

30345. All data and comments must be received by April 16, 1998.

Documents and other information submitted with this application are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345 (Attn: David Dell, Permit Biologist). Telephone: 404/679-7313; Fax: 404/679-7081.

Dated: March 6, 1998.

Sam D. Hamilton,
Regional Director.

[FR Doc. 98-6802 Filed 3-16-98; 8:45 am]
BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Receipt of Application for Approval

The following applicant has applied for approval to conduct certain activities with birds that are protected in accordance with the Wild Bird Conservation Act of 1992. This notice is provided pursuant to Section 112(4) of the Wild Bird Conservation Act of 1992, 50 CFR 15.26(c).

Applicant: Ronald Tokar, for the Washington Falconer's Association, Walla Walla, WA. The applicant wishes to amend the Washington Falconer's Association approved cooperative breeding program to include two subspecies of the Aplomado falcon: *Falco femoralis femoralis*; and *Falco femoralis pichinchae*. The Washington Falconer's Association maintains responsibility for the oversight of the program.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington,

Virginia 22203. Phone: (703/358-2095); FAX: (703/358-2298).

Dated: March 11, 1998.

Margaret Tieger,

Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 98-6803 Filed 3-16-98; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of a Habitat Conservation Plan and Receipt of an Application for an Incidental Take Permit for the Newhall Land and Farming Project on the Santa Clara River, California

AGENCY: Fish and Wildlife Service.

ACTION: Notice of availability.

SUMMARY: Newhall Land and Farming Company, Incorporated (Newhall), has applied to the Fish and Wildlife Service for a 50-year incidental take permit pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended. Newhall's project involves water diversions and low water crossings on the Santa Clara River between Castaic Creek in Los Angeles County and Rancho Camulos in Ventura County, California. The Service proposes to issue an incidental take permit and provide assurances for the endangered unarmored threespine stickleback (*Gasterosteus aculeatus williamsoni*), the threatened California red-legged frog (*Rana aurora draytonii*), and should they be listed, for the Santa Ana sucker (*Catostomus santaanae*), a candidate for listing under the Endangered Species Act, and the following unlisted species of concern: arroyo chub (*Gila orcutti*), southwestern pond turtle (*Clemmys marmorata pallida*), and two-striped garter snake (*Thamnophis hammondi*). This notice opens the comment period on the permit application package, which includes the Habitat Conservation Plan for the Newhall Land and Farming Company's Crossings of the Santa Clara River (Newhall Plan).

The Service has determined that the Newhall Plan qualifies as a low effect plan as defined by the Service's Habitat Conservation Planning handbook (November 1996). The Service has further determined that approval of the Newhall Plan qualifies as a categorical exclusion under the National Environmental Policy Act, as provided by the Department of the Interior Manual (516 DM 2, Appendix 1 and 516 DM 6, Appendix 1). This determination is explained in an Environmental

Action Statement, available for public review.

Comments are requested on the Newhall Plan and the Service's Environmental Action Statement. In particular, the Service requests comments on the appropriateness of the "No Surprises" assurance discussed under the "Unforeseen Events" section of the Plan. All comments received, including names and addresses, will become part of the administrative record and may be made available to the public.

DATES: Written comments should be received on or before April 16, 1998.

ADDRESSES: Comments should be addressed to Diane K. Noda, Field Supervisor, Ventura Fish and Wildlife Office, 2493 Portola Road, Suite B, Ventura, California 93003. Written comments may also be sent by facsimile to (805) 644-3958.

FOR FURTHER INFORMATION CONTACT: Kirk Waln, Fish and Wildlife Biologist, at the above address (805-644-1766).

SUPPLEMENTARY INFORMATION:

Availability of Documents

Individuals wishing copies of the documents should immediately contact the Service's Ventura Fish and Wildlife Office at the above referenced address, or by telephone at (805) 644-1766. Documents will also be available for public inspection, by appointment, during normal business hours at the above address.

Background Information

Newhall proposes to continue installation of six summertime crossings of the Santa Clara River and four temporary diversions of river water to supply irrigation needs. The crossings and diversions are an integral part of Newhall's agricultural operations; the crossings provide access to fields south of the river that are largely inaccessible by other means, and the diversions supply water for irrigation of row crops. Each year, in the spring, the crossings and diversions are installed in the same locations in the reach of the Santa Clara River from approximately Castaic Creek in Los Angeles County to Rancho Camulos in Ventura County. In the fall, the crossings and diversions are removed prior to flood events. The proposed action would result in the temporary disturbance of 14 acres of bank and river channel. The banks in the footprint of the crossings proper are devoid of vegetation due to many years of road installation and use. At the crossings and diversions, the active river channel is also largely devoid of vegetation because, in many years, the

active river channel is cleared of vegetation by scouring that occurs during flood events. In years with minimal rainfall, emergent vegetation that develops upstream of the crossings following their installation may persist until the next flood event.

The affected reach of the river supports populations of the endangered unarmored threespine stickleback and the following unlisted species of concern: the Santa Ana sucker, arroyo chub, southwestern pond turtle, and two-striped garter snake. Although not observed in recent years, the threatened California red-legged frog may occur in the affected reach.

Pursuant to section 9 of the Endangered Species Act, listed species are protected 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). The Service, however, may issue permits to take listed animal species if such taking is incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for endangered and threatened species are promulgated at 50 CFR 17.22 and 17.32.

The Service proposes to issue an incidental take permit to the applicant for the take of unarmored threespine sticklebacks and California red-legged frogs. The proposed permit would be effective upon issuance for species currently listed under the Endangered Species Act. Should the unlisted species covered by the Plan be federally listed as threatened or endangered during the term of the permit, take authorization for them would become effective concurrent with their listing under the Endangered Species Act. In addition, the applicant seeks Federal assurances that no additional land restrictions or financial compensation would be required for species adequately covered by the Newhall Plan. To receive assurances, all species covered by the Plan must be treated as if they are listed and the Plan, with its avoidance, minimization and management measures, must be implemented.

The proposed Federal action would authorize the incidental take, through harassment, of all unarmored threespine sticklebacks and California red-legged frogs within the individual crossing and diversion sites. Similarly, all Santa Ana suckers, arroyo chubs, southwestern pond turtles, and two-striped garter snakes would be harassed during their removal from harm's way prior to installation and removal of the river crossings and diversions. The Service anticipates that limited numbers of individuals of listed species and species

of concern would be killed or injured during installation or removal of the crossings and diversions. Such incidental take, in the form of injury or mortality, would be authorized through the incidental take permit.

To minimize the effects of the proposed project, the proponent would implement a take avoidance plan during installation and removal of the crossings and diversions. The take avoidance plan includes: preconstruction surveys of the various sites by qualified biologists prior to installation activities; installation of blocking nets to isolate the work area; visual searches and seining of the work area; and removal from harm's way of individual fish and wildlife that are encountered.

The Service has determined that the Newhall Plan qualifies as a "low-effect" Plan as defined by the Fish and Wildlife Service's Habitat Conservation Planning Handbook (November 1996). Low-effect Plans are those involving (1) minor or negligible effects on federally listed and candidate species and their habitats, and (2) minor or negligible effects on other environmental values or resources. The Newhall Plan qualifies as a low-effect Plan for the following reasons:

1. The effects of the plan are minor or negligible on federally listed, proposed, or candidate species and their habitats. The effects of Newhall's actions on the Santa Clara River are minor in comparison to natural river processes (e.g., low flows and high flows). The installation, presence, and removal of the river crossings appear not to negatively affect the federally listed, candidate, and species of concern that inhabit the affected reaches. By slowing the flow of water, the crossings create habitat conditions favorable to many species native to the project area.

2. The effects of the project are minor or negligible on other environmental resources. Relative to vehicle traffic on Highway 126, which lies along the northern margin of the river's floodplain, the contribution of Newhall's farming activities to air pollution is negligible. The limited pulses of elevated turbidity that occur through installation and removal of Newhall's river crossings do not greatly affect water quality and soil. Within the footprint of the river crossings, there are no known cultural resources; considering the natural disturbance which occurs during flood flows and the historic use of the crossing areas, the presence of cultural resources is extremely unlikely.

3. No significant cumulative effects are expected to occur as a result of project implementation. There currently

are no other low-effect habitat conservation plans in preparation or foreseeable for the Santa Clara River. The effect of this action on natural resources is very limited and would contribute little to the cumulative effects of other projects if they did arise.

In addition, none of the exceptions to categorical exclusions (from 516 DM 2.3, Appendix 2) apply to the Newhall Plan. The Service therefore has determined that approval of the Newhall Plan qualifies as a categorical exclusion under the National Environmental Policy Act, as provided by the Department of the Interior Manual (516 DM 2, Appendix 1 and 516 DM 6, Appendix 1). Therefore, no further National Environmental Policy Act documentation will be prepared.

This notice is provided pursuant to section 10(c) of the Endangered Species Act. The Service will evaluate the permit application, the Newhall Plan, and comments submitted thereon to determine whether the application meets the requirements of section 10(a) of the Endangered Species Act. If it is determined that the requirements are met, a permit will be issued. The final permit decision will be made no sooner than 30 days from the date of this notice.

Dated: March 11, 1998.

Thomas Dwyer,

Acting Regional Director, Region 1, Portland, Oregon.

[FR Doc. 98-6806 Filed 3-16-98; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Receipt of an Application for an Incidental Take Permit for the Coastal California Gnatcatcher Associated With Residential Development on the Bennett Property, City of Chula Vista, CA

AGENCY: Fish and Wildlife Service.

ACTION: Notice of availability.

SUMMARY: Western Pacific Housing (applicant) has submitted an application with a Habitat Conservation Plan to the Fish and Wildlife Service for an incidental take permit pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended. The applicant proposes to develop residential housing on a 5-acre parcel in the City of Chula Vista, California. The proposed permit would authorize the incidental take of one pair of the threatened coastal California gnatcatcher (*Poliotila californica*