

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 the address above (telephone: 503-231-2063). Please refer to the respective permit number for each application when requesting copies of documents.

#### SUPPLEMENTARY INFORMATION:

##### Permit No. TE-079442

*Applicant:* David Zippin, San Jose, California.

The applicant requests a permit to remove/reduce to possession (collect plants and seeds) *Cordylanthus palmatus* (palmate-bracted bird's-beak) in conjunction with research in Yolo, Colusa, Alameda, and Madera Counties, California, for the purpose of enhancing its survival.

##### Permit No. TE-839211

*Applicant:* Marnie McKernan, Redlands, California.

The permittee requests an amendment to take (harass by survey and locate and monitor nests) the southwestern willow flycatcher (*Empidonax traillii extimus*), and take (harass by survey) the San Bernardino kangaroo rat (*Dipodomys merriami parvus*) in conjunction with demographic studies in Riverside, San Bernardino, Orange, Imperial, and San Diego Counties, California, for the purpose of enhancing their survival.

##### Permit No. TE-080293

*Applicant:* Jolene Pucci, Northridge, California.

The applicant requests a permit to remove/reduce to possession (collect plants and seeds) *Pentachaeta lyonii* (Lyon's pentachaeta) in conjunction with research in Los Angeles and Ventura Counties, California, for the purpose of enhancing its survival.

##### Permit No. TE-080297

*Applicant:* Ellen Cypher, Bakersfield, California.

The applicant requests a permit to remove/reduce to possession (collect plants and seeds) *Cordylanthus palmatus* (palmate-bracted bird's-beak), *Eremalche kernensis* (Kern mallow), *Opuntia treleasei* (Bakersfield cactus), and *Pseudobahia bahiifolia* (Hartweg's golden sunburst) in conjunction with research in Fresno, Colusa, Glenn, Alameda, Madera, San Joaquin, Yolo, Kern, Stanislaus, and Tulare Counties, California, for the purpose of enhancing their survival.

##### Permit No. TE-839891

*Applicant:* Jack Levy, Pasadena, California.

The permittee requests an amendment to take (harass by photographing) the Behren's silverspot butterfly (*Speyeria zerene behrensii*), the Callippe silverspot butterfly (*Speyeria callippe callippe*), the Carson wandering skipper (*Pseudocopaeodes eunus obscurus*), the Lange's metalmark butterfly (*Apodemia mormo langei*), the lotis blue butterfly (*Lycaeides argyrognomon lotis*), the mission blue butterfly (*Icaricia icarioides missionensis*), the Myrtle's silverspot butterfly (*Speyeria zerene myrtleae*), the San Bruno elfin butterfly (*Callophrys mossii bayensis*), and the Smith's blue butterfly (*Euphilotes (=Shijimiaeoides) enoptes smithi*) in conjunction with research in San Mateo, Santa Clara, Alameda, Lassen, Contra Costa, Mendocino, Marin, and Monterey Counties, California, for the purpose of enhancing their survival.

##### Permit No. TE-066621

*Applicant:* Naval Base Ventura County Point Mugu, Point Magu, California.

The permittee requests an amendment to take (harass) the California least tern (*Sterna antillarum browni*) in conjunction with monitoring by camera at Naval Base Ventura County Point Mugu, California, for the purpose of enhancing its survival.

##### Permit No. TE-080774

*Applicant:* U.S. Forest Service, Arcata, California.

The applicant requests a permit to take (capture, handle, radio-tag, mark, and release) the Point Arena mountain beaver (*Aplodontia rufa nigra*) in conjunction with ecological research in Mendocino County, California, for the purpose of enhancing its survival.

##### Permit No. TE-080779

*Applicant:* Melissa Wilson, San Diego, California.

The applicant requests a permit to take (harass by survey) the Conservancy fairy shrimp (*Branchinecta conservatio*), the longhorn fairy shrimp (*Branchinecta longiantenna*), the Riverside fairy shrimp (*Streptocephalus wootoni*), the San Diego fairy shrimp (*Branchinecta sandiegonensis*), the vernal pool tadpole shrimp (*Lepidurus packardii*), and take (survey by pursuit) the Quino checkerspot butterfly (*Euphydryas editha quino*) in conjunction with surveys throughout the range of each species in California for the purpose of enhancing their survival.

We solicit public review and comment on each of these recovery permit applications.

Dated: December 19, 2003.

**Paul L. Henson,**

*Acting Manager, California/Nevada Operations Office, Region 1, U.S. Fish and Wildlife Service.*

[FR Doc. 04-1556 Filed 1-23-04; 8:45 am]

**BILLING CODE 4310-55-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Endangered and Threatened Species Permit Applications

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

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

**SUMMARY:** The following applicant has applied for a scientific research permit to conduct certain activities with endangered species pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended.

**DATES:** To ensure consideration, written comments must be received on or before February 25, 2004.

**ADDRESSES:** Written comments should be submitted to the Chief, Endangered Species Division, Ecological Services, P.O. Box 1306, Albuquerque, New Mexico 87103. Documents and other information submitted with this application are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act. Documents will be available for public inspection, by appointment only, during normal business hours at the U.S. Fish and Wildlife Service, 500 Gold Avenue, SW., Room 4102, Albuquerque, New Mexico. Please refer to the permit number when submitting comments. All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public.

**FOR FURTHER INFORMATION CONTACT:** Chief, Endangered Species Division, (505) 248-6920.

#### SUPPLEMENTARY INFORMATION:

##### Permit No. TE-080636

*Applicant:* Terracon Inc., Lenexa, Kansas.

Applicant requests a new permit for research and recovery purposes to conduct presence/absence surveys, baiting, and trapping of American burying beetles (*Nicrophorus americanus*) within Arkansas, Kansas, Nebraska, Oklahoma, and South Dakota.

**Authority:** 16 U.S.C. 1531, *et seq.*

Dated: January 9, 2004.

**Susan MacMullin,**

*Acting Assistant Regional Director, Ecological Services, Region 2, Albuquerque, New Mexico.*

[FR Doc. 04-1557 Filed 1-23-04; 8:45 am]

BILLING CODE 4310-55-P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Endangered and Threatened Wildlife and Plants; 12-Month Finding for a Petition To List the Midvalley Fairy Shrimp as Endangered

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

**ACTION:** Notice of 12-month petition finding.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce a 12-month finding for a petition to list the midvalley fairy shrimp (*Branchinecta mesovallensis*) under the Endangered Species Act of 1973, as amended. After reviewing the available scientific and commercial information, we find that listing is not warranted at this time. We ask the public to submit to us any new information that becomes available concerning the status of or threats to the species. This information will help us monitor and encourage the conservation of this species.

**DATES:** The finding announced in this document was made on January 20, 2004. Although further listing action will not result from this finding, we request that you submit new information concerning the status of or threats to this species whenever it becomes available.

**ADDRESSES:** The complete file for this finding is available for inspection, by appointment, during normal business hours, at the Sacramento Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2800 Cottage Way, Sacramento, CA 95825-1846. Submit new information, materials, comments, or questions concerning this species to the Service at the above address.

**FOR FURTHER INFORMATION CONTACT:** Glen Tarr or Arnold Roessler, at the Sacramento Fish and Wildlife Office (see **ADDRESSES** section above), by telephone at (916) 414-6600, by facsimile at (916) 414-6712, or by electronic mail at [mvfairyshrimp@fws.gov](mailto:mvfairyshrimp@fws.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 4(b)(3)(B) of the Endangered Species Act of 1973, as amended (Act)

(16 U.S.C. 1531 *et seq.*), requires that, for any petition to revise the List of Threatened and Endangered Species that contains substantial scientific and commercial information that listing may be warranted, we make a finding within 12 months of the date of the receipt of the petition on whether the petitioned action is (a) not warranted, or (b) warranted, or (c) warranted but precluded by other pending proposals. Such 12-month findings are to be published promptly in the **Federal Register**.

On August 31, 2001, we received a petition dated August 14, 2001, from the Center for Biological Diversity and VernalPools.Org, requesting us to list the midvalley fairy shrimp as an endangered species. On April 29, 2003, we announced an initial petition finding in the **Federal Register** that the petition presented substantial information to indicate the petitioned action may be warranted (68 FR 22724). In accordance with section 4(b)(3)(A) of the Act, we have now completed a status review of the best available scientific and commercial information on the species, and have reached a determination regarding the petitioned action. This determination meets deadline requirements established by a court-approved consent decree (*Butte Environmental Council v. Wayne White*, Consent Decree, CIV.S-00-797 WBS).

##### Species Information

The midvalley fairy shrimp is a small (0.28 to 0.79 inch (in), (7 to 20 millimeter (mm)) freshwater crustacean found in shallow ephemeral pools (pools that seasonally fill and dry up) near the middle of California's Central Valley (Helm 1998; Eriksen and Belk 1999; Belk and Fugate 2000). It swims on its back by beating its phyllopods, which are legs with leaflike or paddlelike structures. The moving phyllopods also extract oxygen from the water, along with floating bits of food such as phytoplankton and detrital bacterial colonies.

The midvalley fairy shrimp was only recently formally described as a species by Belk and Fugate (2000). Adult males of the species most closely resemble male Conservancy fairy shrimp (*Branchinecta conservatio*), while adult females more closely resemble female vernal pool fairy shrimp (*Branchinecta lynchi*). Distinguishing characteristics include differently shaped second antennae for males, and the absence of a pair of bumps on the third thoracic segments of females (Belk and Fugate 2000). Both of these characteristics can not be confirmed through visual observation in the field.

##### Range and Distribution

Midvalley fairy shrimp have been found in the following California counties: Sacramento, Solano, Contra Costa, San Joaquin, Madera, Merced, Fresno and Yolo (Belk and Fugate 2000; California Natural Diversity Database (CNDDDB) 2003a). The known occurrences of midvalley fairy shrimp are distributed in five different Vernal Pool Regions as described by Keeler-Wolf *et al.* (1998) (Southeastern Sacramento Valley, Livermore, Southern Sierra Foothills, San Joaquin Valley, and the Solano-Colusa Region). Each of these regions is classified as having different or unique vernal pool characteristics. The area encompassed by these regions includes the vernal pool habitats in the San Joaquin Valley, the Sierra Nevada foothills from Yuba County south to Kern County, the Sacramento Valley from Glenn County south to Santa Clara County along the Coast Range. Although the vernal pool grassland complexes which are contained within these regions offer unique or specific environmental conditions for the species inhabiting them, without site specific knowledge of the exact habitat requirements of the midvalley fairy shrimp it would be difficult to rule these areas out as not being habitat available for the species. Midvalley fairy shrimp are distributed within the same vernal pool complexes as other listed vernal pool crustaceans (vernal pool fairy shrimp, vernal pool tadpole shrimp (*Lepidurus packardii*), and conservancy fairy shrimp) and known habitat preferences for midvalley fairy shrimp can be reasonably presumed to fall within the parameters of these listed vernal pool crustaceans.

Since we published our 90-day finding on a petition to list the species in April, 2003 (68 FR 22724), the CNDDDB has documented six new sites (two in Yolo County and 4 in Sacramento County). This brings the total number of known occurrences from 52 to 58. Additional records not recorded in CNDDDB have also been documented as a result of surveys in east Merced County in 2001 and 2002 (K. Fien, *in litt.* 2002, CNDDDB 2002, CNDDDB 2003). The increase of known locations lends additional support to the idea that the range and distribution of midvalley fairy shrimp is greater than the distribution of known occurrences. The two reported occurrences in Yolo County are in an area previously not known to support midvalley fairy shrimp.

With the exception of eastern Merced County, the range and distribution of the midvalley fairy shrimp has been