

perimeter area of each prison, which in turn would reduce wildlife use of the perimeter and thus lower electrocution risks. These measures affect only previously disturbed areas and do not result in the modification or destruction of any listed species habitat. Tier 2 measures involve installation of exclusion and deterrent fence devices which are designed to prevent or deter wildlife from making contact with the electrified fences. The most critical exclusion device that California Department of Corrections has/will install that prevents most birds from contacting the fence is vertical mesh netting that envelops both sides of the electrified fence. Tier 3 measures are designed to offset the residual loss of wildlife resources at the prisons as a result of electrocution risks that remain even after Tier 1 and Tier 2 measures have been implemented. Tier 3 measures include acquisition of lands; habitat enhancement via creation, restoration, or management; and monetary contributions to species recovery efforts.

The Environmental Assessment considers the environmental consequences of five alternatives in addition to the Proposed Action. The Proposed Action consists of the issuance of an incidental take permit to the California Department of Corrections and implementation of the Plan and its Implementing Agreement. Under Alternative 1, the Selective Use of Electrified Fences, California Department of Corrections would reinstate the traditional perimeter security approach of guard tower surveillance at the seven prisons with the highest wildlife mortality or the three prisons with the least labor cost to staff guard positions, thereby reducing the overall risk of incident take of the covered species. Alternative 2 would entail the use of the stun-lethal alternative design for the electrified fences instead of the lethal design. Alternative 3 would involve netting the electrified fence all the way to the top. Alternative 4 would entail installing netting at the five prison sites which have the smallest numbers of bird electrocutions. Under Alternative 5, the No Action Alternative, the Service would not issue an incidental take permit. The electric fences would not be energized, and no incidental take of the listed species would occur.

This notice is provided pursuant to section 10(a) of the Endangered Species Act and Service regulations for implementing the National Environmental Policy Act of 1969 (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 law. If the Service determines that the requirements are met, a permit will be issued for the covered species. The final permit decision will be made no sooner than 30 days from the date of this notice.

Dated: July 22, 1999.

Elizabeth H. Stevens,

Deputy Manager, Region 1, California/Nevada Operations Office, Sacramento, California.

[FR Doc. 99-19972 Filed 8-3-99; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of a Habitat Conservation Plan and Receipt of an Application for an Incidental Take Permit for the Tulare Irrigation District Main Intake Canal Lining Project, Tulare County, California

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability and receipt of application.

SUMMARY: The Tulare Irrigation District has 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 Service proposes to issue a 5-year permit to the Tulare Irrigation District that would authorize take of the threatened valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*) incidental to otherwise lawful activities. Such take would occur during the concrete lining of 9.7 miles of an existing canal in Tulare County, California. Lining of the canal would result in the loss of up to 54 elderberry plants with 227 stems which provide habitat for the valley elderberry longhorn beetle.

We request comments from the public on the permit application, which is available for review. The application includes a Habitat Conservation Plan (Plan). The Plan describes the proposed project and the measures that the Tulare Irrigation District would undertake to minimize and mitigate take of the valley elderberry longhorn beetle.

We also request comments on our preliminary determination that the Plan qualifies as a "low-effect" Habitat Conservation Plan, eligible for a categorical exclusion under the National Environmental Policy Act. The basis for this determination is discussed in an

Environmental Action Statement, which also is available for public review.

DATES: Written comments should be received on or before September 3, 1999.

ADDRESSES: Send written comments to Mr. Wayne White, Field Supervisor, Fish and Wildlife Service, 3310 El Camino Avenue, Suite 130, Sacramento, California 95821-6340. Comments may be sent by facsimile to 916-979-2744.

FOR FURTHER INFORMATION CONTACT: Mr. Chris Davis, Fish and Wildlife Biologist, at the above address or call (916) 979-2728.

SUPPLEMENTARY INFORMATION:

Document Availability

Please contact the above office if you would like copies of the application, Plan, and Environmental Action Statement. Documents also will be available for review by appointment, during normal business hours at the above address.

Background

Section 9 of the Endangered Species Act and Federal regulation prohibit the "take" of fish or wildlife species listed as endangered or threatened. Take of listed fish or wildlife is defined under the Act to include kill, harm, or harass. The Service may, under limited circumstances, 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 found in 50 CFR 17.32 and 17.22, respectively.

The Tulare Irrigation District operates the Main Intake Canal (canal) primarily to transport an average of 60,000 acre-feet of water from the St. Johns and Kaweah Rivers to agricultural areas within Tulare Irrigation District boundaries. The canal begins at a turnout on the Friant-Kern Canal, approximately 4 miles east of the community of Ivanhoe in Tulare County, and proceeds in a general southwesterly direction to the Tulare Irrigation District boundary at Road 132, approximately 3 miles west of the community of Farmersville. The existing canal is unlined with a varying capacity up to 900 cubic feet per second. Since 1978, the canal has conveyed water an average of 177 days per year. According to the Tulare Irrigation District, approximately 10 percent of water conveyed through the canal is lost to seepage. Therefore, the Tulare Irrigation District has proposed to line the canal to conserve water, increase water deliveries, and decrease

per-unit costs associated with water deliveries.

Although the maintained banks of the canal are generally unvegetated, elderberry bushes and several mature oaks and cottonwoods are present within adjacent Tulare Irrigation District right-of-ways. Land use adjacent to the canal is primarily agricultural (vineyards, orchards, and nurseries) interspersed with stretches of sparse residential and industrial developments. The Tulare Irrigation District comprises approximately 70,000 acres of land that has been entirely developed for agricultural, residential, and/or commercial purposes.

In 1998, biologists surveyed the project area for special-status wildlife and plant species that could be affected by the project. Based upon those surveys, the Service concluded the project may result in take of one federally listed species, the threatened valley elderberry longhorn beetle.

The Tulare Irrigation District has agreed to implement the following measures to minimize and mitigate take of the valley elderberry longhorn beetle: (1) Protect elderberry bushes in place where possible by using protective fencing and conducting educational meetings with contractors to highlight the importance of protecting elderberry bushes; and (2) make a one-time payment into the Valley Elderberry Longhorn Beetle Mitigation Fund that has been established through a joint agreement between the Service and the Center for Natural Lands Management. Payments made to the Mitigation Fund would be dispersed by the Center for Natural Lands Management at the direction of the Service to preserve and manage large tracts of habitat suitable for supporting valley elderberry longhorn beetle.

The Proposed Action consists of the issuance of an incidental take permit and implementation of the Plan to minimize and mitigate impacts of the project on the valley elderberry longhorn beetle. An alternative to the taking of listed species under the Proposed Action is considered in the Plan. Under the No Action Alternative, no permit would be issued. Under this alternative, canal operation would continue to result in the loss of up to 6,000 acre-feet of water per year. The Tulare Irrigation District considered five other alternatives described in the Plan, but did not select them for various reasons, including disagreement among, or opposition from, local landowners.

The Service has made a preliminary determination that the Plan qualifies as a "low-effect" plan as defined by its Habitat Conservation Planning

Handbook (November 1996). We made this determination by evaluating the following criteria: (1) Implementation of the Plan would result in minor or negligible effects on federally listed, proposed, and candidate species and their habitats; (2) implementation of the Plan would result in minor or negligible effects on other environmental values or resources; and (3) impacts of the Plan, considered together with the impacts of other past, present and reasonably foreseeable similarly situated projects would not result, over time, in cumulative effects to environmental values or resources which would be considered significant. As more fully explained in the Service's Environmental Action Statement, the Tulare Irrigation District Plan likely qualifies as a "low-effect" plan for the following reasons:

1. Approval of the Plan would result in minor or negligible effects on the valley elderberry longhorn beetle and its habitat. The Service does not anticipate significant direct or cumulative effects to the valley elderberry longhorn beetle resulting from lining of the existing canal.
2. Approval of the Plan would not have adverse effects on unique geographic, historic or cultural sites, or involve unique or unknown environmental risks.
3. Approval of the Plan would not result in any cumulative or growth inducing impacts and, therefore, would not result in significant adverse effects on public health or safety.
4. The project does not require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act, nor does it threaten to violate a Federal, State, local or tribal law or requirement imposed for the protection of the environment.
5. Approval of the Plan would not establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.

The Service therefore has preliminarily determined that approval of the Plan qualifies as a categorical exclusion under the National Environmental Policy Act, as provided by the Department of the Interior Manual (516 DM 2, Appendix 1 and 516 DM 6, Appendix 1). Based upon this preliminary determination, we do not intend to prepare further National Environmental Policy Act documentation. The Service will consider public comments in making its final determination on whether to prepare such additional documentation.

The Service provides this notice pursuant to section 10(c) of the Endangered Species Act. We will evaluate the permit application, the Plan, and comments submitted thereon to determine whether the application meets the requirements of section 10(a) of the Endangered Species Act. If the requirements are met, the Service will issue a permit to the Tulare Irrigation District for incidental take

of the valley elderberry longhorn beetle during lining of the canal. We will make the final permit decision no sooner than 30 days from the date of this notice.

Dated: July 24, 1999.

Elizabeth H. Stevens,
*Deputy Manager, California/Nevada
Operations Office, Sacramento, California.*
[FR Doc. 99-19973 Filed 8-3-99; 8:45 am]

BILLING CODE 4310-55-P

GEOLOGICAL SURVEY

Technology Transfer Act of 1996

AGENCY: United States Geological Survey, Interior.

ACTION: Notice of proposed cooperative research and development agreement (CRADA) negotiations.

SUMMARY: The United States Geological Survey (USGS) is contemplating entering into a Cooperative Research and Development Agreement (CRADA) with the Conservation Fund to further develop a new method for treating water degraded by acidic mine drainage or other sources of acid.

INQUIRIES: If any other parties are interested in similar activities with the USGS, please contact Barnaby Watten, USGS-BRD, Leetown Science Center, 1700 Leetown Road, Kearneysville, WV 25430.

BUREAU CLEARANCE OFFICER: John Cordyack, 703-648-7313.

SUPPLEMENTARY INFORMATION: This notice is to meet the USGS requirement stipulated in the Survey Manual.

Dated: July 26, 1999.

Byron K. Williams,
Acting Chief Biologist.
[FR Doc. 99-19946 Filed 8-3-99; 8:45 am]

BILLING CODE 4310-Y7-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Information Collection for Class III Procedures

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of emergency clearance and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*) this notice announces that the Office of Management and Budget's (OMB) Office of Information and Regulatory Affairs approved an information collection request for emergency clearance under 5 CFR 1320.13. The information