

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****Endangered Species Recovery Permit Applications**

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications.

SUMMARY: The following applicants have 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 (16 U.S.C. 1531 *et seq.*). The U.S. Fish and Wildlife Service (Awe") solicits review and comment from local, State, and Federal agencies, and the public on the following permit requests.

DATES: Comments on these permit applications must be received on or before January 7, 2005.

ADDRESSES: Written data or comments should be submitted to the U.S. Fish and Wildlife Service, Chief, Endangered Species, Ecological Services, 911 NE, 11th Avenue, Portland, Oregon 97232-4181 (fax: 503-231-6243). Please refer to the respective permit number for each application 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: 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 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-038109**

Applicant: Theodore Lee, San Diego, California.

The permittee requests an amendment to take (harass by survey) the southwestern willow flycatcher (*Empidonax traillii extimus*); take (survey, capture, release, and collect and sacrifice) the Conservancy fairy shrimp (*Branchinecta conservatio*), the longhorn fairy shrimp (*Branchinecta longiantenna*), the vernal pool tadpole shrimp (*Lepidurus packardii*), the Riverside fairy shrimp (*Streptocephalus wootoni*), and the San Diego fairy shrimp (*Branchinecta sandiegonensis*);

and take (survey, capture, and release) the arroyo toad (*Bufo californicus*) in conjunction with surveys throughout the range of each species in California for the purpose of enhancing their survival.

Permit No. TE-777965

Applicant: LSA Associates, Inc., Irvine, California.

The permittee requests an amendment to take (capture and collect and sacrifice) the Conservancy fairy shrimp (*Branchinecta conservatio*), the longhorn fairy shrimp (*Branchinecta longiantenna*), the Riverside fairy shrimp (*Streptocephalus wootoni*), and the San Diego fairy shrimp (*Branchinecta sandiegonensis*); and take (survey, capture, and release) the arroyo toad (*Bufo californicus*) in conjunction with surveys throughout the range of each species in California for the purpose of enhancing their survival.

Permit No. TE-094807

Applicant: Lorena Solorzano-Vincent, Oakland, California.

The applicant requests a permit to take (capture and collect and sacrifice) the Conservancy fairy shrimp (*Branchinecta conservatio*), the longhorn fairy shrimp (*Branchinecta longiantenna*), the Riverside fairy shrimp (*Streptocephalus wootoni*), and the San Diego fairy shrimp (*Branchinecta sandiegonensis*) in conjunction with surveys throughout the range of each species in California and Oregon for the purpose of enhancing their survival.

Permit No. TE-094308

Applicant: Shay Lawrey, Lake Arrowhead, California.

The applicant requests a permit to take (harass by survey) the southwestern willow flycatcher (*Empidonax traillii extimus*), take (locate and monitor nests) the least Bell's vireo (*Vireo bellii pusillus*), and take (capture, handle, and translocate) the San Bernardino kangaroo rat (*Dipodomys merriami parvus*) in conjunction with surveys in San Bernardino County, California, for the purpose of enhancing their survival.

Permit No. TE-063608

Applicant: Brian Lohstroh, San Diego, California.

The permittee requests an amendment to take (harass by survey) the southwestern willow flycatcher (*Empidonax traillii extimus*) in conjunction with surveys throughout the range of the species in California for the purpose of enhancing its survival.

Permit No. TE-807078

Applicant: Point Reyes Bird Observatory, Stinson Beach, 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 (locate and monitor nests) the least Bell's vireo (*Vireo bellii pusillus*) in conjunction with surveys throughout the range of each species in California for the purpose of enhancing their survival.

Permit No. TE-054120

Applicant: Russell Huddleston, Sacramento, California.

The permittee requests an amendment to remove/reduce to possession (collect) *Cordylanthus mollis* ssp. *mollis* (soft bird's-beak), *Eriogonum apricum* var. *apricum* (lone buckwheat), *Orcuttia viscida* (Sacramento orcutt grass), *Tucuoria mucronata* (Solano Grass), *Lasthenia conjugens* (Contra Costa goldfields), *Trifolium amoenum* (showy Indian clover), *Cirsium hydrophilum* var. *hydrophilum* (Suisun thistle), and *Pseudobahia bahiifolia* (Hartweg's golden sunburst) in conjunction with surveys throughout the range of each species in California for the purpose of enhancing their survival.

Permit No. TE-095526

Applicant: Christopher Williams, San Diego, California.

The applicant requests a permit to take (capture and collect and sacrifice) 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*), and 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.

Permit No. TE-095858

Applicant: Arianne Glagola, Anaheim, California.

The applicant requests a permit to take (survey by pursuit) the Quino checkerspot butterfly (*Euphydryas editha quino*) in conjunction with surveys throughout the range of the species in California for the purpose of enhancing its survival.

Permit No. TE-095868

Applicant: David Kisner, Santa Barbara, California.

The applicant requests a permit to take (harass by survey and locate and monitor nests) the southwestern willow flycatcher (*Empidonax traillii extimus*) and the California least tern (*Sterna antillarum browni*), and take (locate and monitor nests) the least Bell's vireo (*Vireo bellii pusillus*) in conjunction with surveys throughout the range of each species in California for the purpose of enhancing their survival.

Permit No. TE-094983

Applicant: Santa Barbara Botanic Garden, Santa Barbara, California.

The applicant requests a permit to remove/reduce to possession (collect) *Arabis hoffmannii* (Hoffmann's rock-cress), *Arenaria paludicola* (Marsh sandwort), *Astragalus pycnostachyus* var. *lanosisimus* (Ventura marsh milk-vetch), *Berberis nevinii* (Nevin's barberry), *Berberis pinnata* ssp. *insularis* (island barberry), *Castilleja grisea* (San Clemente Island Indian paintbrush), *Castilleja mollis* (soft-leaved Indian paintbrush), *Caulanthus californicus* (California jewelflower), *Cirsium fontinale* var. *obispoense* (Chorro Creek bog thistle), *Cirsium loncholepis* (La Graciosa thistle), *Clarkia speciosa* ssp. *immaculate* (Pismo clarkia), *Cordylanthus maritimus* ssp. *maritimus* (salt marsh bird's-beak), *Deinandra increscens* ssp. *villosa* (Gaviota tarplant), *Delphinium variegatum* ssp. *kinkiense* (San Clemente Island larkspur), *Dudleya traskiae* (Santa Barbara Island dudleya), *Eremalche kernensis* (Kern mallow), *Eriodictyon altissimum* (Indian Knob mountain balm), *Eriodictyon capitatum* (Lompoc yerba santa), *Erysimum menziesii* ssp. *yadonii* (Menzies' wall-flower), *Galium buxifolium* (island bedstraw), *Gilia tenuiflora* ssp. *hoffmannii* (Hoffman's slender-flowered gilia), *Layia carnosa* (beach layia), *Lithophragma maximum* (San Clemente Island woodland star), *Lotus dendroideus* var. *traskiae* (San Clemente Island broom), *Lupinus nipomensis* (Nipomo Mesa lupine), *Malacothamnus clementinus* (San Clemente Island bush mallow), *Malacothamnus fasciculatus* var. *nesioticus* (Santa Cruz Island bush mallow), *Malacothrix indecora* (Santa Cruz Island malacothrix), *Malacothrix squalida* (island malacothrix), *Pentachaeta lyonii* (Lyon's pentachaeta), *Rorippa gambellii* (Gambel's watercress), *Sibara filifolia* (Santa Cruz Island rock-cress), and *Thysanocarpus conchuliferus* (Santa Cruz Island fringe-pod) in conjunction with surveys throughout the range of each species in California for the purpose of enhancing their survival.

Permit No. TE-095561

Applicant: Bertin Anderson, Blythe, California.

The applicant requests a permit to take (harass by survey) the southwestern willow flycatcher (*Empidonax traillii extimus*) and the Yuma clapper rail (*Rallus longirostris yumanensis*) in conjunction with surveys in Riverside County, California, for the purpose of enhancing their survival.

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

Dated: November 15, 2004.

Paul Henson,

Acting Manager, California/Nevada Operations Office, Fish and Wildlife Service.
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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered and Threatened Wildlife and Plants; Initiation of a 5-Year Review of Topeka Shiner (*Notropis topeka*)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of review.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces a 5-year review of the Topeka shiner (*Notropis topeka*), a species of fish native to streams of the central plains region, under section 4(c)(2)(A) of the Endangered Species Act of 1973 (Act) (16 U.S.C. 1531 *et seq.*). A 5-year review is a periodic process conducted to ensure that the listing classification of a species is accurate. A 5-year review is based on the best scientific and commercial data available at the time of the review; therefore, we are requesting submission of any such information on the Topeka shiner that has become available since its original listing as an endangered species in 1998 (63 FR 69008). Based on the results of this 5-year review, we will make the requisite finding under section 4(c)(2)(B) of the Act.

DATES: To allow us adequate time to conduct this review, we must receive your information no later than February 7, 2005. However, we will continue to accept new information about any listed species at any time.

ADDRESSES: Submit information to the U.S. Fish and Wildlife Service, Kansas Ecological Services Field Office, 315 Houston Street, Suite E, Manhattan, Kansas 66502. Information received in

response to this notice and review will be available for public inspection, by appointment, during normal business hours, at the above address.

FOR FURTHER INFORMATION CONTACT: Vernon Tabor at the above address, by telephone (785) 539-3474, by facsimile (785) 539-8567, or by e-mail Vernon_Tabor@fws.gov.

SUPPLEMENTARY INFORMATION: Under the Act, the Service maintains a list of endangered and threatened wildlife and plant species at 50 CFR 17.11 (for animals) and 17.12 (for plants). Section 4(c)(2)(A) of the Act requires that we conduct a review of listed species at least once every 5 years. Then, on the basis of such reviews under section 4(c)(2)(B), we determine whether or not any species should be removed from the list (delisted), or reclassified from endangered to threatened or from threatened to endangered. Delisting a species must be supported by the best scientific and commercial data available and only considered if such data substantiate that the species is neither endangered nor threatened for one or more of the following reasons—(1) the species is considered extinct; (2) the species is considered to be recovered; and/or (3) the original data available when the species was listed, or the interpretation of such data, were in error. Any change in Federal classification would require a separate rulemaking process. The regulations in 50 CFR 424.21 require that we publish a notice in the **Federal Register** announcing those species currently under active review. This notice announces our active review of the Topeka shiner currently listed as an endangered species.

Public Solicitation of New Information

To ensure that the 5-year review is complete and based on the best scientific and commercial information, we are soliciting new information from the public, concerned governmental agencies, Tribes, the scientific community, industry, environmental entities, and any other interested parties concerning the status of Topeka shiner.

The 5-year review considers the best scientific and commercial data and all new information that has become available since the listing determination or most recent status review. Categories of requested information include—(A) Species biology, including but not limited to, population trends, distribution, abundance, demographics, and genetics; (B) habitat conditions, including but not limited to, amount, distribution, and suitability; (C) conservation measures that have been