

**PRT-051421**

*Applicant:* Ronald L. Nunnery, Fairfax Station, VA

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.

**PRT-051423**

*Applicant:* Jo Dean Peters, Graham, WA

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.

**PRT-037810**

*Applicant:* Hawthorn Corporation, Grayslake, IL

The applicant requests a permit to re-export and re-import Asian elephants (*Elephas maximus*) 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.

The U.S. Fish and Wildlife Service has information collection approval from OMB through March 31, 2004, 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 within 30 days of the date of publication of this notice to: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203, telephone 703/358-2104 or fax 703/358-2281.

Dated: December 28, 2001.

**Michael S. Moore,**

*Senior Permit Biologist, Branch of Permits, Division of Management Authority.*

[FR Doc. 02-707 Filed 1-10-02; 8:45 am]

**BILLING CODE 4310-55-P**

**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****Mission View Estates Habitat Conservation Plan and Environmental Assessment**

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

**ACTION:** Notice.

**SUMMARY:** Kennedy Development of California, LLC has applied to 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 (Act). The proposed 10-year permit would authorize incidental take of the federally threatened coastal California gnatcatcher (*Poliophtila californica californica*) in connection with the construction of the 65-unit Mission View Estates residential development on 28.9 acres in the City of Oceanside, San Diego County, California. The permit application includes a Habitat Conservation Plan (HCP) and an Implementation Agreement that serves as a legal contract. The Service has prepared an Environmental Assessment for our proposed action of issuing a permit to Kennedy Development. These documents are available for public review and comment.

**DATES:** We must receive your written comments on or before March 12, 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. Janet Stuckrath, Fish and Wildlife 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 two public libraries: Civic Center Library, 330 North Coast Highway, Oceanside, California; or Mission Branch Library, 3861-B Mission Avenue, Oceanside, California.

**Background**

Section 9 of the Act and Federal regulation prohibit the "take" of animal species listed as endangered or

threatened. 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" is defined by regulation to include significant habitat modification or degradation that actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering (50 CFR 17.3). Under certain circumstances, the Service may issue permits to authorize "incidental" take of listed animal species (defined by the Act as take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity). Regulations governing permits for threatened and endangered species, respectively, are at 50 CFR 17.32 and 17.22.

Kennedy Development has submitted an application for a 10-year incidental take permit to the Service, proposing the take of coastal California gnatcatchers during the construction of a residential development on the 28.9-acre site. One threatened plant, thread-leaved brodiaea (*Brodiaea filifolia*), would be named on the permit. The taking prohibitions of the Act do not apply to listed plants on private land unless their destruction on private land is in violation of State law. Nevertheless, Kennedy Development has considered the plant in its HCP and requests a permit for this species to the extent that State law applies.

The proposed project is located in the City of Oceanside south of Mission Avenue, at the terminus of Mission Gate Drive. The proposed project consists of: (1) The construction of 65 single-family homes; (2) extension of Mission Gate Drive, and (3) implementation of the HCP over a 10-year period. The HCP would establish and provide for management of a 7.88-acre conservation area on the project site, containing 4.24 acres of coastal sage scrub habitat occupied by 2 pairs of gnatcatchers. In addition, the applicant will purchase 11.82 acres of an off-site habitat parcel within the City of Oceanside's "Wildlife Corridor Planning Zone" as described in the draft "Oceanside Subarea Habitat Conservation Plan/Natural Communities Conservation Plan" (Ogden Environmental and Conservation Biology Institute, 2000) and 3.94 acres of off-site habitat within an approved conservation bank, for a total of 15.76 acres of off-site preservation.

The HCP and Environmental Assessment consider two alternatives to the proposed project: a reduced project alternative; and a no action alternative. Under the proposed project alternative, a permit would be issued for incidental take of the coastal California

gnatcatcher. This alternative would result in the permanent loss of 5.91 acres of habitat that currently supports 2 pairs of gnatcatchers within the 28.9-acre project site. This alternative would permanently preserve 20.0 acres of habitat for the gnatcatcher.

Under the reduced project alternative, on-site open space (lot A) would increase from 7.8 acres to approximately 13.8 acres through the elimination of 25 residential lots. Although this alternative reduces the impacts to occupied coastal sage scrub, the applicant has determined it to be financially infeasible.

Under the no project alternative, the Service would not issue an incidental take permit to Kennedy Development. Kennedy Development would not construct the proposed residential development on the site and would not establish and manage preserves for the coastal California gnatcatcher. The extension of Mission Gate Drive would likely still occur due to proposed development on the adjacent property. Present disturbance of the project area would continue in the form of trespassing in gnatcatcher-occupied habitat, illegal dumping, erosion, and periodic fire. Considering that the area is zoned for residential use, it is likely that the area would eventually be developed for another residential development.

We provide this notice 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). All comments that we receive, including names and addresses, will become part of the administrative record and may be made available to the public. We will evaluate the permit application, Environmental Assessment, associated documents, and comments submitted thereon to determine whether the application meets the requirements of 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 and the thread-leaved brodiaea. We will make a decision on permit issuance no sooner than 60 days from the date of this notice.

Dated: January 7, 2002.

**Miel R. Corbett,**

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

[FR Doc. 02-710 Filed 1-10-02; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Notice of Issuance of Permit for Marine Mammals

On October 13, 2000, a notice was published in the **Federal Register** (65 FR 60971), that an application had been filed with the Fish and Wildlife Service by Monterey Bay Aquarium for a permit (PRT-032027) to take Southern sea otters (*Enhydra lutris nereis*) for the purpose of rehabilitation and release, enhancement, and scientific research.

Notice is hereby given that on December 18, 2001, a Letter of Authorization (LOA-032027) and a permit (MA032027-0) were issued by the Fish and Wildlife Service, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*), and subject to certain conditions set forth therein.

Documents and other information submitted for these applications are available for review by any party who submits a written request to the U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203, telephone (703) 358-2104 or fax (703) 358-2281.

Dated: December 21, 2001.

**Monica Farris,**

*Senior Permit Biologist, Branch of Permits, Division of Management Authority.*

[FR Doc. 02-708 Filed 1-10-02; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[WY-070-1310-EJ]

#### Notice of Availability of Draft Environmental Impact Statement (DEIS) and Draft Planning Amendments on the Powder River Basin Oil and Gas Project

**AGENCY:** Bureau of Land Management, Cooperating Agencies—United States Forest Service, Agriculture; State of Wyoming, Interior.

**ACTION:** Notice of Availability of Draft Environmental Impact Statement (DEIS) and Draft Plan Amendments on the Powder River Basin Oil and Gas Project in Johnson, Sheridan, Campbell and Converse Counties, Wyoming.

**SUMMARY:** The Bureau of Land Management (BLM) announces the availability of the Powder River Basin Oil and Gas Project DEIS which

evaluates, analyzes, and discloses to the public direct, indirect, and cumulative environmental impacts from continued development of oil and gas resources in the Project Area in Sheridan, Campbell, Johnson, and Converse Counties, Wyoming. The DEIS also considers amendments to the BLM's Buffalo Resource Management Plan (RMP) and Platte River RMP and the Forest Services' Thunder Basin National Grassland (TBNG) Land and Resource Management Plan (LRMP) as a result of the impacts of this development. The Forest Service and the State of Wyoming are Cooperating Agencies.

The DEIS analyzes a proposal by companies to drill and develop wells on their leased acreage within the Powder River Basin Project Area (approximately 8 million acres) in northeastern Wyoming. The lands analyzed include all of the BLM Buffalo Field Office, the northern portion of Converse County of the Casper Field Office, and the TBNG within the four counties.

**DATES:** Comments on the DEIS will be accepted for 90 days following the date that the Environmental Protection Agency (EPA) publishes its Notice of Availability in the **Federal Register**. The BLM will notify all parties on the project mailing list of the dates when comments will be accepted. The BLM asks that those submitting comments on the DEIS make them as specific as possible and should refer to page numbers and chapters in the document. Comments are more helpful if they include suggested changes, sources, or methodologies. Comments that contain only opinions or preferences will not receive a formal response, however, they will be considered and included as part of the BLM decisionmaking process.

Future notification of public meetings (anticipated during March 2002) or other public involvement activities concerning the proposed project and resource management plan amendment, will be provided through public notices, news media releases, the Wyoming BLM homepage at [www.wy.blm.gov](http://www.wy.blm.gov) and/or mailings. These notifications will provide at least 15 days notice of public meetings or gatherings and 30 days notice of written comment requests.

**ADDRESSES:** Comments on the DEIS should be sent to the Bureau of Land Management, Paul Beels (Project Manager), 1425 Fort Street, Buffalo, Wyoming 82834. A copy of the DEIS has been sent to affected Federal, State, and local government agencies and to those persons who responded to the BLM that they wished to receive a copy of the DEIS. Copies of the DEIS are available