

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: Peregrine Fund, Boise, ID, PRT-819573.

The applicant requests renewal and amendment of a permit to import live harpy eagles (*Harpia harpyja*) and samples from worldwide locations and to export/re-export live birds and samples as part of an ongoing conservation project which enhances the survival of the species/scientific research. This notification covers activities to be conducted by the applicant over a five-year period.

Applicant: Gail W. Hearn, Arcadia University/Drexel University, Philadelphia, PA, PRT-161812.

The applicant requests a permit to import biological samples from Bioko drill monkey (*Mandrillus leucophaeus poensis*), Black colobus monkey (*Colobus satanas satanas*), and Bioko red-eared monkey (*Cercopithecus erythrotis erythrotis*) for the purpose of enhancement of the species through scientific research. This notification covers activities conducted by the applicant for a five-year period.

Applicant: Hayden H. Thompson, Denver, CO, PRT-161012.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Leonard G. Sunram, Detroit Lakes, MN, PRT-161194.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa,

for the purpose of enhancement of the survival of the species.

Dated: August 10, 2007.

Michael L. Carpenter,

Senior Permit Biologist, Branch of Permits, Division of Management Authority.

[FR Doc. E7-17504 Filed 9-4-07; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice: Receipt of Application for an Incidental Take Permit; Request for Comments

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: The City of Adrian (Applicant) has applied to the U.S. Fish and Wildlife Service (Service) for an incidental take permit (ITP) pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The proposed duration of the permit is 30 years. The Applicant has prepared a Habitat Conservation Plan (HCP) to address potential impacts to the federally endangered Topeka shiner (*Notropis topeka*).

This notice, provided pursuant to section 10(a)(1)(B) of the Act, advises the public and other agencies of the availability of the HCP for review and comment.

The Service has made a preliminary determination that the HCP 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 and low-effect screening form, which are also available for public review.

DATES: Written data or comments must be received on or before October 5, 2007.

ADDRESSES: Send written comments to Tony Sullins, Field Supervisor, U.S. Fish and Wildlife Service, Twin Cities Field Office, 4101 East 80th Street, Bloomington, MN 55425. Fax number: 612-725-3609.

FOR FURTHER INFORMATION CONTACT: Mr. Phil Delphey (612) 725-3548, extension 206.

SUPPLEMENTARY INFORMATION:

Availability of Documents

Individuals requesting copies of the applications and proposed HCP should contact the U.S. Fish and Wildlife Service by telephone at (612) 725-3548

or by letter (see **ADDRESSES**). Copies of the proposed HCP also are available for public inspection during regular business hours at the U.S. Fish and Wildlife Service, Bloomington Field Office, 4101 East 80th Street, Bloomington, MN, or at the Service's Regional Web site at: <http://www.fws.gov/midwest/Endangered/permits/hcp/index.html>. All comments received become part of the official public record. Requests for such comments will be handled in accordance with the Freedom of Information Act and the Council on Environmental Quality's NEPA regulations [40 CFR 1506.6(f)]. 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 home address from the record, which we will honor to the extent allowable by law. If a respondent wishes us to withhold his/her name and/or address, this must be stated prominently at the beginning of the comment.

Background

Section 9 of the Act and its implementing Federal regulations prohibit the take of animal species listed as endangered or threatened. The definition of take under the Act includes the following activities: To harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in such conduct (16 U.S.C. 1538). The Service has principal trust responsibility for the conservation and protection of threatened and endangered species under the ESA. Section 10 of the ESA, 16 U.S.C. 1539, establishes a program whereby persons seeking to pursue activities that otherwise could give rise to liability for unlawful "take" of federally-protected species may receive an ITP, which protects them from such liability. To obtain an ITP, the applicant must submit an HCP and the taking must be incidental to, and not the purpose of, an otherwise lawful activity. *Id.* §§ 1539(a)(1)(B), 1539(a)(2)(A). Once the Service has determined that the applicant has satisfied these and other statutory criteria, it may issue the ITP.

The Applicant operates a municipal well field and is proposing to increase the annual consumption of groundwater at the well field from 50 million to 60.5 million gallons per year. The increase in the annual consumption of groundwater at the Adrian well field has the potential to impact water levels and stream flow in an unnamed stream that borders the well field to the south. The Topeka

shiner (*Notropis topeka*), which is listed as endangered under the Endangered Species Act, inhabits the tributary stream. Proposed operations of the well field may cause take of Topeka shiners in the stream. The maximum pumping rate for the well field will remain unchanged. Therefore, anticipated impacts to stream flow and water levels in the tributary are expected to be minor.

The purposes of the HCP are to minimize incidental take, to mitigate the effects of any such take to the maximum extent practicable, and to avoid any appreciable reduction in the likelihood of the survival and recovery of this species in the wild. Topeka shiners rely on pools in the main channel of streams and off channel pools (e.g., oxbows). Therefore, the proposed mitigation strategy for the project is creation of new pool habitat in a stream reach inhabited by Topeka shiners. The Applicant proposes to follow the general design of similar pools constructed by the Service in Iowa at one of two proposed mitigation sites and to monitor the constructed habitat to ensure that it contains the physical habitat features essential to the conservation of Topeka shiners. The creation of new pool habitat, along with the proposed monitoring program, is intended to accomplish the following biological goals of the HCP: (1) Ensure that the current range of Topeka shiners in Minnesota is not diminished; and, (2) facilitate the ability of the existing Topeka shiners to increase their population stability and/or abundance within its current range.

Decisions

The Service will evaluate the permit application, the HCP, and the comments submitted thereon to determine whether the application meets the requirements of section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended. If the requirements are met, the Service will issue an incidental take permit to the Applicant for take of Topeka shiners incidental to the 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.

Authority

This document is published under the authority of the Endangered Species Act (16 U.S.C. 1531 *et seq.*).

Dated: August 29, 2007.

Tony Sullins,

Field Supervisor.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Proposed Safe Harbor Agreement for the Oregon Chub, Lane County, OR

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; receipt of application.

SUMMARY: Marilyn and Randy Sprick have applied to the U.S. Fish and Wildlife Service (Service) for an enhancement of survival permit pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (Act). The permit application includes a proposed Safe Harbor Agreement (Agreement) between Mr. and Mrs. Sprick, the Oregon Department of Fish and Wildlife, and the Service. The proposed term of the Agreement is 10 years and the term of the permit is 30 years. The requested permit would authorize Mr. and Mrs. Sprick to carry out habitat management measures that would benefit the federally-listed as endangered Oregon chub (*Oregonichthys crameri*). The covered area or geographic scope of this Agreement includes an artificial pond surrounded by a 100-foot buffer. We request comments from the public on the permit application, proposed Agreement, and related documents, which are available for review.

DATES: Comments must be received from interested parties on or before October 5, 2007. The final permit decision will be made no sooner than October 5, 2007.

ADDRESSES: You may obtain copies of the documents for review by contacting Richard Szlemp, U.S. Fish and Wildlife Service, 2600 SE. 98th Ave., Suite 100, Portland, Oregon 97266; facsimile (503) 231-6195; or by making an appointment to view the documents at the above address during normal business hours. You may also view the documents on the Internet through <http://www.fws.gov/oregonfwo/species/>. You may submit your written comments to Kemper M. McMaster, State Supervisor, Fish and Wildlife Service, 2600 SE. 98th Ave., Suite 100, Portland, Oregon 97266, or facsimile (503) 231-6195. Include your name and address in your comments and refer to the 'Sprick SHA'.

FOR FURTHER INFORMATION CONTACT:

Richard Szlemp (*see ADDRESSES*) (503) 231-6179.

SUPPLEMENTARY INFORMATION: Under a Safe Harbor Agreement, participating landowners voluntarily undertake management activities on their property to enhance, restore, or maintain habitat benefiting species listed under the Act (16 U.S.C. 1531 *et seq.*). Safe Harbor Agreements, and the subsequent enhancement of survival permits that are issued pursuant to section 10(a)(1)(A) of the Act, encourage private and other non-federal property owners to implement conservation efforts for listed species by assuring the landowners that they will not be subjected to increased property use restrictions as a result of their efforts to attract listed species to their property, or to increase the numbers or distribution of listed species already on their property. Application requirements and issuance criteria for enhancement of survival permits through Safe Harbor Agreements are found in 50 CFR 17.22(c). These permits allow any necessary future incidental take of any covered species above the mutually agreed upon baseline conditions for those species in accordance with the terms of the permit and accompanying agreement.

We have worked with Mr. and Mrs. Sprick and the Oregon Department of Fish and Wildlife to develop the proposed Agreement for the conservation of the Oregon chub. The area covered by this Agreement is composed of an artificial pond with an approximate area of 0.65 acre, and a 100-foot buffer surrounding the pond. The total area covered by this Agreement is approximately 1.7 acres. Environmental baseline conditions have been established as zero Oregon chub being present in the pond. The purpose of this Agreement is to establish a new population of Oregon chub as refugia for the natural population. Under this Agreement, a minimum of 500 Oregon chub will be introduced from an existing wild population by the Oregon Department of Fish and Wildlife. The estimated carrying capacity of the Sprick's pond is approximately 1,000 individuals. The Oregon Department of Fish and Wildlife will monitor the Oregon chub population and habitat conditions at least once a year. Upon reaching this threshold, this population may be used as a source for translocations by the Oregon Department of Fish and Wildlife, but would not be lowered beyond 500 individuals at the time of removal.