

be received no later than September 6, 2005. Our practice is to make comments, including names and 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.

SUPPLEMENTARY INFORMATION: Wheeler National Wildlife Refuge, in the Tennessee River Valley of northern Alabama, was established by executive order on July 7, 1938. The refuge is situated within the middle third of the Tennessee Valley Authority's Wheeler Reservoir on land purchased in 1934 and 1935 by the Authority to serve as a buffer strip around the reservoir, which was impounded in 1936. The refuge contains land within Morgan, Limestone, and Madison Counties, and is in close proximity to the cities of Huntsville and Decatur, Alabama. The refuge consists of approximately 35,000 acres, including 19,500 acres of land and 15,500 acres of water. It is well developed with more than 100 miles of graveled roads, 2,500 acres of managed wetlands, a modern Headquarters Complex with a large Visitor Center and a Waterfowl Observation Building. Public use is heavy and approximately 700,000 visitors are reported annually.

The primary purpose of the refuge is to provide habitat, food, and shelter for migratory waterfowl and other wildlife. This refuge supports Alabama's only significant concentration of wintering Canada geese. It also serves as winter habitat for the State's largest duck population. It was the first national wildlife refuge placed on a multipurpose reservoir and has supported up to 60,000 geese and nearly 100,000 ducks, although peaks until 1990 were nearer 30,000 geese and 60,000 ducks. Since 1990, winter goose populations have dropped significantly; below 15,000 from 1990–1995 and about 2,500–5,500 in the last few years. Snow geese are now the most prominent competent of the winter goose population, peaking near 1,500–3,200 in recent years. The refuge supports interesting flora, a bird list consisting of 288 species, 47 species of mammals, 115 species of fish and a wide variety (74 species) of reptiles and amphibians. Furthermore, the refuge is home to 10 federally protected endangered species.

Wheeler Refuge has three satellite refuges, all established to protect endangered species. These are: Sauta Cave (formerly Blowing Wind Cave) National Wildlife Refuge, near Scottsboro, Jackson County, Alabama; Fern Cave National Wildlife Refuge,

near Paint Rock, Jackson County, Alabama; and Key Cave National Wildlife Refuge near Florence, Lauderdale County, Alabama. All together, these refuges comprise the Wheeler National Wildlife Refuge Complex.

Sauta Cave Refuge consists of 264 acres and was purchased in 1978 to provide protection for the federally endangered gray bat (*Myotis grisescens*) and the Indiana bat (*Myotis sodalis*) and their critical habitat. The cave provides a summer roosting site for about 200,000–300,000 gray bats and a winter hibernaculum for both the gray and Indiana bat. There are two entrances into the cave on the refuge but they are closed to the public.

As is the case with many large caves, rare and unique species occur in Sauta Cave. As a result, the Alabama Natural Heritage Program ranks the cave's biodiversity as a site of very high significance. In addition to the rare fauna within the cave, the federally endangered Price's potato bean (*Apios priceana*) occurs on the refuge. All 264 acres of habitat outside of the cave are predominately hardwood forest.

Fern Cave Refuge was purchased in 1981 to provide protection for the federally endangered gray and Indiana bats. It consists of 199 acres of forested hillside underlain by a massive cave with many stalactite- and stalagmite-filled rooms. The cave has five hidden entrances with four occurring on the refuge. The refuge contains the largest wintering colony of gray bats in the United States with more than one million bats hibernating there in the winter. Bat experts also think that as many as one million Indiana bats may be using the cave.

Access is extremely difficult and has been described as a vertical and horizontal maze by expert cavers. Horizontal sections of the cave are known to be more than 15 miles long and vertical drops of 450 feet are found within. Spectacular features, including unrivaled formations, important paleological and archaeological finds, and diverse cave fauna, have contributed to Fern Cave being described as the most spectacular cave in the United States. Additionally, the endangered American Hart's-tongue fern (*Phyllitis scolopendrium*) is found on the refuge.

Key Cave Refuge, about 5 miles southwest of Florence, Alabama, was established in 1997 to ensure the biological integrity of Key Cave, Collier Cave, and the aquifer common to both. Key Cave has been designated as critical habitat for the endangered Alabama cavefish (*Speoplatyrhinus poulsoni*) and

as a priority one maternity cave for the endangered gray bat. Collier Cave, approximately 1.5 miles upstream from Key Cave and within the acquisition boundary, is important to both species as potential habitat. Both caves are on the northern shore of Pickwick Lake in a limestone karst area that contains numerous sinkholes and several underground cave systems. The area's sinkholes are an integral component of groundwater recharge to the caves. The area directly north of Key Cave was identified as a potential high hazard risk area for groundwater recharge and this is where the 1,060-acre refuge was established.

Two species of blind crayfish (*Procambarus pecki* and *Cambarus jonesi*) also inhabit Key Cave. Several bird species that are of management concern also use the refuge's grasslands. These species include grasshopper sparrows, dickcissels, northern harriers, short-eared owls, loggerhead shrikes, and northern bobwhites.

Authority: This notice is published under the authority of the National Wildlife Refuge System Improvement Act of 1977, Public Law 105–57.

Dated: June 17, 2005.

Cynthia K. Dohner,

Acting Regional Director.

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BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Application for an Incidental Take Permit for the Lockheed Martin Corporation Project, Riverside County, CA

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of application; notice of availability.

SUMMARY: In response to an application from the Lockheed Martin Corporation (applicant), the U.S. Fish and Wildlife Service (we, Service) is considering issuance of a 5-year incidental take permit for 1 covered species pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (ESA). In response to this application, we are making it available for public review and comment. If approved, the permit would authorize take of species listed under the ESA incidental to otherwise lawful activities associated with proposed groundwater and soil contamination investigations on the 9,117-acre Potrero Creek and 2,500-acre

Laborde Canyon sites, located in Beaumont, Riverside County, California.

DATES: Written comments should be received on or before August 22, 2005.

ADDRESSES: Please address written comments to Mr. Jim Bartel, Field Supervisor, Fish and Wildlife Service, Carlsbad Fish and Wildlife Office, 6010 Hidden Valley Rd., Carlsbad, California 92009. You may also send comments by facsimile to (760) 918-0638.

FOR FURTHER INFORMATION CONTACT: Ms. Karen Goebel, Assistant Field Supervisor, Carlsbad Fish and Wildlife Office (see **ADDRESSES**); telephone: (760) 431-9440.

SUPPLEMENTARY INFORMATION: The permit application and Environmental Action Statement (EAS) are available for public review and comment. The application includes a proposed habitat conservation plan (HCP).

Documents are posted on the Intranet at <http://carlsbad.fws.gov>. Alternatively, you may obtain copies of these documents by calling the person named in the section of this notice titled **FOR FURTHER INFORMATION CONTACT**, or by writing to the person named in the section titled **ADDRESSES**. Copies of these documents also are available for public inspection and review during normal business hours at the office listed under **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 EAS. Further, we specifically solicit information regarding the adequacy of the proposed HCP as measured against our permit issuance criteria found in 50 CRF 13.21, 17.22, and 17.32.

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. If you wish to withhold your identity (e.g., individual name, home address and home phone number), you must state this prominently at the beginning of your 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

Section 9 of the ESA and its implementing Federal regulations

prohibit the "take" of fish and wildlife species listed as endangered or threatened (16 U.S.C. 1538). The term "take" means to harass harm, pursue, hunt, shoot, wound, kill, trap, capture or collect listed animal species, or attempt to engage in such conduct (16 U.S.C. 1532). However, under section 10(a) of the ESA, we may issue permits to authorize "incidental take" of listed fish and wildlife species. "Incidental take" is defined by the ESA as take that is incidental to, and not the purpose of, carrying out an otherwise lawful activity. Regulations governing incidental take permits for threatened and endangered species are found in the Code of Federal Regulations at 50 CFR 17.22 and 50 CFR 17.32, respectively.

The applicant has applied to the Service for a 5-year incidental take permit for the endangered Stephen's kangaroo rat (*Dipodomys stephensi*) (covered species, "SKR"), pursuant to section 10(a)(1)(B) of the ESA. The activities proposed to be covered by the permit include groundwater and soil contaminants investigation activities at the Potrero Creek and Laborde Canyon sites. Investigation activities include: (1) Conducting groundwater level measurements and sampling at existing and future wells; (2) installing up to 50 additional 4-inch diameter groundwater wells for sampling and monitoring; (3) abandoning approximately 20 groundwater production and monitoring wells; (4) maintaining existing structures and groundwater pump and treat system on a daily basis; (5) drilling approximately 400 soil assessment bore holes (8-inch diameter) to sample soil contaminants; (6) installing and sampling up to 200 temporary soil gas probes; (7) conducting unexploded ordnance surveys; (8) conducting seismic reflection and/or refraction surveys; (9) maintaining roads (e.g., repair, limited grading, widening and create new routes if necessary); and (10) removing an old CatOx unit. In addition, measures to minimize and mitigate effects of the above activities to the covered species, are proposed to be covered by the permit.

Incidental take of covered species may occur as a result of these proposed covered activities. The applicant proposes to avoid, minimize, and mitigate the impacts of the taking of this species by implementing the following measures: (1) Completing activities during daylight hours; (2) monitoring all activities by a permitted SKR biologist; (3) flagging burrows and guiding equipment by a biologist to avoid burrows as much as possible; (4) placing load-spreading measures over burrows that can not be avoided; (5) restricting

parking of vehicles overnight to existing roads; (6) restricting drilling to the maximum extent possible, to 15 feet or more from burrows; and, if needed, (7) excluding SKR from, or trapping and moving SKR out of, densely occupied areas. Proposed mitigation would consist of refilling bore holes and smoothing of soils disturbed during investigation activities.

Our EAS considers the direct, indirect, and cumulative effects of the proposed action of permit issuance, including the measures that would be implemented to minimize and mitigate such impacts. The EAS contains an analysis of three alternatives: (1) The No Action Alternative (no permit issuance and no investigation activities); (2) the Proposed Action Alternative (groundwater and soil contaminants investigation activities at the Potrero Creek and Laborde Canyon sites with issuance of the permit and implementation of the HCP); and (3) the Soil Assessment by Trenching Alternative (collection of soil samples by trenching instead of drilling for the soil assessment portion of the project). Under the No Action Alternative, no permit would be issued and no investigative activities would occur. Under the Proposed Action Alternative, drilling of bore holes would be utilized to collect soil samples for assessment. Under the Trenching Alternative, trenching would be utilized, instead of drilling, to collect soil samples for assessment. It was determined that trenching would result in greater impacts to biological resources at the sites than drilling.

The Service has made a preliminary determination that approval of the proposed HCP qualifies for a categorical exclusion under NEPA, as provided by the Department of the Interior Manual (516 DM 2, Appendix 1 and 516 DM 6, Appendix 1) and that the proposed HCP qualifies as a "low-effect" plan as defined by the Habitat Conservation Planning Handbook (November 1996). Determination of whether an HCP is low-effect is based on the following three criteria: (1) Implementation of the proposed HCP would result in minor or negligible effects on federally listed, proposed, and candidate species and their habitats; (2) implementation of the proposed HCP would result in minor or negligible effects on other environmental values or resources; and (3) impacts (positive or negative) of the proposed HCP, considered together with the impacts of other past, present and reasonably foreseeable similarly situated projects, would not result in cumulative effects to environmental values or

resources that would be considered significant over time.

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

This notice is provided pursuant to section 10(c) of the ESA and the regulations of NEPA (40 CFR 1505.6). We will evaluate the permit application, the proposed HCP, and comments submitted thereon to determine whether the application meets the requirements of section 10(a) of the ESA. If the requirements are met, we will issue a permit to the applicant.

Dated: July 15, 2005.

Kenneth McDermond,

Deputy Manager, California/Nevada Operations Office, Sacramento, California.
[FR Doc. 05-14374 Filed 7-20-05; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability of a Technical Agency Draft Recovery Plan for the Endangered Vermilion Darter for Review and Comment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of documents availability and opening of public comment period.

SUMMARY: We, the Fish and Wildlife Service, announce the availability of the technical agency draft recovery plan for the vermilion darter (*Etheostoma chermocki*). The vermilion darter is found only in Turkey Creek, a tributary of the Locust Fork of the Black Warrior River, Jefferson County, Alabama. The species is threatened by degradation of water quality and substrate components of its habitat due to sedimentation and other pollutants. The technical agency draft recovery plan includes specific recovery objectives and criteria to be met in order to delist the vermilion darter under the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1533 *et seq.*). We solicit review and comment on this technical agency draft recovery plan from local, State, and Federal agencies, and the public.

DATES: In order to be considered, we must receive comments on the technical agency draft recovery plan on or before September 19, 2005.

ADDRESSES: If you wish to review this technical agency draft recovery plan, you may obtain a copy by contacting the

Jackson, Mississippi Field Office, U.S. Fish and Wildlife Service, 6578 Dogwood View Parkway, Jackson, Mississippi 39213 (telephone (601) 965-4900), or by visiting our recovery plan Web site at <http://endangered.fws.gov/recovery/index.html#plans>. If you wish to comment, you may submit your comments by any one of several methods:

1. You may submit written comments and materials to the Field Supervisor, at the above address.

2. You may hand-deliver written comments to our Jackson, Mississippi Field Office, at the above address, or fax your comments to (601) 965-4340.

3. You may send comments by e-mail to daniel_drennen@fws.gov. For directions on how to submit electronic filing of comments, see the "Public Comments Solicited" section.

Comments and materials received are available for public inspection on request, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT:

Daniel J. Drennen at the above address (telephone (601) 321-1127).

SUPPLEMENTARY INFORMATION:

Background

We listed the vermilion darter (*Etheostoma chermocki* (Teleostei: Percidae)) as endangered under the Act on November 28, 2001 (66 FR 59367). The vermilion darter was officially described in 1992 from Turkey Creek, which is a tributary of the Locust Fork of the Black Warrior River, Jefferson County, Alabama.

The vermilion darter is a medium-sized darter that is only known from a 11.6-kilometer (7.2-mile) section of the Turkey Creek drainage. The greatest threat to this species is degradation of water quality and substrate components of its habitat due to sedimentation and other pollutants (both point and non-point sources). Urbanization has contributed significantly to sedimentation within the Turkey Creek watershed.

Restoring an endangered or threatened animal or plant to the point where it is again a secure, self-sustaining member of its ecosystem is a primary goal of the endangered species program. To help guide the recovery effort, we are preparing recovery plans for most listed species. Recovery plans describe actions considered necessary for conservation of the species, establish criteria for downlisting or delisting, and estimate time and cost for implementing recovery measures.

The Act requires the development of recovery plans for listed species, unless

such a plan would not promote the conservation of a particular species. Section 4(f) of the Act requires us to provide a public notice and an opportunity for public review and comment during recovery plan development. We will consider all information presented during a public comment period prior to approval of each new or revised recovery plan. We and other Federal agencies will take these comments into account in the course of implementing approved recovery plans.

The objective of this technical agency draft recovery plan is to provide a framework for the recovery of the vermilion darter so that protection under the Act is no longer necessary. The status of the species will be reviewed, and the species will be considered for removal from the Federal List of Endangered and Threatened Wildlife and Plants (50 CFR part 17) when recovery criteria are met.

Public Comments Solicited

We solicit written comments on the recovery plan described. We will consider all comments received by the date specified above prior to final approval of the draft recovery plan.

Please submit electronic comments as an ASCII file format and avoid the use of special characters and encryption. Please also include your name and return address in your e-mail message. If you do not receive a confirmation from the system that we have received your e-mail message, contact us directly by calling our Mississippi Field Office (see **ADDRESSES** section).

Our practice is to make all 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 addresses from the record, which we will honor to the extent allowable by law. In some circumstances, we would withhold also from the rulemaking record a respondent's identity, as allowable by law. If you wish for us to withhold your name and/or address, you must state this prominently at the beginning of your comments. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

Authority: The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).