

conducted under authority of the permit.

(2) FWS Form 3-200-3 (Import/Export License). It is unlawful to import or export wildlife or wildlife products for commercial purposes without first obtaining an import/export license (50 CFR 14.91). Applicants must complete FWS Form 3-200-3 to request this license. We use the information that we collect on the application as an enforcement tool and management aid to: (a) monitor the international wildlife market and (b) detect trends and changes in the commercial trade of wildlife and wildlife products. Import/export licenses are valid for 1 year. We may require a licensee to file a report on activities conducted under authority of the import/export license.

Import/export licensees must maintain records that accurately describe each importation or exportation of wildlife or wildlife

products made under the license, and any additional sale or transfer of the wildlife or wildlife products. In addition, licensees must make these records and the corresponding inventory of wildlife or wildlife products available for our inspection at reasonable times, subject to applicable limitations of law. We believe the burden associated with these recordkeeping requirements is minimal because the records already exist. Importers and exporters must complete FWS Form 3-177 (Declaration for Importation or Exportation of Fish or Wildlife) for all imports or exports of wildlife or wildlife products. This form provides an accurate description of the imports and exports. OMB has approved the information collection for FWS Form 3-177 and assigned OMB Control Number 1018-0012. Normal business practices should produce records (e.g., invoices or bills of sale) needed to

document additional sales or transfers of the wildlife or wildlife products.

II. Data

OMB Control Number: 1018-0092.

Title: Federal Fish and Wildlife Permit Applications and Reports—Law Enforcement.

Service Form Number(s): 3-200-2 and 3-200-3.

Type of Request: Revision of a currently approved collection.

Affected Public: Individuals, businesses, and scientific institutions.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion for applications; annually or periodically for reports; ongoing for recordkeeping.

Estimated Annual Nonhour Burden: \$11,905 for fees associated with permit applications.

Activity	Number of annual respondents	Number of annual responses	Completion time per response	Annual burden hours
3-200-2 – application and recordkeeping	1,350	1,350	1.25 hours	1,688
3-200-2 report	5	5	1 hour	5
3-200-3 - application and recordkeeping	10,555	10,555	1.25 hours	13,194
3-200-3 report	5	5	1 hour	5
Totals	11,915	11,915	14,892

III. Request for Comments

We invite comments concerning this IC on:

- Whether or not the collection of information is necessary, including whether or not the information will have practical utility;
- The accuracy of our estimate of the burden for this collection of information;
- Ways to enhance the quality, utility, and clarity of the information to be collected; and
- Ways to minimize the burden of the collection of information on respondents.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this IC. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: February 18, 2010

Hope Grey,
Information Collection Clearance Officer,
Fish and Wildlife Service.

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Billing Code 4310-55-S

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS-R6-ES-2009-N277; 65411-1112-0000-A2]

Least Chub and Columbia Spotted Frog Candidate Conservation Agreement With Assurances; Receipt of Application for Enhancement of Survival Permit; Bishop Springs, UT

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; receipt of application.

SUMMARY: We, the Fish and Wildlife Service (Service), have received an application from Herman Young and Sons, Inc. (Applicant), for an enhancement of survival permit (permit) under the Endangered Species Act of 1973, as amended (Act). The permit application includes a proposed Candidate Conservation Agreement with

Assurances (CCAA) for the least chub (*Iotichthys phlegethontis*) and Columbia spotted frog (*Rana lutreiventris*) between the Applicant, the Utah Division of Wildlife Resources (UDWR), and the Service. The CCAA would be implemented at the Bishop Springs marsh complex (Bishop Springs) in Juab County, Utah. We have made a preliminary determination that the proposed CCAA and permit application are eligible for categorical exclusion under the National Environmental Policy Act of 1969 (NEPA). The basis for this preliminary determination is contained in an Environmental Action Statement. We are accepting comments on the permit application, the proposed CCAA, and the Environmental Action Statement.

DATES: We must receive comments no later than March 29, 2010.

ADDRESSES: Address all written comments to Larry Crist, by U.S. mail at Utah Field Office, U.S. Fish and Wildlife Service, 2369 West Orton Circle, Suite 50, West Valley City, UT 84119; by facsimile to 801-975-3331; or by e-mail to *larry_crist@fws.gov*.

FOR FURTHER INFORMATION CONTACT: Larry Crist, Utah Field Office Supervisor, 801-975-3330. If you use a

telecommunications device for the deaf, you may call the Federal Information Relay Service at 800-877-8339.

SUPPLEMENTARY INFORMATION: Under a Candidate Conservation Agreement with Assurances, participating landowners voluntarily undertake management activities on their property to enhance, restore, or maintain habitat benefiting species that are proposed for listing under the Act, or that are candidates for listing, or may become candidates. Candidate Conservation Agreements with Assurances, and the subsequent permits we issue under 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 efforts for 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, if that species becomes listed under the Act in the future. Application requirements and issuance criteria for permits through the Candidate Conservation Agreement with Assurances are found in the Code of Federal Regulations (CFR) at 50 CFR 17.22(d) and 17.32(d).

Historically, least chub and Columbia spotted frog inhabited a variety of aquatic habitat types throughout the Bonneville Basin in Utah. In the West Desert of Utah these species occur in many of the same spring complexes, including Bishop Springs. Both species have declined to the extent that they have been considered for listing under the Endangered Species Act.

A decline in the distribution and abundance of the least chub was first noted in the 1940s and 1950s. Habitat loss and degradation have been identified as major causes for this decline. Surveys indicate that where nonnative fishes have been introduced, few if any least chub remain.

In 1998, the Service, Utah Department of Natural Resources, Bureau of Land Management (BLM), Bureau of Reclamation, Utah Reclamation Mitigation and Conservation Commission, Confederated Tribes of the Goshute Reservation, and Central Utah Water Conservancy District signed a Least Chub Conservation Agreement and Strategy (LCCAS). The LCCAS is a voluntary agreement to ensure the long-term survival of the least chub within its historic range and assist in the development of rangewide conservation efforts. Significant conservation measures were accomplished for the species and several new populations were located outside the West Desert

ecosystem. The only remaining naturally occurring and relatively secure populations of least chub are present in five spring complexes in Snake Valley, Utah, one of which is Bishop Springs. Groundwater pumping may impact these sites in the future.

The Columbia spotted frog was removed as a candidate for listing under the Act in 1999. Since that time, an interagency team continues to manage the species in accordance with Columbia Spotted Frog Conservation Agreement and Strategy (SPCAS). Despite this conservation agreement, some habitat loss and localized impacts to the spotted frog remain.

The proposed CCAA represents another significant milestone in the cooperative conservation efforts for these species and is consistent with section 2(a)(5) of the Act, which encourages creative partnerships among public, private, and government entities to conserve imperiled species and their habitats. The CCAA is also consistent with continued implementation of the LCAS and SPCAS and addresses known impacts to both species at Bishop Springs.

Conservation efforts in the proposed CCAA will provide perennial and legally protected instream flows to Bishop Springs for supporting self sustaining populations of least chub and spotted frog. Under the proposed CCAA, the UDWR would use a water right, conveyed by the Applicant, to maintain instream flow at Bishop Springs to protect and maintain approximately 1,020 acres of habitat for the least chub and Columbia spotted frog. The Applicant previously used this water right to irrigate agricultural lands. The Applicant will agree to: (1) Reduce water diversion from Bishop Springs through the use of a more efficient irrigation system improved by UDWR; (2) reduce acreage irrigated; and (3) not appropriate additional water from Bishop Springs. Certain restrictions on the volume and flow of the Applicant's reserved water right would allow beneficial use of water for irrigation of agricultural lands, while ensuring suitable habitat conditions for both species.

Under certain conditions, such as prolonged drought, a small number of individuals of these species could die if they are unable to retreat to areas with adequate water. Therefore, the Service proposes to issue the permit under this CCAA to provide the Applicant with regulatory certainty regarding take prohibitions of section 9 of the Act should the species become listed in the future. The proposed duration for the CCAA and permit is 99 years.

When determining whether to issue the permit, we will consider a number of factors and information sources, including the project's administrative record, any public comments we receive, and the application requirements and issuance criteria for CCAAs contained in 50 CFR part 17.22(d) and part 17.32(d). We will also evaluate whether the issuance of the permit complies with section 7 of the Act by conducting an intra-Service consultation. The results of this consultation, in combination with the above findings, regulations, and public comments, will determine whether or not we issue the permit.

The proposed CCAA also provides the Applicant with regulatory assurances, that in the event of unforeseen circumstances, we would not require additional conservation measures or the commitment of additional land, water, or resource use restrictions beyond the level obligated in this Agreement, without the consent of the Applicant and UDWR.

We have made the preliminary determination that the Applicant's conservation measures meet the intent of the CCAA policy, based on the proposed protection of established populations and habitat for these species within their historic range. Habitat conditions within Bishop Springs have been evaluated by the Applicant, UDWR, and the Service, and are suitable for sustaining and enhancing populations of least chub and Columbia spotted frog.

We have also made a preliminary determination that the proposed Agreement and permit issuance are eligible for categorical exclusion under NEPA. The basis for this determination is in the Environmental Action Statement, which is available for public review (*see ADDRESSES*).

If you wish to comment on the Agreement and associated documents, you may submit your comments to the Service (*see ADDRESSES*). Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

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) of the Act and NEPA regulations at 40 CFR 1506.6. If we determine that the requirements are met, we will sign the proposed Agreement and issue a permit under section 10(a)(1)(A) of the Act to the Applicants for take of the covered species 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 we receive during the comment period.

We provide this notice under section 10(c) of the Act and implementing regulations for NEPA (40 CFR 1506.6).

Dated: February 18, 2010.

Larry Crist,

Field Supervisor, Utah Ecological Services Office.

[FR Doc. 2010-3853 Filed 2-24-10; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS-R8-ES-2010-N024; 1112-0000-81440-F2]

Endangered and Threatened Wildlife and Plants; Permit, San Luis Obispo County, CA

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service, us), have received from the California Department of Parks and Recreation (applicant) an application for an incidental take permit under the Endangered Species Act of 1973, as amended (Act). We are considering issuing a permit that would authorize the applicant's take of the Federally endangered Morro shoulderband snail (*Helminthoglypta walkeriana*) incidental to otherwise lawful activities that would result in the permanent loss of 0.2 acre of Morro shoulderband snail habitat within Morro Bay State Park, San Luis Obispo County, California. We invite comments from the public on the application, which includes a Habitat Conservation Plan (HCP) fully describing the proposed project and measures the applicant would undertake to minimize and mitigate anticipated take of the species. We also invite comments on our preliminary determination that the HCP qualifies as a "low-effect" plan, eligible for a categorical exclusion under the National Environmental Policy Act (NEPA) of 1969, as amended. We explain the basis for this determination in our draft Environmental Action

Statement and associated Low Effect Screening Form, both of which are also available for review.

DATES: To ensure consideration, please send your written comments by March 29, 2010.

ADDRESSES: You may download a copy of the permit application, plan, and related documents on the Internet at <http://www.fws.gov/ventura>, or you may request documents by U.S. mail, e-mail, or phone (see below). Please address written comments to Diane K. Noda, Field Supervisor, Ventura Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2493 Portola Road, Suite B, Ventura, CA 93003. You may alternatively send comments by facsimile to (805) 644-3958.

FOR FURTHER INFORMATION CONTACT: Jen Lechuga, HCP Coordinator, at Ventura address above, or (805) 644-1766, extension 224 (telephone).

SUPPLEMENTARY INFORMATION:

Background

The Morro shoulderband snail was listed as endangered on December 15, 1994 (59 FR 64613). Section 9 of the Act (16 U.S.C. 1531 *et seq.*) and our implementing Federal regulations in the Code of Federal Regulations (CFR) at 50 CFR 17 prohibit the "take" of fish or wildlife species listed as endangered or threatened. Take of listed fish or wildlife is defined under the Act as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct" (16 U.S.C. 1532). However, under limited circumstances, we issue permits to authorize incidental take (*i.e.*, take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity). Regulations governing incidental take permits for threatened and endangered species are at 50 CFR 17.32 and 17.22, respectively. The Act's take prohibitions do not apply to Federally listed plants on private lands unless such take would violate State law. In addition to meeting other criteria, an incidental take permit's proposed actions must not jeopardize the existence of Federally listed fish, wildlife, or plants.

The applicant proposes the construction and use of a boardwalk, overlook area, and trail project within a 10-acre site at the Morro Bay State Park marina peninsula, San Luis Obispo County, California, that will meet Americans with Disabilities Act (ADA) accessibility guidelines. The 10-acre site contains a mixture of native and introduced plant species. Coastal dune scrub, the only native upland community, occupies the majority of the

10-acre permit area. Disturbed upland habitat is also present and includes illegal trails and areas dominated by nonnative plant species.

The proposed project would result in impacts to a total of 0.41 acre of habitat for the Morro shoulderband snail. Permanent impacts resulting from the construction of the trails, boardwalk, and viewing platforms would be 0.18 acre and 0.03 acre, respectively. Additionally, there would be temporary impacts to 0.2 acre. Both the permanent and temporary impacts are expected to result in take of Morro shoulderband snail.

The applicant proposes to implement measures to minimize and mitigate for the take of Morro shoulderband snails within the permit area. Minimization measures include: (1) Restriction of activities to the dry season (April 15–November 15); (2) implementation of training sessions for all construction and park personnel involved in construction of the project; (3) performance of preconstruction surveys prior to each day of activity involving ground disturbance or vegetation disturbance to construct the boardwalk and peninsula spur trail; (4) relocation of any living Morro shoulderband snails that are found during preconstruction surveys or during construction into adjacent suitable habitat; (5) installation of fencing to delineate work and non-work areas; and (6) use of hand tools to the maximum extent possible.

Mitigation for unavoidable take of Morro shoulderband snails would consist of the establishment and management of a permanent conservation area over approximately 9.6 acres adjacent to the ADA trail and boardwalk system, closure and restoration to native habitat of all volunteer trails and redundant trails in the project area, and nonnative plant species removal. The HCP also considers effects from covered activities on, as well as conservation measures for, the California seablite (*Suaeda californica*), a threatened plant species occurring in the estuarine habitat adjacent to the project area.

In the proposed plan, the applicant considers three alternatives to the taking of listed species in the proposed project. The No Action Alternative would maintain current conditions, the project would not be implemented, and an incidental take permit application would not be submitted to the Service. The second alternative would involve a redesign of the Marina Peninsula Trail Project. Although a reduction in the development area would be possible on the property, it is anticipated that such a reduction would result in a trail