

Dated: August 3, 1995.

**Evelyn Stob,**

*Acting Chief, Lands and Minerals Operations Section.*

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## Fish and Wildlife Service

### Availability of an Environmental Assessment and Receipt of an Application for an Incidental Take Permit for the Endangered Delhi Sands Flower-Loving Fly for the Proposed Colton Transmission Line and Substation Project in the City of Colton, San Bernardino County, California

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

**ACTION:** Notice of availability.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service) has under consideration a proposal to issue a 10-year permit under Section 10(a)(1)(B) of the Endangered Species Act (ESA) that would authorize incidental taking of the endangered Delhi Sands flower-loving fly (*Rhaphiomidas terminatus abdominalis*). The applicant for this incidental take permit is the City of Colton, California. The application is accompanied by a proposed Habitat Conservation Plan (HCP) for the Delhi Sands flower-loving fly and an Implementing Agreement. In response to the permit application and the accompanying proposal, an Environmental Assessment (EA) has been prepared pursuant to the National Environmental Policy Act (NEPA). This notice is provided pursuant to section 10 of the ESA and NEPA regulations (40 CFR 1506.6).

The Service will evaluate the application, associated documents, and comments submitted thereon to determine whether the application meets the requirements of NEPA regulations and section 10(a) of the ESA. If it is determined that the requirements are met, a permit will be issued for the incidental take of the Delhi Sands flower-loving fly. The final NEPA and permit determination will be made no sooner than 30 days from the date of this notice. This notice describes the currently proposed action and alternatives, and solicits comments on the complete permit application, as well as the issues and alternatives raised in the EA. All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public.

**DATES:** Written comments related to the Service's EA and the City of Colton's permit application, HCP, and IA, should be received by the Service on or before September 13, 1995.

**ADDRESSES:** Information, comments, or questions regarding the EA, permit application, HCP, and IA, should be submitted to Mr. Gail Kobetich, Field Supervisor, U.S. Fish and Wildlife Service, 2730 Loker Avenue West, Carlsbad, California 92008. Written comments also may be sent by facsimile to (619) 431-9618.

**FOR FURTHER INFORMATION CONTACT:** Mr. Pete Sorensen, Assistant Field Supervisor, at the above Carlsbad address, telephone (619) 431-9440. Individuals wishing copies of the EA, HCP, IA, and/or permit application should immediately contact Mr. Sorensen. Persons wishing to review background material may obtain it by contacting the City of Colton, telephone (909) 370-5079. Documents also will be available for public inspection by appointment during normal business hours (8 am to 5 pm, Monday through Friday) at the Service's Carlsbad Field Office (see **ADDRESSES** section above).

**SUPPLEMENTARY INFORMATION:** The Service listed the Delhi Sands flower-loving fly as an endangered species on September 23, 1993 (58 FR 49881). As an endangered species, the Delhi Sands flower-loving fly is protected pursuant to Section 9 of the ESA against take; that is, no one may harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect the species, or attempt to engage in such conduct (16 USC 1538). However, under certain circumstances, the Service may issue permits to take endangered wildlife species incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for endangered species are at 50 CFR 17.22.

The City of Colton proposes to construct a transmission line and substation project located in the City of Colton, in San Bernardino County. The proposed project is partially located in undeveloped areas that are either known to support the endangered Delhi Sands flower-loving fly or are considered suitable habitat for the species. Pole placement, and construction of the substation and a portion of the access road, would result in the permanent loss of 2.4 acres of suitable Delhi Sands flower-loving fly habitat. In addition, construction of the transmission line, underground distribution line, and portions of the substation and access road would result in the temporary disturbance of 2.2 acres of occupied and potential habitat.

Operation and maintenance activities of the proposed substation and transmission lines (e.g., driving to and from the facility and regularly scheduled cleaning of the transmission lines) also may result in additional take of endangered species remaining on or adjacent to the proposed project site.

Two listed plant species, Santa Ana River woolly-star (*Eriastrum densifolium* ssp. *sanctorum*) and slender-horned spineflower (*Dodecahema leptoceras*), are known to occur within or near the proposed transmission line and substation. Although no incidental take authorization is required for listed plant species, impacts to these species must be addressed in the intra-Service consultation required pursuant to section 7(a) of the ESA.

The City of Colton proposes to mitigate for this incidental take by implementing several on-site and off-site mitigation measures. Such measures include: off-site acquisition and management of 7.5 acres; funding a \$66,250 endowment for maintenance and enhancement of the 7.5-acre site; conducting pre-construction surveys in occupied Delhi Sands flower-loving fly habitat to determine pole placement and access routes that avoid and minimize direct impacts to the species; conducting pre-construction surveys to determine pole placement and access routes that avoid impacts to listed plant species; and restoration of temporary disturbance areas, and various additional on-site measures to be undertaken during construction and operation of their facility.

In addition to the proposed project and no project alternatives, the City of Colton considered six other alternative sites for the substation with different routes for the transmission lines. Alternative sites and routes were rejected for the following reasons: Site drainage characteristics; earthwork requirements; distance from electrical load centers; flood potential; poor access; and/or high visibility impacts. Selection of a new alternative site would delay start-up of the San Bernardino County hospital indefinitely and would be financially infeasible for the project applicant.

Dated: August 3, 1995.

**Thomas Dwyer,**

*Deputy Regional Director, Region 1, Portland, Oregon.*

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