

cockaded woodpecker habitat unit would be managed using a more historic fire regime while providing red-cockaded woodpecker habitat as required in the recovery guidelines. An historic fire regime would ultimately benefit red-cockaded woodpeckers by creating a more herbaceous understory. A forest inventory defining current conditions would be conducted to implement bottomland hardwood forest management. Bottomlands would have management increased to open the canopy cover and increase understory vegetation. Water control structures and pumping capability would be improved to enhance moist-soil and cropland management for the benefit of wintering waterfowl. Invasive species would be mapped and protocols for control established with the addition of a forester. Partnerships would continue to be fostered for several biological programs, hunting regulations, law enforcement issues, and research projects.

Public use would be similar to current management with a few improvements. Deer harvests would rely on monitoring results of the availability, diversity, and deer use of understory woody and herbaceous plants and deer herd health checks. This would allow the refuge to better understand the pressure being exerted on the habitat, and therefore make better habitat and harvest recommendations. On Upper Ouachita Refuge, youth turkey hunting would be allowed, and fishing events and boat launch facilities would be improved. Environmental education, wildlife observation, and wildlife photography would be accommodated at present levels with minimal disturbance to wildlife and habitat with an enhanced interpretive nature trail, interpretive panels, and "check-out kits" for teachers developed. Law enforcement would be increased to gain better compliance with refuge regulations. Staffing would increase with four positions (e.g., biological technician, forestry technician, one maintenance worker, and one law enforcement) to increase biological inventory and monitoring, enhance forest management, increase control of invasive species, enhance public use program, and provide safe and compatible wildlife-dependent recreation.

#### **Alternative C (Minimize Management and Public Use)**

This alternative would reduce the habitat and wildlife management and public use programs. Biological information would continue to be enhanced but management programs

would be implemented less frequently, yet the refuge would still strive to accomplish the objectives. Extensive baseline inventory and monitoring programs would be conducted with several partners to provide a solid foundation of current conditions of refuge habitat and wildlife, while monitoring for changes in trends. Additional research projects would be implemented in the alternative by gaining granting opportunities and partnerships with other agencies and universities. Upland forest management would focus on red-cockaded woodpecker guidelines for minimizing hardwoods and maintaining a grassy understory in the entire mixed pine and upland forests, resulting in an intensive prescribed burning program which would include monitoring forest conditions. Bottomland hardwood forest management would be developed, using an intensive inventory to define current conditions and to monitor natural successional changes. Management in the bottoms would be limited to promote natural succession, as defined in a revised habitat management plan. The open field would be allowed to go through natural succession to a bottomland hardwood forest and the moist-soil units would not be maintained. Management of invasive species would become a priority to establish baseline information on location, density, and protocols for control. Partnerships would continue to be fostered for several biological programs, hunting regulations, law enforcement issues, and research projects.

Public use would be limited, with custodial-level maintenance. Public use would be monitored more closely for impacts to wildlife, and with negative impacts, new restrictions or closures would result. Deer hunting would be allowed when data demonstrated the population was exceeding the habitat carrying capacity, indicating that a reduction was necessary. Monitoring of the deer population and associated habitat conditions would be implemented. Several species, such as quail, woodcock, feral hog, and coyote, would no longer be hunted. Fishing would continue as under the current management alternative, but the open field would be closed to fishing during the wintering period and would be monitored for future impacts. Environmental education, wildlife observation, and wildlife photography would be accommodated at present levels but access limited to July–October and February–April to minimize disturbance to migratory birds. Staffing

would increase with four positions (e.g., biologist, forestry technician, and two maintenance workers) to handle the increase in biological inventory and monitoring, invasive species control, and a fire program associated with implementing the red-cockaded woodpecker guidelines.

**Authority:** This notice is published under the authority of the National Wildlife Refuge System Improvement Act of 1997, Public Law 105–57.

Dated: October 29, 2007.

**Cynthia K. Dohner,**  
*Acting Regional Director.*

**Editorial Note:** This document was received at the Office of the Federal Register on March 18, 2008.

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## **DEPARTMENT OF THE INTERIOR**

### **Fish and Wildlife Service**

**[FWS–R3–ES–2008–N0041; 30120–1122–0000 F2]**

#### **Notice: Receipt of application for an Enhancement of Survival Permit; Request for Comments**

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

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

**SUMMARY:** The DuPage County Forest Preserve District (District) (Applicant) has 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 draft Safe Harbor Agreement (Agreement) between the Applicant and the Service for the Hine's emerald dragonfly (*Somatochlora hineana*). Section 9 of the Act and its implementing 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 listed animal species, or attempt to engage in such conduct (16 U.S.C. 1538). Section 10 of the Act, 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 a permit, which protects them from such liability. The Hine's emerald dragonfly (HED) was listed as endangered by the Service in

January 1995. A Recovery Plan for the species was published in September 2001.

The Service has made a preliminary determination that the proposed Agreement 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:** To ensure consideration, we must receive your written comments on or before April 21, 2008.

**ADDRESSES:** Send your comments or request information by any of the following methods:

- *U.S. Mail:* Written comments should be addressed to the Field Supervisor, U.S. Fish and Wildlife Service, Chicago Field Office, 1250 S. Grove, Suite 103, Barrington, IL 60010.
- *Facsimile:* Written comments may be faxed to (847) 381-2285.
- *E-Mail:* [sha\\_dupagecounty@fws.gov](mailto:sha_dupagecounty@fws.gov).

**FOR FURTHER INFORMATION CONTACT:** Mr. Jeffrey Mengler, Chicago Field Office (see **ADDRESSES**); telephone: (847) 381-2253.

#### **SUPPLEMENTARY INFORMATION:**

##### **Availability of Documents**

Individuals wishing copies of the permit application, copies of our preliminary Environmental Action Statement, and/or copies of the full text of the Agreement, including a map of the proposed permit area, should contact the office and personnel listed in the **ADDRESSES** section above. Copies of the draft Agreement are also available for public review during normal business hours (8–4:30) at the U.S. Fish and Wildlife Service's Regional Office, located at 1 Federal Drive, Fort Snelling, Minnesota 55111, and at the U.S. Fish and Wildlife Service's Chicago Field Office, located at 1250 S. Grove, Suite 103, Barrington, IL 60010. Documents are also available for review at the Service's Regional Web site at: <http://www.fws.gov/midwest/Endangered/permits/hcp/index.html>.

##### **Public Availability of Comments**

Public requests for comments submitted will be handled in accordance with the Freedom of Information Act. 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 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.

##### **Draft Safe Harbor Agreement**

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, Safe Harbor Agreements, and the subsequent enhancement of survival permits that are issued pursuant to Section 10(a)(1)(A) of the Act (16 U.S.C. 1531 *et seq.*), encourage private and other non-Federal property owners to implement conservation measures for federally listed species by assuring property owners that they will not be subjected to increased land use restrictions as a result of efforts to attract or increase the numbers or distribution of a listed species 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).

Land subject to this Agreement (i.e., enrolled land) involve approximately 14 acres within the Waterfall Glen Forest Preserve District in DuPage County, Illinois. The land consists of mowed turf grass, several buildings, a gravel driveway, several picnic shelters, septic systems, and a series of fish ponds that are groundwater fed via a system of pipes and artesian wells. Currently, the land does not provide any suitable habitat for HED.

The purpose of this SHA is to facilitate management actions that results in an increased population of HED on land and water within Waterfall Glen Forest Preserve in DuPage County, Illinois. Specifically, this refers to management actions proposed for the fish farm parcel and adjoining land within said preserve that is owned and managed by the District, a local public agency. Without the Agreement and proposed management actions, the enrolled land is unlikely to support any HED in the foreseeable future. The proposed duration of the Agreement and permit is 15 years.

Upon approval of this Agreement, and consistent with the Service's Safe Harbor Policy published in the **Federal Register** on June 17, 1999 (64 FR 32717), the Service would issue a permit to the District authorizing take of HED incidental to the implementation of the management activities specified in the Agreement and other lawful uses of the properties, including normal routine land management activities, and/or to

return to pre-Agreement conditions (baseline).

##### **Decisions**

We will evaluate this permit application, associated documents, and comments submitted thereon to determine whether the permit application meets the requirements of section 10(a)(1)(A) of the Act. If we determine that the requirements are met, we will sign the Agreement and issue an enhancement of survival permit to the Applicant for take of HED incidental to otherwise lawful activities, in accordance with the terms of the Agreement. We will not make our final decision until after the end of the 30-day comment period and we will fully consider all comments received during the comment period.

Dated: February 15, 2008.

**Lynn Lewis,**

*Assistant Regional Director, Acting, Ecological Services, Region 3, Fort Snelling, Minnesota.*

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#### **DEPARTMENT OF THE INTERIOR**

##### **Bureau of Indian Affairs**

##### **Draft Environmental Impact Statement for the Proposed Absaloka Mine Crow Reservation South Extension Coal Lease Approval, Mine Development Plan and Related Federal and State Permitting Actions, Big Horn County, MT**

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

**ACTION:** Notice.

**SUMMARY:** This notice advises the public that the Bureau of Indian Affairs (BIA) and the Montana Department of Environmental Quality (MDEQ) as joint lead agencies, with the Crow Tribe of Indians, the Office of Surface Mining Reclamation and Enforcement (OSMRE), the Bureau of Land Management (BLM) and the U.S. Environmental Protection Agency (EPA), as cooperating agencies, intend to file a Draft Environmental Impact Statement (DEIS) with the EPA for the proposed extension of the existing Absaloka mine onto the Crow Indian Reservation and for related Federal and state permitting actions; and that the DEIS is now available for public review. The purpose of the proposed action is to maximize the economic benefit from the coal trust resource by continuing to provide benefits to the Crow Tribe, including royalty, tax income and employment; as