

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration**

[I.D. 071098F]

Receipt and Availability of Applications for Permits to Allow Incidental Take of Threatened and Endangered Species by The Pacific Lumber Company and its Subsidiaries, Scotia Pacific Holding Company and Salmon Creek Corporation, on Lands in Humboldt County, California

AGENCY: Fish and Wildlife Service, Interior; National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of receipt and availability for public comment.

SUMMARY: The Pacific Lumber Company and its wholly-owned subsidiaries, Scotia Pacific Holding Company and Salmon Creek Corporation (collectively, the Companies), have applied to the Fish and Wildlife Service and the National Marine Fisheries Service (collectively, the Services) for an incidental take permit from each of the Services pursuant to section 10(a) of the Endangered Species Act of 1973, as amended (ESA). The federally listed species for which the Companies have requested permits are the northern spotted owl (*Strix occidentalis caurina*), marbled murrelet (*Brachyramphus marmoratus*), American peregrine falcon (*Falco peregrinus anatum*), bald eagle (*Haliaeetus leucocephalus*), western snowy plover (*Charadrius alexandrinus nivosus*), and coho salmon (*Oncorhynchus kisutch*). The Companies have also requested that 30 currently proposed and other unlisted species be included on the permits, should the species be listed in the future under the ESA. The proposed take would occur incidental to timber harvest and other proposed activities on the Companies lands in Humboldt County, California. The applications have been assigned Fish and Wildlife Service permit number PRT-828950 and National Marine Fisheries Service permit number 1157. The Services announce the availability for public comment of the permit applications, including the associated proposed Habitat Conservation Plan (Plan) and proposed Implementation Agreement. All comments received will become part of the public record and may be

released. This notice is provided pursuant to section 10(c) of the ESA. The proposed Plan is, among other things, also intended to satisfy the requirements for a Sustained Yield Plan under California State law and the requirements for an incidental take permit under section 2081(b) of the California Endangered Species Act. The Services are currently developing, with the California Department of Forestry and the California Department of Fish and Game, a joint Draft Environmental Impact Statement/Environmental Impact Report, in accordance with the National Environmental Policy Act and California Environmental Quality Act. The Services plan to release the Draft Environmental Impact Statement/Environmental Impact Report in August and to hold several public hearings on it in September.

DATES: Written comments on the permit application, Plan, and Implementation Agreement must be received on or before October 13, 1998.

ADDRESSES: Comments regarding the application, Plan, and Implementation Agreement should be addressed to Mr. Bruce Halstead, Fish and Wildlife Service, 1125 16th Street, Room 209, Arcata, California 95521-5582. Written comments may be sent by facsimile to (707) 822-8411. Please refer to permit number PRT-828950 and number 1157 when submitting comments. Please see **SUPPLEMENTARY INFORMATION** section for additional information on the availability of the Plan and Implementation Agreement.

FOR FURTHER INFORMATION CONTACT: Mr. Bruce Halstead, Fish and Wildlife Service, (707) 822-7201, or Mr. Craig Wingert, National Marine Fisheries Service, (562) 980-4020.

SUPPLEMENTARY INFORMATION: The Companies own and manage commercial forest land in northern California. The Pacific Lumber Company, and its corporate parent, signed an agreement on September 28, 1996, with the United States and the State of California. The agreement created a framework for the transfer of approximately 7,500 acres of private forest lands, including the Headwaters Forest (approximately 4500 acres) and the Elk Head Forest (approximately 1125 acres) to State and Federal ownership. As originally structured, the Agreement anticipated an exchange of these lands and timber for Federal and State assets with a value of \$300 million and a portion of the Elk River Property

to be acquired by the United States for up to \$80 million.

The agreement also called for, among other things, development and submission by the Companies, and processing by the Services, of applications pursuant to section 10 of the ESA for incidental take permits, accompanied by a habitat conservation plan. Under terms of the agreement, the Companies were to develop a multi-species habitat conservation plan for lands currently within their ownership, as well as certain other lands which would be acquired by the Companies under the framework envisioned by the agreement.

On November 14, 1997, Congress enacted PL 105-83. In that legislation, Congress appropriated monies to satisfy the federal funding obligations for land acquisitions anticipated in the September 1996 agreement. The authorization for the expenditure of these funds expires March 1, 1999, and is effective only when, among other things, an incidental take permit is issued covering the Pacific Lumber property.

On February 27, 1998, the parties to the September 1996 agreement signed a "Pre-Permit Application Agreement in Principle," setting forth principles to guide the Companies in developing the Plan prior to its submission to and evaluation by the Services in accordance with the ESA and the National Environmental Policy Act.

Under section 9 of the ESA and its implementing regulations, A "taking" of threatened and endangered species is prohibited. However, the Services, under limited circumstances, may issue permits to take threatened or endangered wildlife species if such taking is incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for threatened and endangered species are codified in 50 CFR 17.22, 17.32, 222.22, and 222.24-28.

In the Plan, the Companies address species conservation and ecosystem management on approximately 211,700 acres of land, primarily in the coastal redwood zone of Humboldt County, California, currently owned by the Companies or to be acquired as part of the Headwaters transaction, and also any additional lands within one mile of the boundaries of these lands, no more than 25,000 acres of which may be covered by the permit. Most of the Companies currently-owned lands occur in a largely contiguous block. The

duration of the proposed permit and Plan is 50 years.

The proposed Plan addresses 36 species for which the Companies seek coverage under section 10 of the ESA. The Plan focuses on six species due to their listing status, occurrence on the property, and likelihood to be affected by activities proposed by the Companies. The six focus species are identified here.

The proposed permit and Plan would authorize take of northern spotted owls associated with management activities in northern spotted owl habitat on the Companies lands. There are currently more than 140 northern spotted owl sites on the Companies' lands within the planning area, and approximately 70 owl sites within one mile of the Companies' ownership. The Plan would allow incidental take of northern spotted owls consistent with providing adequate nesting, roosting, and foraging habitat necessary to maintain a viable breeding owl population on the Companies' lands throughout the permit period.

The proposed permit and Plan would also authorize take associated with management activities within marbled murrelet habitat and establish a system of Marbled Murrelet Conservation Areas designed to protect most of the highest quality old-growth redwood forest murrelet habitat on the property.

Coho salmon, chinook salmon (*Oncorhynchus tshawytscha*), cutthroat trout (*Oncorhynchus clarki*), and steelhead (*Oncorhynchus mykiss*) are the other focus species. In addressing conservation needs of these species for properly functioning aquatic conditions, the proposed Plan includes a riparian buffer strategy, a road strategy, stream monitoring, and a hillslope/erosion control strategy. Under the Plan, the Companies may, at their option, conduct subsequent watershed analysis to tailor mitigation prescriptions to site specific conditions.

The American peregrine falcon, bald eagle, and western snowy plover are included in the permit application to cover circumstances where these listed species may occur on the property and at some point be affected by the Companies' proposed covered activities.

Other currently unlisted species also addressed in the Plan and proposed for inclusion on the permit are the foothill yellow-legged frog (*Rana boylei*), red-legged frog (*Rana aurora*), southern torrent salamander (*Rhyacotriton variegatus*), tailed frog (*Ascaphus truei*), northwestern pond turtle (*Clemmys marmorata marmorata*), bank swallow (*Riparia riparia*), double-crested cormorant (*Phalacrocorax auritus*), great

blue heron (*Ardea herodias*), great egret (*Casmerodius albus*), snowy egret (*Egretta thula*), black-crowned night heron (*Nycticorax nycticorax*), sharp-shinned hawk (*Accipiter striatus*), Cooper's hawk (*Accipiter cooperi*), northern goshawk (*Accipiter gentilis*), ferruginous hawk (*Buteo regalis*), osprey (*Pandion haliaetus*), yellow warbler (*Dendroica petechia*), yellow-breasted chat (*Icteria virens*), burrowing owl (*Speotyto cunicularia*), golden eagle (*Aquila chrysaetos*), pileated woodpecker (*Dryocopus pileatus*), purple martin (*Progne subis*), Vaux's swift (*Chaetura vauxi*), California red tree vole (*Arborimus pomus*), Humboldt martin (*Martes americana humboldtensis*), Pacific fisher (*Martes pennanti pacifica*), and the Pacific lamprey (*Lampetra tridentata*). Information supporting inclusion of the Pacific lamprey on the permit is limited. The National Marine Fisheries Service will consider all information available at the close of the comment period to determine whether permit coverage can be provided for the Pacific lamprey.

The Services invite the public to comment on the proposed Habitat Conservation Plan and the draft Implementing Agreement. Public Law 105-83 specifies a deadline of March 1, 1999, for completion of the entire process of purchasing the Headwaters. In order to meet that deadline, the Services anticipate that they will not be able to extend the public comment period.

Additional Addresses

Copies of the multi-volume plan and Implementing Agreement containing over 1000 pages, or portions thereof, can be obtained at the following copy centers for duplication and mailing charges: Sir Speedy, 601 North Market Boulevard, 350, Sacramento, California 95834, (916) 927-7171; Kinko's, 2021 Fifth Street, Eureka, California 95501, (707) 445-3334; Kinko's, Stanyan Street and Geary Boulevard, San Francisco, California 94118, (415) 750-1193; and Kinko's, 835 Wilshire Boulevard, Suite 100, Los Angeles, California 90017, (213) 892-1700. The Implementation Agreement and major portions of the plan that could be practicably reproduced electronically will be available at The California Environmental Resources Evaluation System website at <http://www.ceres.ca.gov/> and through the Fish and Wildlife Service website at <http://www.r1.fws.gov/text/species.html>. Copies of the Implementing Agreement and those portions of the plan that can be electronically reproduced will be available on compact disc which, along

with paper copies of a detailed summary, can be obtained by contacting the Fish and Wildlife Service, 1125 16th Street, Room 209, Arcata, California 95521-5582, (707) 822-7201.

The documents are also available for review at the following government offices and libraries.

Government Offices

California Department of Forestry and Fire Protection, Humboldt-Del Norte Ranger Unit, 118 South Fortuna Boulevard, Fortuna, California 95540, (707) 725-4413; California Department of Forestry and Fire Protection, Coast-Cascade Region Headquarters, 135 Ridgeway Avenue, P.O. Box 670, Santa Rosa, California 95401, (707) 576-2959; California Department of Forestry and Fire Protection, State Headquarters, 1416 Ninth Street, Room 1516-4A, Sacramento, California 95814, (916) 653-5843; Fish and Wildlife Service, Coastal California Fish and Wildlife Office, 1125 16th Street, Room 209, Arcata, California 95521-5582, (707) 822-7201; Fish and Wildlife Service, Sacramento Fish and Wildlife Office, 3310 El Camino Avenue, Suite 120, Sacramento, California 95821-6310, (916) 979-2710; National Marine Fisheries Service, 777 Sonoma Avenue, Room 325, Santa Rosa, California 95404-6515, (310) 980-4001; and California Department of Fish and Game, 619 Second Street, Eureka, California 95501, (707) 441-5672.

Libraries

Alameda Free Library, 2264 Santa Clara Avenue, Alameda, California 94501-4506, (510) 748-4669; Alameda County Library, 2450 Stevenson Boulevard, Fremont, California 94538-2326, (510) 505-7001; Anaheim Public Library, 500 W. Broadway, Anaheim, California 92805-3699, (714) 765-1810; Berkeley Public Library, 2090 Kittredge Street, Berkeley, California 94704-1491, (510) 644-6100; California State Library, Information and Reference Center, 914 Capitol Mall, Room 301, Sacramento, California 95814, (916) 654-0261; Colusa County Free Library, 738 Market Street, Colusa, California 95932-2398, (530) 458-7671; Contra Costa County Library, 1750 Oak Park Boulevard, Pleasant Hill, California 94523-4497, (510) 646-6423; Del Norte County Library District, 190 Price Mall, Crescent City, California 95531-4395, (707) 464-9793; Humboldt County Library, 1313 Third Street, Eureka, California 95501-1088, (707) 269-1900; Humboldt State University Library, Humboldt State University, Arcata, California 95521, (707) 826-4939; Lake County Library, 1425 N. High Street,

Lakeport, California 95453-3800, (707) 263-8816; Long Beach Public Library, 101 Pacific Avenue, Long Beach, California 90822-1097, (562) 570-6291; Los Angeles Public Library, 630 W. Fifth Street, Los Angeles, California 90071-2097, (213) 228-7515; County of Los Angeles Public Library, 7400 E. Imperial Highway, Downey, California 90242-7011, (562) 940-8462; Marin County Free Library, 3501 Civic Center Drive, San Rafael, California 94903-4188, (415) 499-6051; Mendocino County Library, 105 N. Main Street, Ukiah, California 95482-4482, (707) 463-4491; Menlo Park Public Library, 800 Alma Street, Menlo Park, California 94025-3460, (650) 858-3460; Mountain View Public Library, 585 Franklin Street, Mountain View, California 94041-1998, (650) 903-6335; National City Public Library, 200 E. 12th Street, National City, California 91950-3314, (619) 336-4280; Newport Beach Public Library, 1000 Avocado Avenue, Newport Beach, California 92660, (714) 717-3800; Oakland Public Library, 125 14th Street, Oakland, California 94612-4397, (510) 238-3633; Ontario City Library, 215 E. C Street, Ontario, California 91764-4198, (909) 988-8481; Orange Public Library (under renovation), El Modena Branch Library (alternative), 380 S. Hewes, Orange, California 92869, (714) 288-2471; Orange County Public Library, 1501 E. St. Andrew Place, Santa Ana, California 92705, (714) 566-3000; Oxnard Public Library, 251 South A Street, Oxnard, California 93030-5750, (805) 385-7500; Palo Alto City Library, 1213 Newell Road, Palo Alto, California 94303-2999, (650) 329-2516; Pasadena Public Library, 285 E. Walnut Street, Pasadena, California 91101-1598, (626) 744-4033; Redwood City Public Library, 1044 Middlefield Road, Redwood City, California 94063-1868, (650) 780-7061; Sacramento Public Library, 828 I Street, Sacramento, California 95814-2589, (916) 264-2770; San Bruno Public Library, 701 Angus Avenue W., San Bruno, California 94066-3490, (650) 877-8878; San Francisco Public Library, 100 Larkin Street, San Francisco, California 94102-4796, (415) 557-4400; San Jose Public Library, 180 W. San Carlos Street, San Jose, California 95113-2096, (408) 277-4822; San Mateo Public Library, 55 W. Third Avenue, San Mateo, California 94402-1592, (650) 377-4685; San Mateo County Library, 25 Tower Road, San Mateo, California 94402-4000, (650) 312-5258; San Rafael Public Library, 1100 E Street, San Rafael, California 94901-1907, (415) 485-3323; Santa Barbara Public Library, 40 E. Anapamu Street, Santa Barbara, California 93101, (805) 962-7653; Santa

Clara Public Library, 2635 Homestead Road, Santa Clara, California 95051-5322, (408) 984-3236; Santa Clara County Library, 1095 N. Seventh Street, San Jose, California 95112-4446, (408) 293-2326; Santa Cruz Public Library, 224 Church Street, Santa Cruz, California 95060-3873, (408) 429-3532; Santa Monica Public Library, 1343 Sixth Street, Santa Monica, California 90401-1610, (310) 458-8608; Shasta County Library, 1855 Shasta Street, Redding, California 96001-0460, (530) 225-5769; Siskiyou County Free Library, 719 Fourth Street, Yreka, California 96097-3381, (530) 842-8175; Sonoma County Library, Third and E Streets, Santa Rosa, California 95404-4400, (707) 545-0831; South San Francisco Public Library, 840 W. Orange Avenue, South San Francisco, California 94080-3124, (650) 829-3872; Tehama County Library, 645 Madison Street, Red Bluff, California 96080-3383, (530) 527-0607; Trinity County Free Library, 211 N. Main Street, Weaverville, California 96093-1226, (530) 623-1373; Ventura County Library Services, 800 S. Victoria Avenue, Ventura, California 93009, (805) 662-6756; Central Library, 801 SW. 10th Avenue, Portland, Oregon 97205, (503) 248-5123; Houston Public Library, 500 McKinney Street, Houston, Texas 77002, (713) 247-2222; National Clearinghouse Library, 624 Ninth Street, NW, 600, Washington, D.C. 20425, (202) 376-8110; and New York Public Library, 455 Fifth Avenue, New York, New York 10016, (212) 340-0849.

Authority: 16 U.S.C. 1531-1544, and 4201-4245.

Dated: July 6, 1998.

Michael J. Spear,
Acting Regional Director, Fish and Wildlife Service, Region 1, Portland, Oregon.

Dated: July 7, 1998.

David L. Evans,
Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration.
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DEPARTMENT OF THE INTERIOR

Geological Survey

Request for Public Comments on Proposed Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposed collection of information described below has been submitted to the Office of Management and Budget for approval under the

provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information may be obtained by contracting the Bureau's clearance officer at the phone number listed below. OMB has up to 60 days to approve or disapprove the information collection, but may respond after 30 days; therefore, public comments should be submitted to OMB within 30 days in order to assure their maximum consideration. Comments and suggestions on the proposal should be made directly to the Desk Officer for the Interior Department, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 and to the Bureau clearance officer, U.S. Geological Survey, 807 National Center, 12201 Sunrise Valley Drive, Reston, Virginia, 20192, telephone (703) 648-7313.

Specific public comments are requested as to:

1. Whether the collection of information is necessary for the proper performance of the functions of the bureau, including whether the information will have practical utility;
2. The accuracy of the bureau's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
3. The quality, utility, and clarity of the information to be collected; and
4. How to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other form of information technology.

Title: User Survey for National Biological Information Infrastructure.

OMB Approval Number: New Collection.

Abstract: The U.S. Geological Survey is leading the cooperative development of the National Biological Information Infrastructure (NBII). The NBII is a distributed electronic federation of biological data and information which is available publicly on the Internet/World Wide Web (<http://www.nbii.gov>). Internet users from government agencies, non-government organizations, universities, and from the general public use the NBII to locate and access data and information on biological resources and resource issues. In order to better understand the requirements of NBII users and to continue to make improvements to the NBII system, both in content and in functionality, a voluntary survey will be conducted whereby visitors to the NBII World Wide Web site will have the opportunity (optional) to provide