

be limited to, the successful completion of various NSP requirements, as described above. Any such request for the extension of the settlement deadline on the part of the eligible NSP purchaser, and subsequent decision on the part of the M&M contractor, must be made in writing.

**Note:** Prior to signing any sales contract, the HUD Office of Single Family Housing will first complete its environmental review responsibilities pursuant to 24 CFR part 50, including its responsibility to provide notice of site contamination following a search of agency files pursuant to section 120(h) of the Comprehensive Environmental Response, Liability, and Compensation Act (CERCLA or "Superfund", 42 U.S.C. 9620(h)), and will incorporate any resulting conditions in the sales contract. Any remediation of site contamination required pursuant to section 120(h) shall be performed prior to property transfer. Also as a condition of sale, the purchaser of any FHA owned property located in a special flood hazard area and where flood insurance is available through the National Flood Hazard Insurance Program will be required to obtain flood insurance.

In the event that an FHA REO property for which an eligible NSP purchaser has submitted a contingent sales contract that does not meet the standards and requirements under 24 CFR part 35 and/or 24 CFR part 50 or part 58, or any other applicable statutes, regulations, or requirements, or if the NSP purchaser cannot successfully complete the various environmental review and other federal requirement reviews under the NSP program before the expiration of the required FHA deadline; or if the purchase of the property does not otherwise meet the eligible NSP purchaser's cost feasibility or other affordable housing program requirements, the sales contract shall be terminated at no cost to the eligible NSP purchaser. In addition, all obligations of the eligible NSP purchaser under the contract shall be extinguished.

#### *J. FHA 90-Day Anti-Frequent Re-Sale Waiver*

On January 15, 2010, FHA issued a waiver of regulations under 24 CFR 203.37a(b)(2), "Re-sales occurring 90 days or less following acquisition." The waiver is effective February 1, 2010, through January 31, 2011, unless otherwise extended or withdrawn. On May 21, 2010 (75 FR 38632), HUD published a notice in the **Federal Register** announcing this waiver and seeking comments from industry, potential purchasers, and other

interested members of the public on the conditions which must be met for the waiver to be provided. Comments will be taken into consideration in determining whether any modifications should be made to the waiver eligibility conditions. Under this waiver, FHA REO properties can be acquired by a purchaser and resold by the same purchaser to a homebuyer who has been approved to acquire the property with an FHA insured mortgage less than 90 days after the initial acquisition. The full text of the anti-frequent re-sale waiver is available online: <http://www.hud.gov/offices/hsg/sfh/currentwaiver.pdf>. Additional guidance on compliance with the terms of this waiver is forthcoming from the Department.

#### *K. Affordability Requirements*

FHA REO properties acquired with NSP funds through the FHA First Look Sales Method must meet the NSP affordability requirements, and shall otherwise be considered to be the monitoring responsibility of CPD. As required by statute and regulation, eligible NSP purchasers shall maintain all documentation of compliance with NSP Program affordability requirements for each FHA REO property acquisition assisted, in whole or in part, with NSP funds, and shall make such documentation available for review, upon request of FHA staff and/or (consistent with state and local laws regarding privacy and obligations for confidentiality) FHA M&M III contractors.

#### *L. Paperwork Reduction Act*

The information collection requirements contained in this notice have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB Control Numbers 2502–0306 and 2502–0540. In accordance with the Paperwork Reduction Act, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless the collection displays a currently valid OMB control number.

#### *M. Environmental Impact*

A Finding of No Significant Impact (FONSI) with respect to the environment has been made for this notice in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). The FONSI is available for public inspection between 8 a.m. and 5 p.m. weekdays in

the Regulation Division, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 10276, Washington, DC 20410–0500. Due to security measures at the HUD Headquarters building, an advance appointment to review the FONSI must be scheduled by calling the Regulations Division at 202–708–3055 (this is not a toll-free number).

Dated: July 9, 2010.

**David H. Stevens,**

*Assistant Secretary for Housing–Federal Housing Commissioner.*

[FR Doc. 2010–17335 Filed 7–14–10; 8:45 am]

**BILLING CODE 4210–67–P**

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS–R8–ES–2010–N139; 1112–0000–81440–F2]

#### Endangered and Threatened Wildlife and Plants; Permit, San Bernardino County, CA

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

**ACTION:** Notice of availability.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), have received an application from CJR General Partnership (applicant) for an incidental take permit under the Endangered Species Act of 1973, as amended (Act). We are considering issuing a permit that would authorize the applicant's take of the federally threatened desert tortoise (*Gopherus agassizii*) and State threatened Mohave ground squirrel (*Xerospermophilus mohavensis*) incidental to otherwise lawful activities that would result in the permanent loss of 120 acres of habitat for the species near Oro Grande in San Bernardino County California. We invite comments from the public on the application, which includes the AgCon Habitat Conservation Plan (HCP) that fully describes the proposed project and measures the applicant will undertake to minimize and mitigate anticipated take of the species. We also invite comments on our preliminary determination that the HCP qualifies as a "low-effect" plan, which is eligible for a categorical exclusion under the National Environmental Policy Act (NEPA) of 1969, as amended. We explain the basis for this determination in our draft Environmental Action Statement and associated Low-Effect Screening Form, both of which are also available for review.

**DATES:** To ensure consideration, please send your written comments by August 16, 2010.

**ADDRESSES:** You may download a copy of the permit application, HCP, and related documents on the Internet at <http://www.fws.gov/ventura/>, or you may request documents by U.S. mail or phone (see below). Please address written comments to Diane K. Noda, Field Supervisor, Ventura Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2493 Portola Road, Suite B, Ventura, CA 93003. You may alternatively send comments by facsimile to (805) 644-3958.

**FOR FURTHER INFORMATION CONTACT:** Jen Lechuga, HCP Coordinator, at the Ventura address above or by telephone at (805) 644-1766, extension 224.

**SUPPLEMENTARY INFORMATION:**

**Background**

The desert tortoise, Mojave population, was listed as threatened on April 2, 1990 (55 FR 12178). Section 9 of the Act (16 U.S.C. 1531 *et seq.*) and our implementing Federal regulations in the Code of Federal Regulations (CFR) at 50 CFR 17 prohibit the "take" of fish or wildlife species listed as endangered or threatened. Take of listed fish or wildlife is defined under the Act as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct" (16 U.S.C. 1532). However, under limited circumstances, we issue permits to authorize 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 at 50 CFR 17.32 and 17.22, respectively.

The Mohave ground squirrel is not a species listed under the Act. However, it is a State threatened species under the California Endangered Species Act. By including the Mohave ground squirrel in the HCP, take of this species would be authorized under the permit should this species become listed under the Act.

The Act's take prohibitions do not apply to federally listed plants on private lands unless such take would violate State law. In addition to meeting other criteria, the HCP's proposed actions must not jeopardize the existence of federally listed fish, wildlife, or plants.

The applicant proposes to expand existing 120-acre Oro Grande sand and gravel mine pit to the north by 120 acres on parcel APN 0470-052-02 located north of Bryman Road and east of National Trails Highway, approximately

5 miles south of Helendale, San Bernardino County, California. The parcel contains Mojave creosotebush scrub and sandy loam soils. Desert tortoise surveys were conducted on the property and two individuals were found. Surveys for Mohave ground squirrels were not conducted. Their presence was assumed as the species has been recorded nearby and the property is within the range of and provides suitable habitat for the Mohave ground squirrel.

The proposed project would result in permanent impacts to 120 acres of habitat for the desert tortoise and Mohave ground squirrel. The applicant proposes to implement the following measures to minimize and mitigate for the loss of desert tortoise and Mohave ground squirrel habitat within the permit area: (1) Applicant will purchase 120 acres of desert tortoise and Mohave ground squirrel habitat in the Superior-Cronese Critical Habitat Unit and Desert Wildlife Management Area for the desert tortoise which will be managed in perpetuity by the California Department of Fish and Game or a third party for the conservation of the desert tortoise and Mohave ground squirrel; (2) a qualified biologist will oversee site preparation including vegetation and topsoil removal and fence construction, and provide worker training on the desert tortoise and Mohave ground squirrel and requirements of the HCP; (3) all desert tortoises captured during clearance surveys of the mine pit expansion site will be moved to adjacent creosotebush scrub habitat managed by the Bureau of Land Management (BLM); and (4) permanent desert tortoise exclusion fencing will be installed to demarcate the impact area from the adjacent areas, including the BLM-managed lands.

In the proposed HCP, the applicant considers five alternatives to the taking of the desert tortoise and Mohave ground squirrel. The No Action alternative would maintain current conditions, the project would not be implemented, there would be no impacts to the desert tortoise or Mohave ground squirrel, and an incidental take permit application would not be submitted to the Service. The other alternatives include expanding mining operations at another existing mine, developing a new mine at a new site, reducing the size of the proposed mine expansion, and changing the duration or direction of the proposed mine expansion.

We are requesting comments on our preliminary determination that the applicant's proposal will have a minor or negligible effect on the species covered

in the plan, and that the plan qualifies as a "low-effect" HCP as defined by our Habitat Conservation Planning Handbook (November 1996). We base our determination that the HCP qualifies as a low-effect HCP on the following three criteria: (1) Implementation of the applicant's project description in the HCP would result in minor or negligible effects on federally listed, proposed, and candidate species and their habitats; (2) implementation of the HCP would result in minor or negligible effects on other environmental values or resources; and (3) impacts of the HCP, considered together with the impacts of other past, present, and reasonably foreseeable similarly situated projects, would not result, over time, in cumulative effects to the environmental values or resources that would be considered significant. As more fully explained in our draft Environmental Action Statement and associated Low-Effect Screening Form, the applicant's proposed HCP qualifies as a "low-effect" HCP for the following reasons:

(1) Approval of the HCP would result in minor or negligible effects on the desert tortoise, Mohave ground squirrel, and their habitats. We do not anticipate significant direct, indirect, or cumulative effects to the desert tortoise resulting from the proposed project;

(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; and

(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.

We, therefore, have made the preliminary determination that the approval of the HCP and incidental take permit application qualifies for a categorical exclusion under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*), as provided by the Department of the Interior Manual (516 DM 2 Appendix 2 and 516 DM 8). Based on our review of public comments that we receive in response to this notice, we

may revise this preliminary determination.

### Next Steps

We will evaluate the HCP and comments we receive to determine whether the permit application meets the requirements of section 10(a)(1)(B) of the Act (16 U.S.C. 1531 *et seq.*) and implementing regulations (50 CFR 17.32). If we determine that the application meets these requirements, we will issue the permit for incidental take of the desert tortoise and Mohave ground squirrel. We will also evaluate whether issuance of a section 10(a)(1)(B) permit would comply with section 7 of the Act by conducting an intra-Service section 7 consultation. We will use the results of this consultation, in combination with the above findings, in our final analysis to determine whether or not to issue a permit. If the requirements are met, we will issue the permit to the applicant.

### Public Comments

If you wish to comment on the permit application, HCP, and associated documents, you may submit comments by any one of the methods in **ADDRESSES**.

### Public Availability of Comments

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

### Authority

We provide this notice under section 10 of the Act (U.S.C. 1531 *et seq.*) and NEPA regulations (40 CFR 1506.6).

Dated: July 9, 2010.

### Diane K. Noda,

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

[FR Doc. 2010-17270 Filed 7-14-10; 8:45 am]

**BILLING CODE 4310-55-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[LLNVSO0530 L5101.ER0000  
LVRWF0900110; NVN-0865171; 10-08807;  
MO# 4500011976; TAS: 14X5017]

### Notice of Intent To Prepare an Environmental Impact Statement for the Proposed Abengoa Solar Inc., Lathrop Wells Solar Facility, Amargosa Valley, Nye County, NV

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of Intent.

**SUMMARY:** In compliance with the National Environmental Policy Act of 1969, as amended (NEPA), and the Federal Land Policy and Management Act of 1976, as amended, the Bureau of Land Management (BLM) Pahrump Nevada Field Office, Southern Nevada District Office intends to prepare an Environmental Impact Statement (EIS) and by this notice is announcing the beginning of the scoping process to solicit public comments and identify issues.

**DATES:** This notice initiates the public scoping process for the EIS. Comments on issues may be submitted in writing until September 13, 2010. The date(s) and location(s) of any scoping meetings will be announced at least 15 days in advance through local news media, newspapers and the BLM Web site at: <http://www.blm.gov/nv/st/en/fo/lvfo.html>. Comments must be received prior to the close of the scoping period or 15 days after the last public meeting, whichever is later, to be included in the Draft EIS. Additional opportunities for public participation will be provided upon publication of the Draft EIS.

**ADDRESSES:** You may submit comments related to the Abengoa Solar Inc., Lathrop Wells Solar Facility by any of the following methods:

- *E-mail:* [lwse\\_EIS@blm.gov](mailto:lwse_EIS@blm.gov)
- *Fax:* (702) 515-5010 (attention: Gregory Helseth)

• *Mail:* Gregory Helseth, BLM Southern Nevada District Office, 4701 North Torrey Pines Drive, Las Vegas, Nevada 89130-2301.

- *In person:* At any EIS public scoping meeting.

Documents pertinent to this proposal may be examined at the BLM Southern Nevada District Office.

**FOR FURTHER INFORMATION CONTACT:** For further information and/or to have your name added to our mailing list, send requests to: BLM Southern Nevada District Office, Gregory Helseth, Renewable Energy Project Manager,

Attn: Abengoa Lathrop Wells Solar Facility, 4701 North Torrey Pines Drive, Las Vegas, Nevada 89130; e-mail: [Gregory\\_Helseth@blm.gov](mailto:Gregory_Helseth@blm.gov) or [lwse\\_EIS@blm.gov](mailto:lwse_EIS@blm.gov); or phone: (702) 515-5173

**SUPPLEMENTARY INFORMATION:** The applicant, Abengoa Solar Inc., has requested a right-of-way authorization for the construction, operation, maintenance, and termination of a solar energy generation project. The proposed Lathrop Wells Solar Facility project would consist of a concentrated solar power facility including a solar parabolic trough, photovoltaic panels, an electrical transmission substation, switchyard facilities, and a transmission line connecting to the existing Valley Electric Line south of the project. The proposed project would produce approximately 250 megawatts (MW) from a parabolic-trough, dry-cooled solar power plant with the option to expand the facility by adding a second 250-MW unit. Additionally, the proposal may include up to 20 MW of photovoltaic solar power. The proposed project would be located on approximately 5,336 acres of public lands in the Amargosa Valley, Nye County, Nevada. The purpose of the public scoping process is to ascertain the relevant issues that will influence the scope of the environmental analysis, including alternatives, and to guide the process for developing the EIS. At present, the BLM has identified the following preliminary issues: Threatened and endangered species, visual resource impacts, impacts to lands with wilderness characteristics, recreation impacts, socioeconomic effects, and cumulative impacts.

The BLM will use and coordinate the NEPA commenting process to satisfy the public involvement process for Section 106 of the National Historic Preservation Act (16 U.S.C. 470(f)) as provided for in 36 CFR 800.2(d)(3). Native American tribal consultations will be conducted, and Tribal concerns, including impacts on Indian trust assets, will be given due consideration. Federal, state, and local agencies, as well as individuals, organizations or tribes that may be interested or affected by the BLM's decision on this project are invited to participate in the scoping process and, if eligible, may request, or be requested by the BLM, to participate as a cooperating agency.

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may