

consistent with the purposes and policy set forth in Section 2 of the Endangered Species Act of 1973, as amended. **Endangered Species**

Permit No.	Applicant	Receipt of application Federal Register notice	Permit issuance date
111974 .....	Danny M. Vines .....	70 FR 13416; March 15, 2006 .....	April 17, 2006
761887 .....	American Museum of Natural History .....	71 FR 10701; March 2, 2006 .....	April 14, 2006

Dated: May 5, 2006.  
**Michael L. Carpenter,**  
*Senior Permit Biologist, Branch of Permits, Division of Management Authority.*  
 [FR Doc. E6-9048 Filed 6-9-06; 8:45 am]  
**BILLING CODE 4310-55-P**

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**Receipt of Applications for Permit**

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

**ACTION:** Notice of receipt of applications for permit.

**SUMMARY:** The public is invited to comment on the following applications to conduct certain activities with endangered species.

**DATES:** Written data, comments or requests must be received by July 12, 2006.

**ADDRESSES:** 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; fax 703/358-2281.

**FOR FURTHER INFORMATION CONTACT:** Division of Management Authority, telephone 703/358-2104.

**SUPPLEMENTARY INFORMATION:**

**Endangered Species**

The public is invited to comment on the following applications for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*). Written data, comments, or requests for copies of these complete applications should be submitted to the Director (address above).

**Applicant: George T. Markou, Mt. Arlington, NJ, PRT-124778**

The applicant requests a permit to import the sport-hunted trophy of one male scimitar-horned oryx (*Oryx dammah*) culled from a captive herd in the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Dated: May 5, 2006.  
**Michael S. Moore,**  
*Senior Permit Biologist, Branch of Permits, Division of Management Authority.*  
 [FR Doc. E6-9049 Filed 6-9-06; 8:45 am]  
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**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**Post Ranch Inn Habitat Conservation Plan, Monterey County, CA**

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

**ACTION:** Notice of availability.

**SUMMARY:** The Post Ranch Limited Partnership (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 (Act). The proposed permit would authorize take of the federally endangered Smith's blue butterfly (*Euphilotes enoptes smithi*) and federally threatened California red-legged frog (*Rana aurora draytonii*) incidental to otherwise lawful activities associated with the expansion and operation of an existing inn, which would remove 0.003 acre of Smith's blue butterfly habitat and 0.826 acre of California red-legged frog upland habitat within a 91.98 acre parcel in Big Sur, Monterey County, California.

We invite comments from the public on the permit application, which is available for review. The application includes a Habitat Conservation Plan (HCP), that fully describes the proposed project and the measures that the applicant would undertake to minimize and mitigate anticipated take of the Smith's blue butterfly and California red-legged frog, as required in section 10(a)(2)(B) of the Act.

We also invite comments on our preliminary determination that the HCP qualifies as a "low-effect" plan, eligible for a categorical exclusion under the National Environmental Policy Act. We explain the basis for this possible determination in a draft Environmental Action Statement, which is also available for public review.

**DATES:** Written comments must be received no later than July 12, 2006.

**ADDRESSES:** Written comments should be addressed to Diane Noda, Field Supervisor, Ventura Fish and Wildlife Office, 2493 Portola Road, Suite B, Ventura, California 93003. Comments may also be sent by facsimile to (805) 644-3958.

**FOR FURTHER INFORMATION CONTACT:** Jacob Martin, Fish and Wildlife Biologist, at the above address or by calling (805) 644-1766.

**SUPPLEMENTARY INFORMATION:**

**Document Availability**

Please contact the Ventura Fish and Wildlife Office (see **ADDRESSES**) if you would like copies of the application, HCP, and Environmental Action Statement. Documents will also be available for review by appointment, during normal business hours, at the Ventura Fish and Wildlife Office (see **ADDRESSES**) or via the Internet at <http://www.fws.gov/ventura>.

**Background**

Section 9 of the Act and Federal regulations prohibit the "take" of fish or wildlife species listed as endangered or threatened, respectively. Take of listed fish or wildlife is defined under the Act to mean harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. However, the Service, under limited circumstances, may issue permits to cover 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 at 50 CFR 17.32 and 17.22, respectively. Among other criteria, issuance of such permits must not jeopardize the existence of federally listed fish, wildlife, or plants.

The Post Ranch Inn is located on a 91.98 acre parcel between California Highway 1 and the Pacific Ocean, approximately 1 mile south of Pfeiffer Big Sur State Park, in Big Sur, Monterey County, California.

The applicant proposes to construct additional facilities within the existing inn complex, including new inn units, new yoga/spa buildings, a central services facility, employee housing, and a maintenance/shop building. Expansion activities, including disturbance due to construction, construction staging, and fuels management, would occur within 5.136 acres. Approximately 72 percent (3.701 of 5.136 acres) of the disturbance would occur within areas that are already developed, landscaped, or dominated by invasive plants. Thirteen plant communities occur within the 91.98 acre site, including California sagebrush (*Artemisia californica*) scrub, coyote brush (*Baccharis* spp.) scrub, broom (*Genista* spp.) scrub, coastal terrace prairie, California oatgrass (*Danthonia californica*) bunchgrass (*Nassella* spp. and *Festuca* spp.) grassland, California annual grassland, sedge seep, freshwater marsh, pondweed (*Potamogeton nodosus*) with floating leaves wetland, arroyo willow (*Salix lasiolepis*) riparian forest, California sycamore (*Platanus racemosa*) woodland, and coast live oak (*Quercus agrifolia*) forest. Disturbed areas also exist at the site, such as the existing roads, buildings, parking, and landscaped areas.

There are areas of California sagebrush scrub and California annual grassland in the southwestern portion of the Post Ranch Inn property that include seacliff buckwheat (*Eriogonum parvifolium*), a food plant used by all life stages of the Smith's blue butterfly. Surveys in July of 2000 indicated that these areas are occupied by the Smith's blue butterfly. The proposed expansion would remove a small area (0.003 acre) of California sagebrush scrub habitat that either currently contains or could be easily colonized by adjacent seacliff buckwheat. This removal could result in take of Smith's blue butterflies. Additional seacliff buckwheat plants may be removed due to management activities, including clearance of fire breaks, invasive plant removal, and habitat restoration and enhancement. There is also a pond in the central portion of the Post Ranch Inn property. Ongoing surveys, which began in 2000, have demonstrated that this pond is occupied by California red-legged frogs. Up to 52 adult and subadult California red-legged frogs have been observed per survey. Expansion activities would not occur within the pond, but would

impact 0.826 acre of upland habitat expected to be used by California red-legged frogs. Due to presence of the Smith's blue butterfly and California red-legged frog and expected impacts on their habitat, the Service concluded that the proposed expansion would likely result in take of these species and recommended that the applicant apply for an incidental take permit.

The applicant proposes to implement measures to minimize and mitigate for take of the Smith's blue butterfly and California red-legged frog within the project site. Specifically, they propose to: (1) Protect in perpetuity 36.1 acres within the Post Ranch Inn parcel via a conservation easement; (2) provide funding for monitoring of the easement area in perpetuity; (3) improve existing habitat by removing invasive plants and establishing at least 200 mature seacliff buckwheat plants within the easement area; (4) remove invasive species, including bullfrogs (*Rana catesbeiana*), mosquitofish (*Gambusia affinis*), and crayfish (*Pacifastacus* spp.) from the on-site pond; and (5) undertake various measures (including fencing of construction areas and providing a biological monitor) during grading and construction activities at the project site to minimize impacts to both listed species and their habitats.

The Service's proposed action is to issue an incidental take permit to the applicant who would then implement the HCP. The HCP includes measures to minimize and mitigate impacts of the project on the Smith's blue butterfly and California red-legged frog. Two alternatives to the taking of listed species under the proposed action are considered in the HCP. Under the No-Action alternative, the proposed expansion would not occur and the HCP would not be implemented. This would avoid the immediate effects of habitat removal on the Smith's blue butterfly and California red-legged frog. However, without the HCP, habitat for the Smith's blue butterfly and California red-legged frog on the project site likely would decline as a result of threats from invasive plants and animals. This alternative would also result in an unnecessary economic burden on the applicant.

Under the Redesigned Project alternative, the development footprint for the project would be reduced or relocated to another portion of the site, thus reducing or altering the area of impacted habitat for the Smith's blue butterfly and California red-legged frog. Alternate locations for new construction are limited within the Post Ranch Inn parcel due to the presence of steep slopes, an existing scenic easement on

the east side of the parcel, and a desire to avoid removal of native trees. These constraints leave only areas of annual grassland and an existing orchard as alternate construction sites. Use of these sites could potentially reduce the amount of Smith's blue butterfly and California red-legged frog habitat impacted, but would also require extension of roads, which would partially offset any improvements achieved through the relocation. Given the small amount of Smith's blue butterfly and California red-legged frog habitat that would be removed by the proposed expansion (0.003 acre and 0.826 acre, respectively), a reduction in the development envelope would not substantially improve post-project conditions for the Smith's blue butterfly and California red-legged frog on the site. Construction and on-going use of the site would still affect both species, even if the proposed expansion were reduced in size. Due to the constraints on alternate construction locations and the already small amount of listed species' habitat impacted by the project as proposed, we do not expect that relocation or reduction of the proposed construction would substantially benefit the Smith's blue butterfly or California red-legged frog. This alternative would also result in an unnecessary economic burden on the applicant.

The Service has made a preliminary determination that the HCP qualifies as a "low-effect" plan as defined by our Habitat Conservation Planning Handbook (November 1996). Our determination that a habitat conservation plan qualifies as a low-effect plan is based on the following three criteria: (1) Implementation of the plan would result in minor or negligible effects on federally listed, proposed, and candidate species and their habitats; (2) implementation of the plan would result in minor or negligible effects on other environmental values or resources; and (3) impacts of the plan, considered together with the impacts of other past, present and reasonably foreseeable similarly situated projects would not result, over time, in cumulative effects to environmental values or resources which would be considered significant. As more fully explained in our Environmental Action Statement, the applicant's proposal to expand the Post Ranch Inn qualifies as a "low-effect" plan for the following reasons:

(1) Approval of the HCP would result in minor or negligible effects on the Smith's blue butterfly and California red-legged frog and their habitats. The Service does not anticipate significant direct or cumulative effects to the Smith's blue butterfly or California red-

legged frog resulting from the proposed development of the project site.

(2) Approval of the HCP would not have adverse effects on unique geographic, historic or cultural sites, or involve unique or unknown environmental risks.

(3) Approval of the HCP would not result in any cumulative or growth-inducing impacts and would not result in significant adverse effects on public health or safety.

(4) The project does not require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act, nor does it threaten to violate a Federal, State, local or tribal law or requirement imposed for the protection of the environment.

(5) Approval of the HCP would not establish a precedent for future actions or represent a decision in principle about future actions with potentially significant environmental effects.

The Service therefore has made a preliminary determination that approval of the HCP qualifies as a categorical exclusion under the National Environmental Policy Act, as provided by the Department of the Interior Manual (516 DM 2, Appendix 1 and 516 DM 6, Appendix 1). Based upon this preliminary determination, we do not intend to prepare further National Environmental Policy Act documentation. The Service will consider public comments in making its final determination on whether to prepare such additional documentation.

The Service provides this notice pursuant to section 10(c) of the Endangered Species Act. We will evaluate the permit application, the HCP, and comments submitted thereon to determine whether the application meets the requirements of section 10 (a) of the Act. If the requirements are met, the Service will issue a permit to the applicant. We will make the final permit decision no sooner than 30 after the date of publication of this notice.

Dated: June 6, 2006.

**Diane K. Noda,**

*Field Supervisor, Ventura Fish and Wildlife Office, Ventura, California.*

[FR Doc. E6-9066 Filed 6-9-06; 8:45 am]

**BILLING CODE 4310-55-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Red Rock Lakes National Wildlife Refuge, Lima, MT

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

**ACTION:** Notice of intent to prepare a comprehensive conservation plan and environmental assessment; request for comments.

**SUMMARY:** This notice advises that the U.S. Fish and Wildlife Service (Service) intends to gather information necessary to prepare a Comprehensive Conservation Plan (CCP) and associated environmental documents for Red Rock Lakes National Wildlife Refuge (NWR) in Lima, Montana. The Service is furnishing this notice in compliance with Service CCP policy to advise other agencies and the public of its intentions, and to obtain suggestions and information on the scope of issues to be considered in the planning process.

**DATES:** Written comments must be received by July 12, 2006.

**ADDRESSES:** Comments and requests for more information regarding Red Rock Lakes NWR should be sent to Laura King, Planning Team Leader, Tewaukon NWR, Division of Refuge Planning, 9754 143½ Avenue, SE., Cayuga, North Dakota 58013-9764.

**FOR FURTHER INFORMATION CONTACT:** Laura King, 701-724-3598, or Linda Kelly at 303-236-8132.

**SUPPLEMENTARY INFORMATION:** The Service has initiated a CCP for Red Rock Lakes NWR for the conservation and enhancement of its natural resources. Red Rock Lakes NWR has six establishing purposes: (1) "as a refuge and breeding ground for wild birds and animals" (Executive Order 7023, dated April 22, 1935); (2) "for use as an inviolate sanctuary, or for any other management purpose, for migratory birds" (16 U.S.C. 715d [Migratory Bird Conservation Act]); (3) "for (a) incidental fish and wildlife-oriented recreational development, (b) the protection of natural resources, [and] (c) the conservation of endangered species or threatened species" (16 U.S.C. 460k-1), "the Secretary \* \* \* may accept and use \* \* \* real \* \* \* property. Such acceptance may be accomplished under the terms and conditions of restrictive covenants imposed by donors." (16 U.S.C. 460k-2 (Refuge Recreation Act [16 U.S.C. 460k-460k-4], as amended)); (4) "the conservation of the wetlands of the Nation in order to maintain the public benefits they provide and to help fulfill international obligations

contained in various migratory bird treaties and conventions" (16 U.S.C. 3901(b) [Emergency Wetlands Resources Act of 1986]); (5) "for the development, advancement, management, conservation, and protection of fish and wildlife resources" (16 U.S.C. 742f(a)(4)), "for the benefit of the United States Fish and Wildlife Service, in performing its activities and services. Such acceptance may be subject to the terms of any restrictive or affirmative covenant, or condition of servitude." (16 U.S.C. 742f(b)(1) [Fish and Wildlife Act of 1956]); (6) "conservation, management, and restoration of the fish, wildlife, and plant resources and their habitats for the benefit of present and future generations of Americans" (16 U.S.C. 668dd(a)(2) [National Wildlife Refuge System Administration Act]).

This Refuge encompasses 58,326 acres, of which 32,350 are designated as wilderness. The Refuge lies in the high-elevation Centennial Valley and contains primarily wetland and riparian habitats. This minimally altered natural and diverse habitat provides for species such as trumpeter swans, moose, sandhill cranes, curlews, peregrine falcons, eagles, numerous hawks and owls, badgers, wolverines, bears, pronghorn, and wolves (in the backcountry). Native fish such as Arctic grayling and west-slope cutthroat trout occur in Refuge waters.

During the comprehensive planning process, management goals, objectives, and strategies will be developed to carry out the purposes of the Refuge, and to comply with laws and policies governing refuge management and public use of the Refuge.

The Service requests input as to which issues affecting management or public use should be addressed during the planning process. The Service is especially interested in receiving public input in the following areas:

(a) What do you value most about this Refuge?

(b) What problems or issues do you see affecting management of this Refuge?

(c) What changes, if any, would you like to see in the management of this Refuge?

The Service has provided the above questions for your optional use. The Service has no requirement that you provide information; however, any comments received by the Planning Team will be used as part of the planning process.

Opportunities for public input will also be provided at a public meeting to be scheduled for early summer 2006. Exact dates and times for these public meetings are yet to be determined, but