

Projects—Continued Operation as Low-Income Housing After Completion of Debt Service) also may be covered by the new Capital Fund regulation.

Part 990, Annual Contributions for Operating Subsidy, remains in effect pending negotiated rulemaking on the Operating Fund and issuance of pertinent revisions to the regulations.

#### Handbooks

A. The following program handbooks, made obsolete by the Public Housing Reform Act, remain in effect but ultimately will be revised, replaced or eliminated:

1. 7417.1 Public Housing Development Handbook.
2. 7420.3 Section 8 Housing Assistance Payments Program.
3. 7420.6 Housing Assistance Payments Program Accounting.
4. 7420.6 Section 8 Rental Certificate, Rental Voucher and Moderate Rehabilitation.
5. 7430.1 Low-Income Leased Housing (guide).
6. 7410.1 Public and Indian Housing Low-Rent Technical Accounting Guide.
7. 7460.5 Public Housing Management Assessment Program.
8. 7485.1 Public and Indian Housing Comprehensive Improvement Assistance Program.
9. 7485.3 Public and Indian Housing Comprehensive Grant Program Handbook.
10. 7560.1 Public and Indian Housing Development and Modernization Fund.
11. 7465.1 Public Housing Occupancy Audit Handbook.
12. 7465.2 Public Housing Occupancy Reporting Handbook.
13. 7475.1 Financial Management Handbook (guide).

B. The Department, in its effort to simply program administration for its partners, previously discontinued the following handbooks:

1. 7401.1 Low-Rent Housing Administration of Programs Handbook.
2. 7401.2 Low-Rent Housing Administrative Practices Guide.
3. 7401.5 Low-Income Housing Property/Casualty Insurance Handbook.
4. 7401.7 Public Housing Agency Personnel Policies (Part I).
5. 7401.7 Public Housing Agency Personnel Policies (Part II).
6. 7420.7 Public Housing Agency Administrative Practices Handbook (except section 4–5.d.1, chapters 5 and 8).
7. 7430.1 Low-Rent Lease Housing Handbook.

8. 7460.5 The Public Housing Management Handbook.
9. 7465.1 Public Housing Occupancy Handbook.
10. 7475.1 Low-Income Housing Financial Management Handbook.
11. 7475.2 Performance Funding System.
12. 7476.1 Audits of Public Housing Agencies and Indian Housing Authorities.
13. 7486.1 Public Housing Demolition, Disposition and Conversion.
14. 7495.3 Low-Rent Homeownership Opportunities Handbook.

#### Notices

Notices generally expire within a year from the date of issuance. Notices necessary for implementing changes made by the Public Housing Reform Act have been or will be issued and those made obsolete have expired. Program guides and documents are being revised as necessary or discontinued to meet the requirements of the Public Housing Reform Act.

Dated: September 29, 1999.

**Deborah Vincent,**

*General Deputy Assistant Secretary for Public and Indian Housing.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Availability of an Environmental Impact Statement/Environmental Impact Report and Receipt of an Application for an Incidental Take Permit for the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan in California

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

**ACTION:** Notice of availability.

**SUMMARY:** The San Joaquin Council of Governments has applied to the Fish and Wildlife Service (Service) for an incidental take permit pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The San Joaquin Council of Governments has applied on behalf of the cities of Escalon, Lathrop, Lodi, Manteca, Ripon, Stockton, and Tracy; San Joaquin County; the East Bay Municipal Utility District; California Department of Transportation-District 10 within San Joaquin County; San Joaquin Council of Governments; San Joaquin Area Flood Control Agency; Stockton East Water District; and the South San Joaquin Irrigation District

(applicants). The proposed permit would authorize incidental take of 16 federally listed species. The proposed taking of these species would be incidental to the implementation of the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan, which provides, in part, for the conversion of open space to non-open space uses. The proposed permit also would authorize future incidental take of 84 currently unlisted species, should any of them become listed under the Act during the life of the permit. The proposed permit duration is 50 years. The permit application, available for public review, includes a Habitat Conservation Plan (Plan) which describes the proposed program and mitigation, and the accompanying Implementing Agreement.

The Service also announces the availability of a joint draft Environmental Impact Statement/Environmental Impact Report (Impact Statement/Report) for the incidental take permit application. All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public.

**PUBLIC HEARING:** A public hearing will be held November 9, 1999, from 6:00 p.m. to 8:00 p.m. at the Hutchens Street Square, 125 South Hutchens St., Lodi, California. For additional hearing information, contact Ms. Amy Augustine at (209) 532–7376. Oral and written comments will be received at the meeting.

**DATES:** Written comments should be received on or before January 7, 2000.

**ADDRESSES:** Comments should be addressed to the Field Supervisor, Fish and Wildlife Service, Sacramento Fish and Wildlife Office, 2800 Cottage Way, W–2605, Sacramento, California 95825. Written comments may be sent by facsimile to (916) 414–6711.

**FOR FURTHER INFORMATION CONTACT:** Ms. Cay C. Goude, Assistant Field Supervisor, at the above address, telephone (916) 414–6601.

#### SUPPLEMENTARY INFORMATION:

#### Availability of Documents

Individuals wishing copies of the application, draft Impact Statement/Report, Plan, and Implementing Agreement for review should immediately contact the San Joaquin Council of Governments by telephone at (209) 468–3913 or by letter to the San Joaquin Council of Governments at 6 S. El Dorado St., Suite 400, Stockton, California 95202. Copies of the draft Impact Statement/Report, Plan, and Implementing Agreement also are

available for public inspection at branch libraries in San Joaquin County during regular business hours.

### Background Information

Section 9 of the Act and Federal regulation prohibit the "take" of animal species listed as endangered or threatened. That is, no one may harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect listed animal species, or attempt to engage in such conduct (16 USC 1538). Under limited circumstances, the Service, however, may issue permits to authorize "incidental take" of listed animal species (defined by the Act as take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity). Regulations governing permits for threatened species and endangered species, respectively are at 50 CFR 17.32 and 50 CFR 17.22.

### Background

The San Joaquin Council of Governments seeks a permit for take of the following federally listed species: threatened Aleutian Canada goose (*Branta canadensis leucopareia*), giant garter snake (*Thamnophis gigas*), California red-legged frog (*Rana aurora draytonii*), delta smelt (*Hypomesus transpacificus*), Sacramento splittail (*Pogonichthys macrolepidotus*), vernal pool fairy shrimp (*Branchinecta lynchi*), valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*), fleshy owl's-clover (*Castilleja campestris* ssp. *succulenta*), Colusa grass (*Neostapfia colusana*), and endangered San Joaquin kit fox (*Vulpes macrotis mutica*), Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), vernal pool tadpole shrimp (*Lepidurus packardii*), large-flowered fiddleneck (*Amsinckia grandiflora*), palmate-bracted bird's-beak (*Cordylanthus palmatus*), and Greene's tuctoria (*Tuctoria greenei*). This take would be incidental to the applicants' conversion of open space to non-open space uses within the 900,000+ acre planning area in San Joaquin County, California. The proposed permit also would authorize future incidental take of 84 species that are not currently federally listed, should any of them become listed under the Act during the life of the permit. The 84 currently unlisted species include 24 plant species, 2 fish species, 5 invertebrate species, 3 amphibian species, 3 reptile species, 32 bird species, and 15 mammal species (9 of which are bats). Collectively, the 100 listed and unlisted species addressed in the Plan are referred to as the "covered

species" for the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan.

In the Plan, the applicants have proposed the conversion of approximately 109,302 acres from open space to non-open space uses throughout the life of the permit, primarily by activities already addressed in adopted plans of the local cities and County. These activities include residential, commercial, and industrial development; aggregate mining; construction and maintenance of transportation facilities, public utilities, schools, and parks and trails; minor dredging, non-federal flood control and irrigation district projects; agricultural conversions of vernal pool grasslands; managing reserves; and other anticipated projects. A more detailed description of covered activities is provided in the Plan.

The Plan classifies the County's land uses into four general categories: Natural Lands, Agricultural Lands, Multi-Purpose Open Space, and Urban Lands. Habitat preservation and/or creation will be required to mitigate for loss of Natural and Agricultural Lands. For Agricultural Land (e.g., row and field crops), 1 acre will be preserved for each acre impacted. For Natural Lands, mitigation varies according to habitat type: (a) for non-wetland habitat (e.g., grasslands, oak woodlands, scrub), 3 acres will be preserved for each acre lost; (b) for vernal pools in the designated "Vernal Pool Zone", 2 acres will be preserved and 1 acre will be created for each acre lost; (c) for vernal pools in the "Southwest Zone", 3 acres of preservation will be required for each acre lost (unless vernal pool conservancy shrimp or vernal pool longhorn shrimp are impacted which will require 5 acres of preservation for each acre lost); and (d) for wetlands other than vernal pools (e.g., channel islands, riparian creeks, sloughs), each acre lost will be mitigated through 3 acres of preservation, at least 1 acre of which will be created. Up to 71,837 acres of Natural and Agricultural Lands could be converted under the plan, requiring approximately 100,241 acres of habitat preservation and/or creation. Additionally, up to 37,465 acres of Multi-Purpose Open Space are expected to be converted, requiring mitigation in the form of fee payments to help finance enhancement, management, and administration costs associated with the preserve system. The amount of land that will actually be converted during the life of the permit is unknown, but maximum acreage limits have been set based on existing local land use plans.

An additional 600 acres will be preserved under the Plan to compensate for potential impacts to covered species which stray from preserve lands onto neighboring lands. At the election of landowners within 0.5 mile of preserve land, agricultural and aggregate mining activities will receive incidental take authorization for covered species, except for foraging Swainson's hawks, that become established on the property after the adjacent land has been preserved. For foraging Swainson's hawks, landowners within 10 miles of established preserves may receive neighboring land protections at their discretion. Exceptions to this coverage and other details regarding these neighboring land protections are provided in the Plan.

Preservation is anticipated to be achieved primarily through the purchase of conservation easements (approximately 90 percent) with some purchase of lands in fee title (approximately 10 percent). Conservation easements would stress the preservation of existing agricultural practices which are deemed compatible with the conservation of the covered species. It is anticipated that about 100,841 acres of Preserve will be acquired (about 100,241 to mitigate loss of Natural and Agricultural Lands and 600 acres to mitigate for neighboring land protections) during the 50-year term of the Plan. These lands would be preserved and managed for wildlife values in perpetuity.

The Plan includes measures to avoid and minimize incidental take for each of the covered species, emphasizing project design modifications to protect both habitats and species individuals. A monitoring and reporting plan will gauge the Plan's success, based on biological success criteria, and ensure that compensation keeps pace with open space conversions. The Plan also includes adaptive management which allows for changes in the conservation program if the biological success criteria are not met, or new information becomes available to improve the efficacy of the Plan's conservation strategy.

In addition to incidental take avoidance measures, the Plan includes requirements for conserving corridors for the San Joaquin kit fox and for avoiding the creation of linear barriers to species dispersal. The Plan also establishes limits on Natural Land conversions and for particular species covered by the Plan. Details of avoidance and minimization measures, and preserve design and management are presented in the Plan.

The Plan would be implemented by a Joint Powers Authority which would be advised by a Technical Advisory Committee including representatives from the Fish and Wildlife Service, California Department of Fish and Game, and U.S. Army Corps of Engineers, among others. Additional assistance will be provided to the Joint Powers Authority by conservation, agricultural, and business interests, and other stakeholders in the County.

Funding for the Plan is anticipated to be provided by multiple sources including development fees (to fund 67 percent of the Plan); local, state and federal funding sources (16 percent of Plan funding); Plan-generated income (e.g., through lease revenues—approximately 5 percent of funding); conservation bank revenues (2 percent); and revolving funds (10 percent).

The draft Impact Statement/Report considers five alternatives, including the Proposed Action and the No-Action Alternatives. Under the No-Action Alternative, landowners within the County would continue to apply for individual incidental take permits on a case-by-case basis, resulting in piecemeal planning that would establish isolated patches of mitigation land scattered throughout the County. This could result in cumulatively significant adverse impacts to those species which would benefit from larger tracts of interconnected habitats.

Under the Reduced Land Acquisition/Increased Preserve Enhancement Alternative, mitigation would focus on habitat enhancement which could interfere substantially with agricultural activities, creating significant adverse impact to agricultural productivity in the County. This alternative would have questionable benefits to the covered species because habitat enhancement is unpredictable and may be unsuccessful.

Under the No Wetlands Coverage Alternative, landowners within the County would continue to apply for individual permits pursuant to the Federal Clean Water Act, resulting in piecemeal planning. Mitigation lands would consist of smaller and more widely scattered habitat blocks than would occur with the Proposed Action, resulting in cumulatively significant adverse impacts to those wetland-dependent species which would benefit from larger tracts of interconnected habitats.

Under the Preserve Location Outside of the County Alternative, significantly less habitat within the County would be preserved than with the Proposed Action, adversely impacting some covered species by creating gaps in the species' range and potentially

disrupting the genetic integrity of some populations. This alternative could also adversely impact relatively immobile species that are unable to relocate to distant newly created habitats.

The California Department of Fish and Game intends to use this draft Impact Statement/Report and the Plan as a basis for issuing state permits for incidental take equivalent to the actions described above.

In addition, under a separate action, the U.S. Army Corps of Engineers may use this draft Impact Report/Statement and the Plan as a basis for developing a programmatic general permit pursuant to section 404(e) of the Federal Clean Water Act [33 CFR 322.2(f) and 323.2(h)] in consultation with the Environmental Protection Agency covering Waters of the United States for the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan covered activities conducted on jurisdictional lands. In conjunction, these documents will be used by the California State Water Resources Control Board or Central Valley Regional Water Quality Control Board to consider the issuance of a water quality certification or waiver pursuant to section 401 of the Federal Clean Water Act after issuance of the programmatic section 404(e) general permit.

This notice is provided pursuant to section 10(a) of the Endangered Species Act and Fish and Wildlife Service regulations for implementing the National Environmental Policy Act of 1969 (40 CFR 1506.6).

Dated: September 22, 1999.

**Elizabeth H. Stevens,**

*Deputy Manager, Region 1, California/Nevada Operations Office, Sacramento, California.*

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## DEPARTMENT OF THE INTERIOR

### Proposed Agency Information Collection Activities: Comment Request

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

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) the Department of the Interior is seeking extension of an Information Collection Request (ICR) for grantees participating in the Pub. L. 102-477 program, OMB# 1076-0135. The Department invites public comments on the subject proposal described below.

**DATES:** Submit written comments regarding this proposal on or before November 30, 1999.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instructions should be directed to Lynn Forcia, Bureau of Indian Affairs, Department of the Interior, 1849 C Street, NW, MS 4640-MIB, Washington, DC 20240, and 202-219-5270 (This is not a toll-free number).

#### **SUPPLEMENTARY INFORMATION: I.**

**Abstract:** The information collection is needed to document satisfactory compliance with statutory requirements of the various integrated programs. Pub. L. 102-477 authorizes tribal governments to integrate federally funded employment, training and related services programs into a single, coordinated, comprehensive service delivery plan. Funding agencies include the Department of the Interior, Department of Labor, and the Department of Health and Human Services. The Bureau of Indian Affairs is statutorily required to serve as the lead agency. Section 11 of this Act requires that the Secretary of the Interior make available a single universal report format which shall be used by a tribal government to report on integrated activities and expenditures undertaken. The Bureau of Indian Affairs shares the information collected from these reports with the Department of Labor and Department of Health and Human Services.

**II. Method of Collection:** Pub. L. 102-477 grantees are required to complete annually two single page, one-sided report forms and one narrative report, using five pages of instructions. These replace 166 pages of instructions and applications representing three different agencies and twelve different funded but related programs. We estimate a 95 percent reduction in reporting which is consistent with the Paperwork Reduction Act and goals of the National Performance Review.

The statistical report and narrative report will be used to demonstrate how well a plan was executed in comparison to its proposed goals. This one page, universal report plus narrative satisfies the Department of Health and Human Services, Department of Labor, and the Department of the Interior.

The financial status report will be used to track cash flow, and will allow an analysis of activities versus expenditures and expenditures to approved budget. It is a slightly modified SF-269-A (short form).

These two report forms and the narrative are extremely limited but