

primarily in Tamaulipas, Mexico, but occasionally also in Texas and other southern states, including an occasional nest in North Carolina. The Service's nesting surveys of the Fort Morgan Peninsula, from Laguna Key to Mobile Point, for the period 1994–2001 report no nests of the Kemp's ridley sea turtle on beaches along the Applicants' properties. In 1999, a Kemp's ridley sea turtle nested on Bon Secour National Wildlife Refuge and another along the Gulf Island's National Seashore in Perdido Key Florida. In 2001, two dead Kemp's ridley sea turtle hatchlings were recovered, one on Bon Secour National Wildlife Refuge, and the second in Gulf Shores, Alabama.

The two projects, Gulf Highlands Condominiums (GHC) and Beach Club West (BCW), are separate developments but are being considered together at the request of Gulf Highlands LLC and Fort Morgan Paradise Joint Venture, the respective Applicants. The two Applicants have joined together to produce a single Habitat Conservation Plan (HCP), as required by the Endangered Species Act, for their projects. The Applicants hope to obtain their permits and jointly implement the provisions of the HCP.

The EA considers the effects of six project alternatives, including a no-action alternative that would result in no new construction on the Project site, and a single family home alternative that would result in build out of the properties as originally platted. Neither of these alternatives would be economically feasible for the applicants. The remaining four alternatives involve various arrangements of high-rise condominiums. The important differences among these four alternatives relate to the amount of beach front developed, the width and placement of an undeveloped ABM "corridor" to allow ABM movements to and from the dune and escarpment habitats, and the placement of the condominium towers. One of these alternatives was suggested by the Service as a "less-take" alternative and would move the development approximately 300 feet north of the escarpment. The applicants have cited legal and economical reasons for why the less-take alternative could not be implemented.

In the Applicant's preferred alternative, the two projects involve construction of large condominium developments near the Gulf of Mexico on approximately 62 of the total 180.5 acres of wet beach, coastal dune, escarpment, wetlands, and scrub habitats owned by the applicants. An additional 16 acres of platted road

rights-of-way, owned by Baldwin County, exist within the project boundary. The project area therefore encompasses about 196.4 acres. Applicant land holdings extend from the Gulf to Alabama Highway 180. Only part of this acreage would actually be developed, totaling about 62.7 acres of ABM habitat. The remaining area, some of which is ABM habitat, would be conserved in perpetuity. Six 20-story condominium towers (two for BCW and four for GHC), thirteen single family units, and a commercial development including about 20 housing units on the upper level would be constructed. Collectively this development would contain 973 living units. Other facilities would include parking lots, access roads, swimming pools, tennis courts, patios, a club house, shops, a proposed medical facility, sidewalks, landscaped areas, small freshwater lakes-detention ponds, trails, and dune walkovers for access to the Gulf of Mexico. The condominium structures would be oriented on an east-west alignment starting approximately 660 to 730 feet north of the Gulf of Mexico. The applicants own approximately 2,844 feet of Gulf frontage. As proposed in the Applicants' preferred alternative, 1,835 feet of that frontage would be developed and 909 feet conserved in perpetuity. The area south of the structures would be sloped by the applicants and native vegetation planted.

All proposed alternatives include measures designed to avoid or minimize take. In addition to these measures, in the applicant's preferred alternative, a planned development adjoining the western boundary of the project, the French Caribbean, would not be constructed and would remain undeveloped as an ABM conservation area. Fort Morgan Paradise Joint Venture owns the French Caribbean development, and has offered to forego its construction. As this development has received a Corps of Engineers wetland permit, and was subject to review under section 7 of the Endangered Species Act, there is no ITP required for it.

Based on trapping data and other research, the ABM uses portions (some on a permanent basis, others episodically) of the entire tract of land, except for wetlands, heavily vegetated areas, and northern sections that lack suitable soil for burrowing. The proposed project would adversely impact the ABM population directly by killing individuals in the construction areas via crushing or entombment and indirectly by introduction of house pets (cats), introduction of competitors (house mice), attraction of predators,

permanent human disturbances and fragmentation of habitat and ABM populations. Occupation of the proposed structures could adversely affect sea turtle nesting by disorienting nesting females and misorienting hatchlings by excess artificial lighting, trampling nests, and trapping or disorienting nesting females and emerging hatchlings among tire ruts or beach equipment left after dark.

Under section 9 of the Act and its implementing regulations, "taking" of endangered and threatened wildlife is prohibited. However, the Service, under limited circumstances, may issue permits to take such wildlife if the taking is incidental to and not the purpose of otherwise lawful activities. The Applicants have prepared an HCP as required for the incidental take permit application, and as described above as part of the proposed project.

As stated above, the Service has not made a preliminary determination whether the issuance of the ITPs is a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of NEPA. This determination will be made incorporating public comment received in response to this notice and will be based on information contained in the EA and HCP.

The Service will also evaluate whether the issuance of section 10(a)(1)(B) ITPs complies with section 7 of the Act by conducting an intra-Service section 7 consultation. The results of the biological opinion, in combination with the above findings, will be used in the final analysis to determine whether or not to issue the ITP.

Dated: December 20, 2001.

**Sam D. Hamilton,**  
*Regional Director.*

[FR Doc. 01–31907 Filed 12–27–01; 8:45 am]

**BILLING CODE 4310–55–P**

---

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### **Draft Multiple Habitat Conservation Program Plan and Draft Environmental Impact Statement/Environmental Impact Report for Northwestern San Diego County**

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

**ACTION:** Notice.

**SUMMARY:** In anticipation of receiving an application for an incidental take permit for the Multiple Habitat Conservation

Program (MHCP) pursuant to section 10 (a)(1)(B) of the Federal Endangered Species Act of 1973, as amended, the U.S. Fish and Wildlife Service (Service) is requesting public comment on all four volumes of the draft MHCP Plan and a draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) prepared jointly by the Service and San Diego Association of Governments.

The draft MHCP Plan is intended to inform the public of our proposed action to provide a comprehensive multiple-jurisdictional planning program designed to create, manage, and monitor an ecosystem preserve in northwestern San Diego County, California. Local governments within this area have a need for an incidental take permit from the Service to accommodate lawful development projects outside of the preserve system and to accommodate monitoring and maintenance projects within the preserve system that are associated with the MHCP. Our issuance of such a permit is a Federal action that requires documentation under the National Environmental Policy Act.

The analysis provided in the draft EIS/EIR is intended to inform the public of our proposed action and alternatives; address public comments received during the scoping period; disclose the direct, indirect, and cumulative environmental effects of the proposed action and each of the alternatives; and indicate any irreversible commitment of resources that would result from implementation of the proposed action.

**DATES:** We must receive your written comments on or before April 29, 2002.

**ADDRESSES:** Send comments to Mr. Jim Bartel, Field Supervisor, U.S. Fish and Wildlife Service, 2730 Loker Avenue West, Carlsbad, California 92008. You also may submit comments by facsimile to (760) 431-9618.

**FOR FURTHER INFORMATION CONTACT:** Ms. Lee Ann Carranza, Fish and Wildlife Supervisory Biologist, at the above address; telephone (760) 431-9440.

**SUPPLEMENTARY INFORMATION:**

**Availability of Documents**

You may request copies of the documents by contacting the office above. You may view the documents, by appointment, during normal business hours (8 a.m. to 5 p.m.), Monday through Friday at the Carlsbad Fish and Wildlife Office (see **ADDRESSES**). Copies are also available for viewing at the office of the San Diego Association of Governments, 401 B Street, Suite 800, San Diego, California; and on the world wide web at <http://www.sandag.org>.

**Background**

Section 9 of the Act and Federal regulation prohibit the "take" of fish and wildlife species listed as endangered or threatened. Take of listed fish or wildlife is defined under the Act to include kill, harm, or harass. Harm includes significant habitat modification or degradation that actually kills or injures listed wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, and sheltering (50 CFR 17.3(c)). Under limited circumstances, the Service may issue permits to authorize incidental take; i.e. take that is incidental to, and not the purpose of, 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 MHCP is intended to protect viable populations of native plant and animal species and their habitats in perpetuity through the creation of a preserve system, while accommodating continued economic development and quality of life for residents of northwestern San Diego County. The MHCP is one of several large, multiple-jurisdictional habitat planning efforts in San Diego County, each of which constitutes a "subregional" plan under the State of California's Natural Community Conservation Planning (NCCP) Act of 1991. The MHCP encompasses 175 square miles comprised of the following seven incorporated cities: Carlsbad, Encinitas, Escondido, Oceanside, San Marcos, Solana Beach, and Vista.

All four volumes of the MHCP Plan and a draft EIS/EIR prepared jointly by the Service and San Diego Association of Governments are being made available for a 120-day public comment period. The MHCP is described in the Public Review Draft MHCP Plan Volume 1 (November 2000). The scientific methods used to prepare the MHCP are provided in the Public Review Draft MHCP Plan Volume II (November 2000). Volume III of the Public Review Draft MHCP Plan is comprised of five draft Subarea Plans for the cities of Carlsbad, Encinitas, Escondido, Oceanside and San Marcos; these subarea plans are analyzed in the draft EIS/EIR. Volume IV of the Public Review Draft MHCP Plan describes the biological monitoring program associated with managing the MHCP preserve system to ensure that all of the species covered by the MHCP will survive into perpetuity.

As described in Volumes I and II of the Public Review Draft MHCP Plan (November 2000) and the draft EIS/EIR, the MHCP would create a preserve

system that protects, manages, and monitors 66 percent of coastal sage scrub, 66 percent of chaparral, 80 percent of coastal sage/chaparral mix, and 100 percent of riparian and estuarine habitats in perpetuity. A major component of the preserve is the conservation of 400 to 500 acres of contiguous coastal sage scrub centered around the cities of Carlsbad, Encinitas, and the extreme southwest portion of San Marcos, which supports 16 to 23 pairs of the federally threatened coastal California gnatcatcher [*Polioptila californica californica*]. In addition, 338 acres of coastal sage scrub would be restored in key locations within the preserve area. Overall, 19,871 acres (66 percent) of the natural habitats found in the total MHCP study area would be conserved. As a result, coverage for 60 different listed and non-listed species is being requested under the MHCP.

The MHCP is designed to be implemented through individual Subarea Plans prepared by participating cities. Five of the seven cities (Carlsbad, Encinitas, Escondido, Oceanside, and San Marcos) within the MHCP planning area have prepared draft Subarea Plans which describe the specific mechanisms their respective city will use to implement the MHCP. The City of Vista has not completed their plan; when completed it will require a separate environmental analysis. The City of Solana Beach does not need to prepare a Subarea Plan at this time since they do not anticipate impacting any of the species or habitats covered in the MHCP.

The EIS/EIR considers three alternatives in addition to the preferred alternative/proposed project described above: a reduced preservation alternative, an increased preservation alternative, and a no action alternative.

Under the reduced preservation alternative, the preserve system would be similar to the proposed project, however, the following conservation actions would not occur: preservation of the 400 to 500 acres of contiguous coastal sage scrub in the coastal California gnatcatcher core area and the restoration of 338 acres of coastal sage scrub habitat throughout the MHCP planning area. Overall, 19,371 acres (65 percent) of the habitat in the total MHCP study area would be conserved under this alternative.

Under the increased preservation alternative, all large contiguous areas of habitat, all areas supporting major and critical species populations or habitat areas, and all important functional linkages and movement corridors between them would be conserved. Conservation levels include 89 percent

coastal sage scrub, 93 percent chaparral, 95 percent coastal sage/chaparral mix, and 100 percent riparian and estuarine habitats. Overall, 25,031 acres (84 percent) of the habitat in the total MHCP study area would be conserved under this alternative.

Under the no project alternative, only listed species and habitat occupied by such listed species would receive protection. It was estimated that conservation levels would include 19 percent coastal sage scrub, 31 percent chaparral, and 18 percent coastal sage/chaparral mix. Overall, 8,969 acres (30 percent) of natural habitats in the MHCP study area would be conserved under this alternative.

Once the MHCP program and draft documents are finalized and the participating cities are ready to implement the program and create the preserve system, the participating cities will need to apply for incidental take permits from the Service and California Department of Fish and Game to accommodate lawful development projects outside of the preserve system and monitoring and maintenance projects within the preserve system. At this time, the Service will publish in the **Federal Register** separate notices announcing the receipt of an Incidental Take Permit Application and draft Implementing Agreement for each city when they submit applications. The subregional MHCP and associated Subarea Plans for each city are designed to serve as a multiple species Habitat Conservation Plan (HCP) pursuant to section 10 (a)(1)(B) of the federal Endangered Species Act of 1973, as amended and to meet the requirements of section 2800 of the California Endangered Species Act and the NCCP Act.

The Service invites the public to comment on the draft MHCP Plan and draft EIS/EIR during a 120-day comment period. All comments received, including names and addresses, will become part of the administrative record and may be made available to the public. This notice is provided pursuant to section 10(a) of the Endangered Species Act and regulations for implementing the National Environmental Policy Act of 1969 (40 CFR 1506.6).

Dated: December 11, 2001.

**John Engring,**

*Acting Deputy Manager, Region 1, California/Nevada Operations Office, Sacramento, California.*

[FR Doc. 01-31199 Filed 12-27-01; 8:45 am]

**BILLING CODE 4310-55-P**

**DEPARTMENT OF THE INTERIOR**

**Bureau of Land Management**

**[WO-320-1330-PB-24 1A]**

**OMB Approval Number 1004-0103; Information Collection Submitted to the Office of Management and Budget Under the Paperwork Reduction Act**

The Bureau of Land Management (BLM) has submitted the proposed collection of information listed below to the Office of Management and Budget (OMB) for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). On August 1, 2001, the BLM published a notice in the **Federal Register** (66 FR 39787) requesting comments on this proposed collection. The comment period ended on October 1, 2001. The BLM received no comments from the public in response to that notice. You may obtain copies of the proposed collection of information and related forms and explanatory material by contacting the BLM Information Collection Clearance Officer at the telephone number listed below.

The OMB is required to respond to this request within 60 days but may respond after 30 days. For maximum consideration your comments and suggestions on the requirement should be made within 30 days directly to the Office of Management and Budget, Interior Department Desk Officer (1004-0103), Office of Information and Regulatory Affairs, Washington, DC 20503. Please provide a copy of your comments to the Bureau Information Collection Clearance Officer (WO-630), 1849 C St., NW., Mail Stop 401 LS, Washington, DC 20240.

*Nature of Comments:* We specifically request your comments on the following:

1. Whether the collection of information is necessary for the proper functioning of the BLM, including whether the information will have practical utility;
2. The accuracy of the BLM's estimate of the burden of collecting the information, including the validity of the methodology and assumptions used;
3. The quality, utility and clarity of the information to be collected; and
4. How to minimize the burden of collecting the information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other forms of information technology.

*Title:* Mineral Materials Disposal (43 CFR 3600, 3601, and 3602).

*OMB Approval Number:* 1004-0103.

*Bureau Form Number:* 3600-9.

*Abstract:* The Bureau of Land Management proposes to extend the currently approved collection of information for the disposal of mineral materials on public lands through sales (sand, gravel, and petrified wood). BLM uses the information the applicants provide to:

- (1) Determine if the sale of the mineral materials is in the public interest;
- (2) Mitigate any environmental impacts associated with the mineral development;
- (3) Get fair market value for the materials sold; and
- (4) Prevent the trespass removal of the resource.

*Frequency:* annually (sometimes monthly for some contracts).

*Description of Respondents:*

Operators desiring sand, gravel, stone, and other mineral materials from public lands under BLM jurisdiction.

*Estimated Completion Time:* Varies from 15 minutes to several days for large projects, with an average of 30 minutes.

*Annual Responses:* 4,400.

*Application Fee Per Response:* 0.

There is no filing fee.

*Annual Burden Hours:* 2,200.

*Bureau Clearance Officer:* Michael Schwartz, (202) 452-5033.

Dated: December 11, 2001.

**Michael H. Schwartz,**

*BLM Information Collection Clearance Officer.*

[FR Doc. 01-31933 Filed 12-27-01; 8:45 am]

**BILLING CODE 4310-84-M**

**DEPARTMENT OF THE INTERIOR**

**Bureau of Land Management**

**[WO-220-1020-PB-24 1A]**

**Information Collection Submitted to the Office of Management and Budget Under the Paperwork Reduction Act**

The Bureau of Land Management (BLM) has submitted the proposed collection of information listed below to the Office of Management and Budget (OMB) for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). On July 31, 2001, the BLM published a notice in the **Federal Register** (66 FR 39526) requesting comments on this proposed collection. The comment period ended on October 1, 2001. The BLM received no comments from the public in response to that notice. You may obtain copies of the proposed collection of information and related forms and explanatory material by contacting the BLM Information Collection Clearance