

alkaline soils. Therefore, the Applicants are requesting a permit for only the 39 acres of Habitat Area considered suitable habitat for the skipper.

The proposed minimization and mitigation measures include the acquisition of 39 acres offsite to mitigate for the 39 acres that would be lost within the project area. The proposed acquired property would provide habitat of equal or greater value than the on-site parcel, protect an existing skipper population or occur in the vicinity of an existing population, and be acquired within 42 months of permit issuance. Management of the acquired off-site lands would be by an undetermined third party. Funds would be provided by the Applicants for management and monitoring of these mitigation lands in perpetuity.

Approval of the HCP may qualify for a categorical exclusion under NEPA, as provided by the Departmental Manual (516 DM 2, Appendix 1 and 516 DM 6, Appendix 1). The proposed HCP also may qualify as a "low-effect" plan as defined by the Habitat Conservation Planning Handbook (Service, November, 1996). Determination of whether an HCP is low effect is based on the following criteria: (1) Minor or negligible effects on federally listed, proposed, or candidate species and their habitats; (2) minor or negligible effects on other environmental values or resources; and (3) impacts of the proposed HCP, considered together with the impacts of other past, present, and reasonably foreseeable similarly situated projects, would not result, over time, in significant cumulative effects to the environmental values or resources. If the Service determines that the Applicants' HCP qualifies as a low-effect HCP, further NEPA documentation would not be required.

#### Public Review and Comment

If you wish to comment on the application, EAS, or the proposed HCP, you may submit your comments to the address listed in the **ADDRESSES** section of this document. We will evaluate this application, associated documents, and comments submitted thereon to determine whether the application meets the requirements of section 10(a) of the Act and NEPA regulations. Individual respondents may request that we withhold their home address from the record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the record your name and/or address; you must make this request prominently at the beginning of your comment. Anonymous comments will not be considered. All submissions

from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, are available for public inspection in their entirety.

If we determine that the permit requirements are met, we will issue an incidental take permit under section 10(a)(1)(B) of the Act to the Applicants for take of the skipper, incidental to otherwise lawful activities in accordance with the terms of the permit. We will not make our final decision until after the end of the 30-day comment period and will fully consider all comments received during the comment period.

The Service provides this notice pursuant to section 10 (c) of the Act and pursuant to implementing regulations for NEPA (40 CFR 1506.6).

Dated: June 13, 2005.

#### Ken McDermond

*Deputy Manager, California/Nevada Operations Office, Sacramento, California.*

[FR Doc. 05-11977 Filed 6-16-05; 8:45 am]

**BILLING CODE 4310-55-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Application From the Nevada Department of Wildlife, Humboldt County, NV, for an Enhancement of Survival Permit

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

**ACTION:** Notice of availability and receipt of application.

**SUMMARY:** In response to an application from the Nevada Department of Wildlife (Applicant), the Fish and Wildlife Service (we, the Service) is considering issuance of an enhancement of survival permit pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (ESA). The permit application includes a proposed programmatic Safe Harbor Agreement (SHA) between the Applicant and the Service. The proposed SHA provides for voluntary habitat restoration, maintenance, enhancement, or creation activities to enhance the reintroduction and recovery of the federally threatened Lahontan cutthroat trout (*Oncorhynchus clarki henshawi*) within the Northwest Distinct Population Segment. The proposed duration of both the SHA and permit is 30 years.

The Service has made a preliminary determination that the proposed SHA and permit application are eligible for categorical exclusion under the National

Environmental Policy Act of 1969 (NEPA). The basis for this determination is contained in an Environmental Action Statement, which also is available for public review.

**DATES:** Written comments must be received by 5 p.m. on July 18, 2005.

**ADDRESSES:** Please address comments to Robert D. Williams, Field Supervisor, Nevada Fish and Wildlife Office, 1340 Financial Boulevard, Suite 234, Reno, Nevada, facsimile number (775) 861-6301.

**FOR FURTHER INFORMATION CONTACT:** Lisa Heki, Program Manager for the Lahontan Fish Hatchery Complex, (see **ADDRESSES**), telephone (775) 861-6300.

#### SUPPLEMENTARY INFORMATION:

#### Document Availability

Individuals wishing copies of the permit application, the Environmental Action Statement, or copies of the full text of the proposed SHA, including a map of the proposed permit area, references, and legal descriptions of the proposed permit area, should contact the office and personnel listed in the **ADDRESSES** section. Documents also will be available for public inspection, by appointment, during normal business hours at this office (see **ADDRESSES**).

We specifically request information, views, and opinions from the public on the proposed Federal action of issuing a permit, including the identification of any aspects of the human environment not already analyzed in our Environmental Action Statement. Further, we specifically solicit information regarding the adequacy of the SHA as measured against our permit issuance criteria found in 50 CFR 17.22(c).

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their identity from the administrative record. We will honor such requests to the extent allowed by law. Respondents wishing us to withhold their identity (e.g., individual name, home address and home phone number) must state this prominently at the beginning of their comments. We will make all submissions from organizations, agencies or businesses, and from individuals identifying themselves as representatives of officials of such entities, available for public inspection in their entirety.

#### Background

The primary objective of this proposed SHA is to encourage voluntary habitat restoration, maintenance or

enhancement activities to benefit Lahontan cutthroat trout by relieving a landowner who enters into the provisions of a Cooperative Agreement with the Applicant from any additional Section 9 liability under the Endangered Species Act beyond that which exists at the time the Cooperative Agreement is signed and Certificate of Inclusion issued ("regulatory baseline"). A SHA encourages landowners to conduct voluntary conservation activities and assures them that they will not be subjected to increased listed species restrictions should their beneficial stewardship efforts result in increased listed species populations. Application requirements and issuance criteria for enhancement of survival permits and SHAs are found in 50 CFR 17.22(c). As long as enrolled landowners allow the agreed-upon conservation measures to be completed on their property and agree to maintain their baseline responsibilities, they may make any other lawful use of the property during the permit term, even if such use results in the take of individual Lahontan cutthroat trout or harm to this species' habitat.

As proposed in the SHA, landowners within the Northwest Distinct Population Segment, as identified by the Lahontan Cutthroat Trout Recovery Plan, may be enrolled by the Applicant under the SHA. Landowners, as Cooperators, would receive a Certificate of Inclusion when they sign a Cooperative Agreement. The Cooperative Agreement would include: (1) A map of the property; (2) delineation of the portion of the property to be enrolled and its stream mileage/feet; (3) the property's baseline and biological assessment which would include a thorough stream analysis (with photos) of the enrolled stream miles/feet; (4) a description of the specific conservation measures to be completed; and; (5) the responsibilities of the Cooperator and the Applicant.

The Applicant would provide draft copies of the Cooperative Agreement to the Service for an opportunity to review and concur with the recommended management activities and conservation measures. The Service would have a period of 15 business days in which to make comments on the Cooperative Agreement. If no comments were made within 15 business days, the Applicant would proceed to finalize the Cooperative Agreement. The Applicant, as the Permittee, would be responsible for annual monitoring and reporting related to implementation of the SHA and Cooperative Agreements and fulfillment of provisions by the Cooperators. As specified in the

proposed SHA, the Applicant would issue yearly reports to the Service related to implementation of the program.

Each Cooperative Agreement would cover conservation activities to create, maintain, restore, or enhance habitat for Lahontan cutthroat trout and achieve species' recovery goals. These actions, where appropriate, could include (but are not limited to): (1) Restoration of riparian habitat and stream form and function; (2) control of stocking rates for livestock (number /density of animals per unit area; (3) repair or installation of fences to protect existing or created habitat from human disturbance; (4) establishment of riparian buffers; and (5) installation of screens on irrigation diversions as well as facilitation of the implementation of other objectives recommended by the Lahontan Cutthroat Trout Recovery Plan. The overall goal of Cooperative Agreements entered into under the proposed SHA is to produce conservation measures that are mutually beneficial to the Cooperators and the long-term existence of Lahontan cutthroat trout.

Based upon the probable species' response time for Lahontan cutthroat trout to the planned conservation measures, the Service estimates it will take 5 years of implementing the proposed SHA to fully reach a net conservation benefit; some level of benefit would likely occur within a shorter time period. Each Cooperative Agreement would stipulate that the conservation measures be implemented to support a networked population requiring: 1 year to construct a temporary barrier, 2 years to treat the area behind the barrier to remove undesired fish species, and at least 2 years to repopulate or reintroduce Lahontan cutthroat trout and remove the temporary barrier. Most Cooperative Agreements under the proposed SHA are expected to have at least 10 years' duration.

After maintenance of the restored/created/enhanced Lahontan cutthroat trout habitat on the property for the agreed-upon term, Cooperators may then conduct otherwise lawful activities on their property that result in the partial or total elimination of the habitat improvements and the taking of Lahontan cutthroat trout. However, the restrictions on returning a property to its original baseline condition include: (1) The Cooperator must demonstrate that baseline conditions were maintained during the term of the Cooperative Agreement and the conservation measures necessary for achieving a net conservation benefit were carried out; (2) the Applicant and

the Service will be notified a minimum of 30 days prior to the activity and given the opportunity to capture, rescue, and/or relocate any Lahontan cutthroat trout; and (3) return to baseline conditions must be completed within the 30-year term of the permit issued to the Applicant. Cooperative Agreements could be extended if the Applicant's permit is renewed and that renewal allows for such an extension.

The Service has made a preliminary determination that approval of this proposed SHA qualifies for categorical exclusion under NEPA, as provided by the Department of Interior Manual (516 DM 2, Appendix 1 and 516 DM 6, Appendix 1) based on the following criteria: (1) Implementation of the SHA would result in minor or negligible effects on federally listed, proposed, and candidate species and their habitats; (2) implementation of the SHA would result in minor or negligible effects on other environmental values or resources; and (3) impacts of the SHA, 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. This is more fully explained in our Environmental Action Statement.

Based upon this preliminary determination, we do not intend to prepare further NEPA documentation. The Service will consider public comments in making its final determination on whether to prepare such additional documentation.

#### **Decision**

The Service provides this notice pursuant to section 10(c) of the ESA and pursuant to implementing regulations for NEPA (40 CFR 1506.6). We will evaluate the permit application, the proposed SHA, and comments submitted thereon to determine whether the application meets the requirements of section 10(a) of the ESA and NEPA regulations. If the requirements are met, the Service will sign the proposed SHA and issue an enhancement of survival permit under section 10(a)(1)(A) of the ESA to the Applicant for take of the Lahontan cutthroat trout incidental to otherwise lawful activities of the project. The Service will not make a final decision until after the end of the 30-day comment period and will fully consider all comments received during the comment period.

Dated: May 23, 2005.

**Alexandra Pitts,**

*Deputy Manager, California/Nevada  
Operations Office, Sacramento, California.*

[FR Doc. 05-11971 Filed 6-16-05; 8:45 am]

**BILLING CODE 4310-55-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### Colorado River Tribe—Health and Safety Code, Article 2—Liquor

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice.

**SUMMARY:** This notice publishes an amendment to the Colorado River Tribal Health and Safety Code, Article 2, Section 2-403(12) "Liquor. The code regulates and controls the possession, sale and consumption of liquor within the Colorado River Tribe's Reservation. The land is located on trust land and this Code allows for the possession and sale of alcoholic beverages within the Colorado River Tribe's Reservation and will increase the ability of the tribal government to control the tribe's liquor distribution and possession, and at the same time will provide an important source of revenue for the continued operation and strengthening of the tribal government and the delivery of tribal services.

**EFFECTIVE DATE:** This Ordinance is effective on June 30, 2005.

**FOR FURTHER INFORMATION CONTACT:** Sharlot Johnson, Western Regional Office, Bureau of Indian Affairs, Division of Tribal Government, P.O. Box 10, Phoenix, AZ 85001, Telephone 602-379-6786; or Ralph Gonzales, Office of Tribal Services, 1951 Constitution Avenue, NW., Mail Stop 320-SIB, Washington, DC 20240; Telephone (202) 513-7629.

**SUPPLEMENTARY INFORMATION:** Pursuant to the Act of August 15, 1953, Pub. L. 83-277, 67 Stat. 586, 18 U.S.C. 1161, as interpreted by the Supreme Court in *Rice v. Rehner*, 463 U.S. 713 (1983), the Secretary of the Interior shall certify and publish in the **Federal Register** notice of adopted liquor ordinances for the purpose of regulating liquor transactions in Indian country. The Colorado River Tribal Council adopted this amendment to Article 2 of the Health and Safety Code by Resolution No. 04/05 on November 15, 2004. The purpose of this Code is to govern the sale, possession and distribution of alcohol within the Colorado River Tribe's Reservation. This notice is published in accordance with the authority delegated by the Secretary

of the Interior to the Principal Deputy Assistant Secretary—Indian Affairs. I certify that this amendment to Article 2, Section 2-403(12) of the Health and Safety Code, of the Colorado River Tribe, was duly adopted by the Tribal Council on November 15, 2004.

Dated: June 13, 2005.

**Michael D. Olsen,**

*Acting Principal Deputy Assistant Secretary—  
Indian Affairs.*

The amendment to Article 2, Section 2-403(12) of the Colorado River Tribe's Health and Safety Code reads as follows:

(12) "For a Class 1, Class 2, Class 3, Class 4 licensee, or his employee, to sell or give any liquor to any person on the licensed premises between the hours of two o'clock a.m. and six o'clock a.m., Mondays through Saturdays, or two o'clock a.m. through ten o'clock a.m. on Sundays, on the Arizona side of the Reservation, or between the hours of two o'clock a.m. and six o'clock a.m. Pacific Standard or Daylight time, which ever is then generally in effect in California, on the California side or the Reservation, or permit the consumption of liquor on the licensed premises in those places during those hours and those days:" and

[FR Doc. 05-11984 Filed 6-16-05; 8:45 am]

**BILLING CODE 4310-4J-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs La Posta Band of Mission Indians—Liquor Control Ordinance

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice.

**SUMMARY:** This notice publishes the La Posta Band of Mission Indians Liquor Control Ordinance. The Ordinance regulates and controls the possession, sale and consumption of liquor within the La Posta Band of Mission Indians' Reservation. The land is located on trust land and this Ordinance allows for the possession and sale of alcoholic beverages within the La Posta Band of Mission Indians' Reservation and will increase the ability of the tribal government to control the tribe's liquor distribution and possession, and at the same time will provide an important source of revenue for the continued operation and strengthening of the tribal government and the delivery of tribal services.

**DATES:** *Effective Date:* This Ordinance is effective on June 17, 2005.

**FOR FURTHER INFORMATION CONTACT:** Clay Gregory, Acting Regional Director, Pacific Regional Office, 2800 Cottage Way, Sacramento, CA 95825; Telephone (916) 978-6000; or Ralph Gonzales,

Office of Tribal Services, 1951 Constitution Avenue, NW., Mail Stop 320-SIB, Washington, DC 20240; Telephone (202) 513-7629.

**SUPPLEMENTARY INFORMATION:** Pursuant to the Act of August 15, 1953, Public Law 83-277, 67 Stat. 586, 18 U.S.C. 1161, as interpreted by the Supreme Court in *Rice v. Rehner*, 463 U.S. 713 (1983), the Secretary of the Interior shall certify and publish in the **Federal Register** notice of adopted liquor ordinances for the purpose of regulating liquor transactions in Indian country. The La Posta Band of Mission Indians' General Council adopted its Liquor Control Ordinance by Resolution No. 04-08-10B on October 8, 2004. The purpose of this Ordinance is to govern the sale, possession and distribution of alcohol within the La Posta Band of Mission Indians' Reservation.

This notice is published in accordance with the authority delegated by the Secretary of the Interior to the Principal Deputy Assistant Secretary—Indian Affairs.

I certify that this Liquor Ordinance, of the La Posta Band of Mission Indians, was duly adopted by the Tribal Council on October 8, 2004.

Dated: June 13, 2005.

**Michael D. Olsen,**

*Acting Principal Deputy Assistant Secretary—  
Indian Affairs.*

The LA Posta Band of Mission Indians' Liquor Control Ordinance reads as follows:

#### The LA Posta Band of Mission Indians Liquor Control Ordinance

##### *Article I—Declaration of Public Policy and Purpose*

*Section 1.1.* The distribution, possession, consumption and sale of liquor on the La Posta Indian Reservation ("Reservation") is a matter of special concern to the La Posta Band of Mission Indians ("La Posta Band" or "Tribe").

*Section 1.2.* Federal law, as codified at 18 U.S.C. 1154, 1161, currently prohibits the introduction of liquor into Indian country, except in accordance with State Law and the duly enacted law of the Tribe. By adoption of this Ordinance, it is the intention of the General Council to establish Tribal law regulating the sale, distribution and consumption of Liquor and to ensure that such activity conforms with all applicable provisions of the laws of the State of California and all applicable Federal laws.

*Section 1.3.* The General Council, as the governing body of the Tribe, has the authority pursuant to Article VI of the