

murrelets (*Brachyramphus marmoratus marmoratus*), bald eagles (*Haliaeetus leucocephalus*), and American peregrine falcons (*Falco peregrinus anatum*) that may occur on the Applicant's Tree Farm. The proposed incidental take may occur as a result of timber harvest activities, and road construction and maintenance in the various habitat types that occur now, and will occur on the Tree Farm during the 50-year term of the proposed permit. The application includes a Habitat Conservation Plan (HCP), which the Applicant proposes to implement as a condition of the permit, and an Implementation Agreement (IA) which identifies the responsibilities of the parties under the HCP. The IA would provide for the issuance of additional permits under certain conditions for the incidental take of species not presently listed under the Act, but which may become listed during the term of the proposed permit, and which may occur in habitats on the Tree Farm.

The FWS, in conjunction with NMFS, announces the availability of an Environmental Assessment (EA) for the proposed issuance of the incidental take permit and signing of the IA. The agencies are also making draft permit conditions available for public review and comment should the permit be issued. The FWS is taking administrative responsibility for announcing the availability of the aforementioned documents. All comments received will become part of the public record and may be released. This notice is provided pursuant to section 10(c) of the Act and National Environmental Policy Act regulations (40 CFR 1506.6).

**DATES:** Written comments on the permit application, EA, and draft permit conditions should be received on or before May 28, 1996.

**ADDRESSES:** Comments regarding the application or EA should be addressed to Mr. Curt Smitch, Assistant Regional Director, U.S. Fish and Wildlife Service, 3704 Griffin Lane, SE, Suite 102 Olympia, Washington 98501 (360-753-9440). Please refer to permit PRT-813744 when submitting comments. Individuals wishing copies of the application, EA, or draft permit conditions, for review should immediately contact the above office.

**FOR FURTHER INFORMATION CONTACT:** Brian Bogaczyk, U.S. Fish and Wildlife Service at (360) 753-5824, or Matt Longenbaugh, National Marine Fisheries Service at (360) 753-7761, at the address listed above.

#### SUPPLEMENTARY INFORMATION:

##### Background

Under section 9 of the Act, and its implementing regulations, "take" of a threatened or endangered species is prohibited. However, the FWS and NMFS, under limited circumstances, may issue permits to take threatened and endangered wildlife species if such taking is incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for threatened species are in 50 CFR 17.32 and in 50 CFR 17.22 for endangered species.

The Applicant proposes to implement the HCP containing conservation measures for the northern spotted owl, marbled murrelet, bald eagle, peregrine falcon, and other currently unlisted species, as a condition of the permit which would authorize the incidental take of listed species during timber harvest activities on the approximately 7,485-acre Tree Farm. The Applicant's proposed timber harvest may result in the take, as defined in the Act and its implementing regulations, of listed species. The term of the proposed HCP and permit is 50 years.

The Applicant proposes to mitigate for the impacts of any incidental take by maintaining the best late successional habitat (>80 years old) on the Tree Farm in harvest deferrals until ingrowth of additional older, higher quality habitat occurs. Measures to maintain important habitat structures such as wildlife trees, snags and downed logs would be implemented on all harvest units. Further, riparian measures designed to protect stream associated amphibians, and anadromous and resident fish would be implemented along streams. Additional benefits to these riparian species would be provided by improvements to road construction and maintenance techniques. Implementation of all measures would be initiated immediately upon issuance of the permit, and would continue for the term of the permit.

The EA considers the environmental consequences of 3 alternatives, including the proposed action and no-action alternatives. The proposed action alternative is the issuance of the permit under section 10(a) of the Act that would authorize incidental take of listed species, and signing of the IA to cover currently unlisted species, that may occur in the habitats on the Applicant's Tree Farm. The proposed action would require the Applicant to implement the HCP. Under the no-action alternative, the Applicant would continue to abide by section 9 take prohibitions under the Act; an incidental take permit would

not be issued. The third alternative is to manage the Tree Farm according to the standards and guidelines described in the Northwest Forest Plan, which would maintain approximately 61 percent of the Tree Farm in reserves.

Dated: April 22, 1996.

Thomas Dwyer,

Deputy Regional Director, Region 1, Fish and Wildlife Service, Portland, Oregon.

[FR Doc. 96-10360 Filed 4-25-96; 8:45 am]

BILLING CODE 4310-55-P

#### Receipt of Application for Incidental Take Permit for Surveying Black-Footed Ferrets in Chaves County, NM

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

**ACTION:** Notice.

**SUMMARY:** Mr. Scott Ellis has applied to the Fish and Wildlife Service (Service) for an incidental take permit pursuant to Section 10(A)1(a) of the Endangered Species Act for the purpose of scientific research and enhancement of propagation and survival of the endangered black-footed ferret (*Mustela nigripes*), as prescribed by Service recovery documents. The applicant has been assigned permit number PRT-804124. The requested permit, which is for a period of 2 years, authorizes the incidental take of the black-footed ferret which may occur as a result of nocturnal surveys of a 150-acre black-tailed prairie dog colony in Chaves County, New Mexico.

**DATES:** Written comments on the application should be received on or before May 28, 1996.

**ADDRESSES:** Persons wishing to review the application may obtain a copy by contacting to the Chief, Ecological Services/Endangered Species, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. The request must be received by the Chief, Ecological Services/Endangered Species within 30 days of the date of this publication. Please refer to permit number PRT-804124 when submitting comments.

**SUPPLEMENTARY INFORMATION:** Section 9 of the Act prohibits the "taking" of endangered species such as the black-footed ferret. However, the Service, under limited circumstances, may issue permits to take endangered wildlife species when such take is for scientific purposes. Regulations governing permits for endangered species are at 50 CFR 17.22.

**Applicant**

Scott Ellis plans to conduct nocturnal black-footed ferret surveys on a 150-acre prairie dog colony. Permit number PRT-804124 has been assigned to this applicant, and this permit is valid for a period of 2 years.

Nancy M. Kaufman,

*Regional Director, Region 2, Albuquerque, New Mexico.*

[FR Doc. 96-10325 Filed 4-25-96; 8:45 am]

BILLING CODE 4510-55-P

**Availability of a Revised Habitat Conservation Plan and Supplement to a Previously Circulated Environmental Assessment Evaluating Proposed Issuance of Incidental Take Permit PRT-803743 to the City of Poway and Its Redevelopment Agency in San Diego County, CA**

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

**ACTION:** Notice of availability.

**SUMMARY:** The City of Poway and its Redevelopment Agency (applicants) have applied to the U.S. Fish and Wildlife Service (Service) for an incidental take permit (PRT-803743) pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The application package includes a Subarea Habitat Conservation Plan (HCP) and Implementing Agreement (IA). The proposed incidental take would occur as a result of habitat disturbance associated with residential and limited municipal development in the City of Poway, San Diego County, California.

The requested permit would authorize the incidental take of 4 animal species listed as endangered and 2 animal species listed as threatened. The applicants also have requested coverage for an additional 37 unlisted, sensitive species (11 plant, 26 animal), including three proposed endangered species. Of these 43 species, 22 are known to occur within the City of Poway. The June 21, 1995, Notice of Availability (60 FR 32337) inadvertently omitted mention of the remaining 21 species. These 21 species either are not known to occur within Poway or the impacts of the HCP on the species were considered to be insignificant (discountable, minor in relationship to the species as a whole, or not reasonably expected to occur). The HCP proposes to conserve all 43 species according to standards required for listed species under the Act. The applicant has requested that all 43 species be included in the permit. In the event that any of the 43 species that are currently unlisted become listed in the

future, the permit would take effect upon the listing of those species.

An Environmental Assessment/Initial Study Mitigated Negative Declaration (EA/IS) for the proposed permit issuance and draft Subarea HCP was circulated for public review in June, 1995, in accordance with the National Environmental Policy Act (NEPA) and California Environmental Quality Act regulations (60 FR 32337). On August 15, 1995, the Poway City Council approved the Subarea HCP with the stipulation that participation in the HCP by private property owners would be optional, and not mandatory as originally proposed. Private property owners who do not wish to be included in the Subarea HCP and want to develop their property in a manner that would result in take of a listed species would obtain development approvals through the traditional endangered species permit process under either section 10 or section 7 of the Act. A supplemental EA has been prepared to evaluate the effects of changing the plan from mandatory to voluntary private landowner participation. The Subarea HCP also has been revised accordingly and an errata sheet prepared. This notice advises the public that the supplemental EA and revised HCP are available for review and comment. All comments received, including names and addresses, will become part of the administrative record and may be made available to the public. This notice is provided pursuant to section 10(c) of the Act and NEPA regulations (40 CFR 1506.6).

**DATES:** Written comments should be received on or before May 28, 1996.

**ADDRESSES:** Comments regarding the adequacy of the supplemental EA and revised HCP should be addressed to Mr. Gail Kobetich, Field Supervisor, U.S. Fish and Wildlife Service, 2730 Loker Avenue West, Carlsbad, CA 92008; FAX (619) 431-9618.

**FOR FURTHER INFORMATION CONTACT:** Ms. Nancy Gilbert, Fish and Wildlife Biologist, at the above address, telephone (619) 431-9440.

**SUPPLEMENTARY INFORMATION:**

**Availability of Documents**

Copies of the Supplemental EA and HCP errata sheet will be sent to everyone on the original distribution list or who commented on the permit application during the initial public comment period. Other individuals who wish to receive copies of the supplemental EA or revised HCP for review should immediately contact Ms. Gilbert. Copies of the supplemental EA, Subarea HCP, HCP errata sheet, and

original permit application also may be viewed by appointment, during normal business hours, at the above address.

**Background**

The EA/IS, circulated in June 1995, evaluated four alternatives including the proposed action (issuance of the incidental take permit). The three alternatives to the proposed action are summarized below and incorporated by reference in the supplemental EA, but analysis of these alternatives is not repeated in the supplemental EA. Under the No Action Alternative, the proposed HCP would not be implemented. The applicants would either avoid take of listed species within the planning area, or apply for individual 10(a)(1)(B) permits on a project-by-project basis. Existing land use and environmental regulations would apply to all projects proposed within the planning area. Existing regulatory practices require mitigation for impacts to sensitive species and habitats resulting in lands being set aside for open-space preservation; however, greater habitat fragmentation would likely occur under the No Action Alternative than the Proposed Alternative because the lands set aside for open-space preservation would not be assembled in a coordinated preserve system. Under a 100 Percent Preservation of Mitigation Area Alternative, all identified habitat and species within the Mitigation Area would be preserved. Development would be prohibited within the proposed Mitigation Area boundary except on already disturbed areas where such development would not impact the viability of the proposed Mitigation Area. Under the Modified Mitigation Area Alternative, the proposed Mitigation Area boundary would consist only of lands already preserved in Poway; i.e., cornerstone lands as identified in the Subarea HCP, parcels purchased for mitigation of the Scripps-Poway Parkway Extension project, and slopes over 45 percent within the Mitigation Area.

Under the Proposed Alternative, changing participation in the Subarea HCP from mandatory to optional for private property owners could modestly increase impacts to native vegetation and species, as well as fragmentation in biological core and linkage areas important to overall preserve design. However, existing regulations that afford protection to listed species would reduce these effects. In cases where private property owners choose not to participate in the Subarea HCP, preservation of open space and avoidance or mitigation for biological impacts would still occur in accordance