

for this incidental take by agreeing to provide buffers between forested areas and development as well as funding a bald eagle research project.

**Stephen C. Helfert,**

*Acting Regional Director, Region 2,  
Albuquerque, New Mexico.*

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BILLING CODE 4510-55-P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Restoration of the Diamond Lake Recreational Fishery

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

**ACTION:** Notice.

**SUMMARY:** The Fish and Wildlife Service announces that we are cancelling a Notice of Intent to gather information necessary to prepare an Environmental Impact Statement (EIS) for the proposed Oregon State project "Restoration of the Diamond Lake Recreational Fishery."

**FOR FURTHER INFORMATION CONTACT:** Jerry Novotny, Office of Migratory Birds and State Programs, U.S. Fish and Wildlife Service, 911 NE. 11th Avenue, Portland, Oregon 97232-4181. Telephone: 503-231-6128.

**SUPPLEMENTARY INFORMATION:** Pursuant to the National Environmental Policy, the U.S. Fish and Wildlife Service (Service) advises the public that we are cancelling a Notice of Intent Act to gather information necessary to prepare an Environmental Impact Statement (EIS) for the proposed State project "Restoration of the Diamond Lake Recreational Fishery" (**Federal Register** Vol. 64, No. 39, pages 10009-10011, March 1, 1999). This State project was to be funded through the Service's Federal Aid in Sport Fish Restoration Program. The State of Oregon, at the direction of their Fish and Wildlife Commission, has notified the Service that they are withdrawing their proposal and associated funding request to treat the lake with rotenone in an attempt to eradicate an overpopulation of tui chub. Water quality issues, concerns about downstream disturbances, and escalating costs of such a large project resulted in the State's change of plans. They now intend to selectively manage the lake for species native to the watershed to seek control of the tui chub population.

Dated: October 3, 2001.

**Cynthia U. Barry,**

*Acting Regional Director.*

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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 Redhawk Communities, Inc. Development in Riverside County, CA

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

**ACTION:** Notice of availability and  
receipt of application.

**SUMMARY:** Redhawk Communities, Incorporated (the Applicant) 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. The Service is considering issuance of a 7-year permit to the Applicant that would authorize take of the endangered Riverside fairy shrimp (*Streptocephalus woottoni*) incidental to otherwise lawful activities. Such take would occur during the construction of 326 residential units and 84 condominium units on a previously graded site located near Temecula in southwestern Riverside County, California.

We request comments from the public on the permit application, and an Environmental Assessment, both of which are available for review. The permit application includes the proposed Habitat Conservation Plan (HCP) and an accompanying Implementing Agreement (legal contract).

**DATES:** We must receive your written comments on or before December 14, 2001.

**ADDRESSES:** Please address written comments to Mr. Jim Bartel, Field Supervisor, U.S. 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:** Ms. Karin Cleary-Rose, Habitat Conservation Plan Coordinator, 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 Temecula Library located at 41000 County Center Drive, Temecula, California.

#### Background

Section 9 of the Endangered Species Act (Act) and Federal regulations prohibit the "take" of fish or wildlife species listed as endangered or threatened. Take of listed fish or wildlife is defined under the Act to include "harass, harm, pursue, hunt, shot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." The Service may, under limited circumstances, 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 in 50 CFR 17.32 and 17.22.

The Applicant has proposed development of 326 residential units and 84 condominium units on 102.81 acres. Surrounding land uses include residential development and a golf course.

Biologists surveyed the project site for biological resources between 1998-2001. While no listed species had been found on Vesting Tentative Tracts 1, 2 and 3 and Tract 30246, issuance of a grading permit by the County was conditioned on surveys for Quino checkerspot butterfly (*Euphydryas editha quino*) and coastal California gnatcatcher (*Poliptila californica californica*) in the year immediately prior to construction. Surveys were conducted in 2001 by Pacific Southwest Biological Services. Neither Quino checkerspot butterfly nor coastal California gnatcatcher was found on the project site. During a break in pre-construction protocol surveys for the gnatcatcher on March 23, 2001, five fairy shrimp were observed and collected in two small temporary erosion control sedimentation basins on site.

During additional 2001 surveys of the sedimentation basins, biologists found Riverside fairy shrimp in 11 of the 19 temporary sedimentation basins that still contained water. No shrimp were collected in two of the basins, and six basins were dry and not sampled. For purposes of this incidental take permit application, all 19 of the temporary