

SUPPLEMENTARY INFORMATION:

Document Availability

Individuals wishing copies of the application, Agreement, and Environmental Action Statement should immediately contact the Service by telephone at (916) 414-6600 or by letter to the Sacramento Fish and Wildlife Office. Copies of the documents are also

available for public inspection at the Sacramento Fish and Wildlife Office during regular business hours.

Background

Under a Safe Harbor Agreement, participating landowners voluntarily undertake management activities on their property to enhance, restore, or maintain habitat benefitting species listed under the Endangered Species Act of 1973, as amended. Safe Harbor Agreements encourage private and other non-Federal property owners to implement conservation efforts for listed species by assuring property owners they will not be subjected to increased property use restrictions if their efforts attract listed species to their property or increase the numbers or distribution of listed species already on their property. Application requirements and issuance criteria for enhancement of survival permits through Safe Harbor Agreements are found in 50 CFR 17.22(c).

The Applicant has developed the proposed Agreement for the conservation of the endangered San Joaquin kit fox on 1,668 acres of their land in Kern County, California. The escape dens are being placed purposely in an active agricultural area to determine if, while foraging in agricultural fields, San Joaquin kit foxes can escape predation by coyotes, red foxes, and other canids. During the 3-year period, some escape dens may be relocated in response to data from the

study. Approximately 25 escape dens will be installed in above-ground mounds, to reduce the risk of flooding from crop irrigation, especially with regard to row crops. Of these, approximately four will consist of a concrete or metal chamber that is generally buried several feet below the surface and connected to the surface by means of one or two 8-inch pipes. The remaining escape dens will be suitable diameter pipes placed on the surface and covered with dirt in such a way as to leave one or both ends of the pipe open. The total surface area buffer around the escape den sites that needs to be kept free of earth moving activities, planting, or other disturbance will be no less than 10 feet and up to 30 feet when possible. To minimize the amount of affected agricultural land, the escape dens will be located along existing agricultural roads, irrigation canals, or other areas not in current agricultural use. To optimize distribution, some escape dens may be located on land currently in agricultural use. Use of the escape dens will be monitored by the Endangered Species Recovery Program, a cooperative research program based out of California State University at Fresno, California. Monitoring will be conducted using radio telemetry of radio-collared San Joaquin kit fox, spotlighting, track plates, remote cameras, and physical inspection. Scheduling of all activities related to this project will occur to ensure that there is no interference with agricultural activities on Paramount Farm's land.

Threats to survival of the San Joaquin kit fox include loss and degradation of habitat by agricultural and industrial developments and urbanization, and fragmentation of habitat by development and roads, as detailed in the Recovery Plan for Upland Species of the San Joaquin Valley prepared by the Service in 1998. The Agreement provides a net conservation benefit to San Joaquin kit fox by (1) providing information about San Joaquin kit fox use of escape dens on agricultural lands and (2) facilitating movement of San Joaquin kit fox across agricultural lands. The biological goal of San Joaquin kit fox conservation measures in the Agreement is to improve movement of San Joaquin kit foxes between populations that are becoming more and more isolated. Recovery of the species would be enhanced by more movement of San Joaquin kit foxes between populations and lower predation rates of San Joaquin kit fox on agricultural lands.

Consistent with the Service's Safe Harbor Agreement, regulation and policy, under the Agreement, the

Service would issue a permit to the Applicant authorizing incidental take as a result of normal agricultural activities on the 1,668 acres. Cotton, barley, wheat, and safflower are grown on about 69 percent of these acres; pistachios cover about 21 percent, and almonds 5 percent. Approximately 5 percent is a former orchard that is now a disced field. Normal agricultural practices that are expected to occur on these lands and that are proposed to be included in the Agreement are discing, irrigation, and harvesting. Application of pesticides will not be covered by the Safe Harbor Agreement.

The Applicant also will receive incidental take authorization, should San Joaquin kit fox activity on their land be enhanced through the artificial escape dens. While unlikely, it is possible that in the course of normal agricultural activities, a San Joaquin kit fox accidentally could be injured or killed.

This Agreement will allow the Applicant to remove the artificial escape dens and return the area to its prior, or baseline condition (*i.e.*, no San Joaquin kit fox dens) after 3 years, if so desired by the Applicant.

The Service has made a preliminary determination that approval of the Agreement qualifies as a categorical exclusion under the National Environmental Policy Act, as provided by the Department of Interior Manual (516 DM 2, Appendix 1 and 516 DM 6, Appendix 1) based on the following criteria: (1) Implementation of the Agreement would result in minor or negligible effects on federally listed, proposed, and candidate species and their habitats; (2) implementation of the Agreement would result in minor or negligible effects on other environmental values or resources; and (3) impacts of the Agreement, considered together with the impacts of other past, present and reasonably foreseeable similarly situated projects would not result, over time, in cumulative effects to environmental values or resources which would be considered significant. As more fully explained in our Environmental Action Statement, the Agreement qualifies for a Categorical Exclusion from NEPA for the following reasons:

1. Approval of the Agreement would result in minor or negligible effects on the San Joaquin kit fox. The Service does not anticipate significant direct or cumulative effects to the San Joaquin kit fox resulting from the proposed project.

2. Approval of the Agreement would not have adverse effects on unique geographic, historic or cultural sites, or

involve unique or unknown environmental risks.

3. Approval of the Agreement would not result in any cumulative or growth inducing impacts and, therefore, would 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 the Agreement would establish a precedent for future actions or represent a decision in principle about future actions with potentially significant environmental effects.

Based upon this preliminary determination, we do not intend to prepare further NEPA documentation. The Service will consider public comments in making its final determination on whether to prepare such additional documentation.

The Service provides this notice pursuant to section 10(c) of the Endangered Species Act and pursuant to implementing regulations for NEPA (40 CFR 1506.6). All comments received on the permit application and Agreement, including names and addresses, will become part of the Administrative record and may be released to the public. We will evaluate the permit application, the Agreement, and comments submitted thereon to determine whether the application meets the requirements of section 10(a) of the Act and NEPA regulations. If the requirements are met, the Service will sign the proposed Agreement and issue an enhancement of survival permit under section 10(a)(1)(A) of the Endangered Species Act to the Applicant for take of San Joaquin kit fox incidental to otherwise lawful activities of the project. The Service will not make a final decision until after the end of the 30-day comment period and will fully consider all comments received during the comment period.

Dated: September 27, 2001.

Duane K. McDermond,

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

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