

## DEPARTMENT OF THE INTERIOR

## Fish and Wildlife Service

**Availability of an Environmental Assessment and Receipt of an Application for an Incidental Take Permit for the Seneca Resources Corporation/Enron Oil and Gas Company West Landslide Habitat Conservation Plan, Kern County, CA**

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

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

**SUMMARY:** This notice advises the public that the Seneca Resources Corporation (Seneca) and Enron Oil and Gas Company (Enron) have applied 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 proposed permit would authorize the incidental take of San Joaquin kit fox (*Vulpes macrotis mutica*), blunt-nosed leopard lizard (*Gambelia silus*), giant kangaroo rat (*Dipodomys ingens*), California condor (*Gymnogyps californianus*), federally listed as endangered, and Hoover's eriastrum (*Eriastrum hooveri*), federally listed as threatened. The proposed permit also would authorize future incidental take of the San Joaquin antelope squirrel (*Ammospermophilus nelsoni*), short-nosed kangaroo rat (*Dipodomys nitratoides brevinasus*), western burrowing owl (*Athene cunicularia hypugea*), and recurved larkspur (*Delphinium recurvatum*), currently unlisted species, should any of them become listed under the Endangered Species Act in the future. The permit would be in effect for 30 years.

The Service also announces the availability of an Environmental Assessment for the incidental take permit application. The application includes the proposed Habitat Conservation Plan (Plan) fully describing the proposed project and mitigation, and the accompanying Implementing Agreement. This notice is provided pursuant to section 10(a) of the Endangered Species Act and National Environmental Policy Act regulations (40 CFR 1506.6). All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public.

**DATES:** Written comments on the permit application, Environmental Assessment and Implementing Agreement should be received on or before July 6, 1998.

**ADDRESSES:** Comments regarding the application or adequacy of the Environmental Assessment and Implementing Agreement should be addressed to the Field Supervisor, Fish and Wildlife Service, Sacramento Fish and Wildlife Office, 3310 El Camino, Suite 130, Sacramento, California 95821-6340. Individuals wishing copies of the application, Environmental Assessment or Implementing Agreement for review should immediately contact the above office. Documents also will be available for public inspection, by appointment, during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Robert Pine or Peter Cross, Sacramento Fish and Wildlife Office, (916) 979-2728.

**SUPPLEMENTARY INFORMATION:** Section 9 of the Endangered Species Act and Federal regulation prohibit the "taking" of a species listed as endangered or threatened, respectively. However, the Service may, under limited circumstances, issue permits to take listed species incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for threatened species are promulgated in 50 CFR 17.32; regulations governing permits for endangered species are promulgated in 50 CFR 17.22.

**Background**

Seneca Resources Corporation and Enron Oil and Gas Company seek coverage for take of the federally listed San Joaquin kit fox, blunt-nosed leopard lizard, giant kangaroo rat, California condor, and Hoover's eriastrum incidental to exploratory oil well drilling operations and associated production operations on the 640-acre West Landslide oil field. The proposed permit also would authorize future incidental take of the San Joaquin antelope squirrel, short-nosed kangaroo rat, western burrowing owl, and recurved larkspur, currently unlisted species, should any of them become listed under the Endangered Species Act in the future. Collectively the listed and unlisted species addressed in the Plan are referred to as the "covered species" for the West Landslide project. Authority under the Endangered Species Act for direct take of California condor is not requested. It is requested that authority be given for minimal harassment of California condor that may inadvertently result if condors are ever present in the Plan Area.

The project will occur in two phases. For Phase I, Seneca and Enron will drill an exploratory well on the West Landslide property. Phase I activities

are expected to disturb up to 3.3 acres of land. If the exploratory well is successful, Phase II will be initiated. For Phase II, Seneca and Enron will construct and operate up to ten (10) additional wells and related pipelines, roads, power lines, and a tank setting. Phase II activities are expected to disturb a maximum of 17.7 acres in addition to the Phase I disturbed area. Therefore, the maximum area that will potentially be disturbed during both Phase I and Phase II of the project is 21 acres.

Biological surveys to determine if listed species are present were not conducted. Instead, Seneca and Enron assumed that species are present because appropriate habitat is present, and because distribution mapping indicates that the species could occur on the West Landslide property. Seneca and Enron concluded that the construction and operation of oil wells and related infrastructure may result in incidental take of listed species.

Seneca and Enron will avoid and minimize impacts to listed species by conducting pre- and post-project surveys, project monitoring and reporting, and restoration. Detailed avoidance and minimization measures are presented in the Plan.

In addition, Seneca and Enron will mitigate for habitat disturbance. Seneca and Enron estimate that approximately 14 acres of disturbance may be considered permanent and approximately 7 acres of disturbance may be temporary. Compensation for disturbances considered permanent will occur at a 3:1 ratio (3 acres preserved for every 1 acre disturbed). Compensation for temporary disturbances will occur at a 1.1:1 ratio. To compensate for the loss of habitat for the listed species during Phase I activities, Seneca and Enron propose to fund the permanent protection and management of 10 acres of similar habitat at the ARCO Coles Levee Ecosystem Preserve or other Service-approved site. To compensate for Phase II development, if it is undertaken, Seneca and Enron propose to fund the permanent protection and management of between 12 and 53 acres of similar habitat at the ARCO Coles Levee Ecosystem Preserve or other Service-approved site. In addition, Seneca and Enron will implement adaptive management measures if a review of the implemented avoidance, minimization, and mitigation measures indicate that specific adjustments would be beneficial to listed species. Seneca and Enron will clean up any oil spills immediately, deal with fires appropriately, and compensate for any loss of habitat that occurs in the event

of a spill or fire with the prescribed mitigation ratios.

The Environmental Assessment considers the environmental consequences of three alternatives. Alternative one, the proposed action, consists of the issuance of an incidental take permit to Seneca and Enron, and implementation of the Habitat Conservation Plan and its Implementing Agreement. This alternative is preferred because: (1) it satisfies the purpose and needs of the Service, Seneca, and Enron; (2) measures have been incorporated to avoid and minimize incidental take to the greatest practicable extent; and (3) unavoidable impacts are mitigated by the permanent protection of between 10 to 63 acres of habitat at an approved preserve site.

Alternative 2 consists of development of oil production facilities on an alternative site. This alternative was not selected as the preferred alternative because any other areas suitable for oil production in this portion of California will have similar listed species concerns. Under the No Action Alternative, the Service would not issue an incidental take permit. No oil well development and production would take place and no incidental take of listed species would occur. In addition, no habitat would be permanently protected through purchase of credits at an approved preserve. Therefore the No Action Alternative was not selected as the preferred alternative.

This notice is provided pursuant to section 10(a) of the Endangered Species Act and the National Environmental Policy Act of 1969 regulations (40 CFR 1506.6). The Service will evaluate the application, associated documents, and comments submitted thereon to determine whether the application meets the requirements of the National Environmental Policy Act regulations and section 10(a) of the Endangered Species Act. If it is determined that the requirements are met, a permit will be issued for the incidental take of the listed species. The final permit decision will be made no sooner than 30 days from the date of this notice.

Dated: May 26, 1998.

**Michael J. Spear,**

*Regional Director, Region 1, Portland, Oregon.*  
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## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### **Correction to Federal Register Notices of November 18, 1996 (61 FR 58700) and November 14, 1997 (62 FR 61144)—Proclaiming Certain Lands as Reservation for the Redwood Valley Rancheria of Pomo Indians of California**

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

**ACTION:** Correction to Notices of Reservation Proclamation.

**SUMMARY:** This notice corrects **Federal Register** Notices 61 FR 58700 published on November 18, 1996 and 62 FR 6114 published on November 14, 1997, "Proclaiming Certain Lands as Reservation for the Redwood Valley of Pomo Indians of California." The legal descriptions are corrected.

#### **FOR FURTHER INFORMATION CONTACT:**

Larry E. Scrivner, Bureau of Indian Affairs, Division of Real Estate Services, MS-4510/MIB/Code 220, 1849 C Street, N.W., Washington, D.C. 20240, telephone (202) 208-7737.

**SUPPLEMENTARY INFORMATION:** On November 1, 1996, and November 3, 1997, the Assistant Secretary of Indian Affairs, pursuant to the Act of June 18, 1934 (48 Stat. 986; 25 U.S.C. 467), proclaimed certain lands to be additions to and made a part of the reservation of the Redwood Valley Rancheria of Pomo Indians of California for the exclusive use of Indians on that reservation who are entitled to reside at the reservation by enrollment or tribal membership. Notices of these proclamations were published on November 18, 1996, and November 14, 1997, at 61 FR 58700 and 62 FR 61144.

#### **Need for Corrections**

As published, the notices contained errors which are in need of correction. For this reason, the following publication corrects and supersedes both 61 FR 58700 and 62 FR 61144. The land referred hereto is described as follows:

Redwood Valley Rancheria Reservation,  
Mendocino County, California

All that certain real property situated, lying and being in the unincorporated area, County of Mendocino, State of California, more particularly described as follows:

**Parcel One:** Beginning at the Northeast corner of a parcel of land described in a deed from the Finnish Colony, a corporation to V. E. Frost and Z. J. Elliott, dated December 3, 1929, recorded in Liber 48 of Official Records,

Page 208, Mendocino County Records (it being a point in the East line of Lot 20 of the Finnish Colony Subdivision, according to the Official plat thereof on file in the Office of the County Recorder of said Mendocino County) from which the Southeast corner of said Lot 20 bears South 8° 13' 30" East and is 372.72 feet distant; thence on the exterior boundaries of the land to be described as follows: South 77° 17' 30" West along the North line of said Lot of Frost and Elliott 579.04 feet to its Northwest corner; thence North 9° 20' West along a Northerly projection of the West boundary line of said Parcel 660 feet to an iron pin marked "X" in the South boundary line of a parcel of land described in a deed from Bank of America National Trust and Savings Association to Dan Bergamaschi, a single man, dated January 16, 1935, recorded in Liber 100 of Official Records, Page 45, Mendocino County Records; thence North 87° 59' East along said South boundary line 606 feet to the Southeast corner of said last mentioned parcel of land (it being a point in the East boundary line of said Lot 20) thence South 8° 13' 30" East along said East boundary line 542.21 feet to the point of beginning.

**Parcel Two:** Beginning at the Southeast corner of Lot 20 of the Finnish Colony Subdivision, originally filed in Map Book 2, Page 189, now on file in Map Case 1, Drawer 4, Page 89; thence from said point of beginning South 78° 31' West, 571.18 feet along the South line of said Lot 20; thence North 9° 20' West 360 feet; thence North 77° 17' 30" East 579.04 feet to the East line of said Lot 20; thence South 8° 13' 30" East 372.72 feet along the East line of said Lot 20 to the point of beginning.

**Parcel Three:** The land described in Grant Deed, numbered 5369, recorded in Book 1502, pages 479, 480, and 481, of the official records of Mendocino County, California, described as follows:

That portion of Lot 19 of the Finnish Colony Subdivision, filed for record at the Recorder's Office, Mendocino County, State of California, and that portion of the Northeast quarter of Section 34 and of the Northwest quarter of Section 35, Township 17 North, Range 12 West, Mount Diablo Base and Meridian, lying Northerly of the following described line: Beginning at the Southeast corner of Lot 20 of said Finnish Colony Subdivision; thence North 82° 15' East 265.57 feet; thence North 44° 24' East 1028.50 feet; thence North 81° 30' East to the Westerly line of the parcels of land conveyed in the Deed executed by R.J. Rospide et al to Floyd C. Lawrence et ux, dated May 3,