

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****Notice of Availability of an Environmental Assessment and Receipt of an Application for an Incidental Take Permit for the Copper Mountain College Habitat Conservation Plan, San Bernardino, CA**

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: The Copper Mountain Community College District (District) has applied to the Fish and Wildlife Service (Service or “we”) for an incidental take permit pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). We are considering issuing a 16-year permit to the District that would authorize take of the federally threatened desert tortoise (*Gopherus agassizii*) incidental to otherwise lawful activities associated with the expansion of their existing campus onto 71.57 acres of their 156.53-acre property.

We are requesting comments on the permit application, Habitat Conservation Plan (Plan), Environmental Assessment (EA), and Implementing Agreement (IA). The District’s Plan describes the mitigation and minimization measures they would implement, as required in Section 10(a)(2)(B) of the Act, to address the effects of the project on the desert tortoise (see **SUPPLEMENTARY INFORMATION**). The EA describes the project’s impacts on the human environment and analyzes the significance of those impacts. The IA describes the roles and responsibilities of District, the Service, and Joshua Tree National Park (Park) in implementation of the Plan. The draft Plan, EA, and IA are available for public review.

DATES: Written comments should be received on or before May 7, 2007.

ADDRESSES: Please address written comments to Diane K. Noda, Field Supervisor, Fish and Wildlife Service, Ventura Fish and Wildlife Office, 2493 Portola Road, Suite B, Ventura, California 93003. You may also send comments by facsimile to 805-644-3958.

FOR FURTHER INFORMATION CONTACT: Brian Croft, Fish and Wildlife Biologist, (see **ADDRESSES**) telephone: 805-644-1766, extension 302.

SUPPLEMENTARY INFORMATION:**Availability of Documents**

You may obtain copies of these documents for review by contacting the

office under **ADDRESSES**. Documents also will be available for public inspection, by appointment, during normal business hours at our Ventura office (see **ADDRESSES**) and at the Joshua Tree Public Library. The address for the Joshua Tree Public Library is 6465 Park Blvd., Joshua Tree, California 92252. These documents are also available on the Ventura Fish and Wildlife Office internet site: <http://www.fws.gov/ventura>.

Background

Section 9 of the Act and Federal regulations prohibit the “take” of fish or wildlife species listed as endangered or threatened, respectively. Take of listed fish or wildlife is defined under the Act to mean to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. However, the Service, under limited circumstances, may issue permits to cover 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 at 50 CFR 17.32 and 17.22, respectively. Among other criteria, issuance of such permits must not jeopardize the existence of federally listed fish, wildlife, or plants.

The proposed Copper Mountain College Expansion Project is 156.53 acres in the unincorporated community of Joshua Tree, San Bernardino County, California. The District proposes to expand the Copper Mountain Community College campus from the existing 8.59 acres onto 71.57 acres that it owns in adjacent areas. It would begin the phased construction with a solar field immediately after permit issuance, followed by a multi-use sports complex, various roads, and a parking area in 2007. During the next 12 years, the District would construct additional parking lots, new sports fields, additional classroom facilities, and other buildings on the remaining portions of the 71.57-acre site.

The District proposes to implement measures to minimize adverse effects to the desert tortoise during construction and operation of these facilities, additional measures to mitigate adverse effects, and post-construction measures to minimize indirect effects from ongoing use of the new facilities. To minimize adverse effects to the desert tortoise and its habitat, the District would provide on-site biological monitoring during construction, perform pre-project clearance surveys, conduct a desert tortoise education program for project personnel, and use

desert tortoise exclusion fencing to prevent desert tortoises from entering work areas. In addition, the District would meet a schedule of reporting requirements and appoint a field contact representative to oversee compliance.

After permit issuance, the District would also establish an 84.96-acre desert tortoise translocation area (Translocation Area) on land that it owns immediately adjacent to the 71.57-acre project site. The District would manage this Translocation Area as a habitat preserve and fund the maintenance and monitoring of the desert tortoises that are translocated there during Project Site development.

To mitigate adverse effects, the District would purchase an 80-acre private in-holding in the Thermal Canyon area of Joshua Tree National Park. The District would transfer this parcel to Joshua Tree National Park and provide funds to assure adequate management for desert tortoise conservation on the 80-acre site. The District would also implement one of the following mitigation measures within 12 months following permit issuance: (1) Provide funding to a designated management entity for the improved management of desert tortoise habitat on a 605-acre desert park near Coyote Hole Spring or (2) provide funding to the Desert Tortoise Preserve Committee for the acquisition and management of 30-acres of desert tortoise habitat at the Desert Tortoise Natural Area. The District is providing this additional mitigation because habitat on the 80-acre Thermal Canyon parcel is of lower quality than habitat the District would disturb on the project site.

The EA considers the environmental consequences of two alternatives, including: (1) The No Action Alternative, which consists of no campus expansion, no mitigation, and no permit issuance and (2) the Project Development Alternative to the taking, which consists of the development of the project site and implementation of the minimization and mitigation measures described in the previous paragraphs. Under the Project Development Alternative, a third party would be selected to work as the District’s agent under their incidental take permit within 12 months of initial permit issuance. This would cover the third party for take during management of some mitigation lands described in the Plan.

Public Review and Comment

We are providing this notice pursuant to section 10(a) of the Act and the regulations of the National

Environmental Policy Act (NEPA) of 1969 (40 CFR 1506.6). All comments that we receive, including names and addresses, will become part of the official administrative record and may be made available to the public. We will evaluate the application, associated documents, and comments submitted thereon to determine whether the application meets the requirements of NEPA regulations and section 10(a) of the Act. If we determine that those requirements are met, we will issue a permit to the District for the incidental take of desert tortoises. We will make our final permit decision no sooner than 60 days from the date of this notice.

If you wish to comment on the permit application, draft EA, Plan, or IA you may submit your comments to the address listed in the **ADDRESSES** section of this document. Our practice is to make comments, including names, home addresses, etc., of respondents available for public review. Individual respondents may request that we withhold their names and/or home addresses, etc., but if you wish us to consider withholding this information, you must state this prominently at the beginning of your comments. In addition, you must provide a rationale demonstrating and documenting that disclosure would constitute a clearly unwarranted invasion of privacy. In the absence of exceptional, documented circumstances, we will release this information. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, are available for public inspection in their entirety.

Dated: March 2, 2007.

Polly Wheeler,

Acting Deputy Manager, California/Nevada Operations Office, Sacramento, California.

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DEPARTMENT OF THE INTERIOR

Minerals Management Service

Notice Terminating the Exclusion of Indian Allotted Leases in the Uintah and Ouray Reservation From Valuation Under 30 CFR 206.172

AGENCY: Minerals Management Service, Interior.

ACTION: Notice.

SUMMARY: The Minerals Management Service (MMS) with Bureau of Indian Affairs (BIA) concurrence is terminating the exclusion from valuation under the rules at 30 CFR 206.172 for gas produced from the Ute allotted leases in the Uintah and Ouray Reservation (Reservation), Utah. The final rule was published in the **Federal Register** on August 10, 1999 (64 FR 43506).

DATES: *Effective Date:* May 1, 2007.

FOR FURTHER INFORMATION CONTACT: John Barder, Manager, San Juan Basin Region, Indian Oil and Gas Compliance and Asset Management, Minerals Revenue Management, Minerals Management Service, P.O. Box 25165, MS 396B2, Denver, CO 80225-0165, telephone number (303) 231-3702, fax number (303) 231-3755, e-mail john.barder@mms.gov.

SUPPLEMENTARY INFORMATION: The MMS published in the **Federal Register** on August 10, 1999 (64 FR 43506), a final rule titled "Amendments to Gas Valuation Regulations for Indian Leases" with an effective date of January 1, 2000. Indian leases in the Reservation were excluded from index-based

valuation (§ 206.172). This exclusion was based on the results of a cost benefit analysis MMS performed in 1999. In the 1999 cost benefit analysis, MMS estimated individual Indian mineral owners would receive more revenue under the non-index-based valuation methodology (§ 206.174) than under the index-based valuation methodology (§ 206.172).

Effective January 2000, MMS has valued gas production from the Reservation under the non-index-based valuation methodology at § 206.174. However, MMS recently performed a cost benefit analysis for calendar years 2004 through 2005 and estimated that revenues using the index-based valuation formula at § 206.172 exceed the estimated revenues using the non-index-based valuation method at § 206.174. Therefore, as required under § 206.172(g), MMS received written concurrence from BIA to terminate the exclusion from index-based valuation of gas production from Indian allotted leases in the Reservation.

As a result, gas production from Ute allotted leases in the Reservation must be valued under the index-based valuation method (§ 206.172), beginning with production on the first day of the second month following the date MMS publishes notice of its decision in the **Federal Register**. Lessees must value gas production from Ute allotted leases in the Reservation on the index-based valuation formula at § 206.172(d) using MMS-approved publications and indexes for the Central Rocky Mountain Index Zone to determine the index zone price; or lessees may obtain the index-based values from the MRM Internet Web site at: <http://www.mrm.mms.gov>.

Approved publications and index pricing points for the Central Rocky Mountain Index Zone are shown in the following table:

APPROVED PUBLICATIONS AND INDEX PRICING POINTS FOR THE CENTRAL ROCKY MOUNTAIN INDEX ZONE

Index zone	MMS-approved publications		Index-pricing points
	Platts gas daily price guide	NGI's biweekly survey	
Central Rocky Mountains	X X X X X	Kern River Gas Trans. Co. for Wyoming. Northwest Pipeline Corp. for Rocky Mountains. Questar Pipeline Co. for Rocky Mountains. Colorado Interstate Gas Co. for Rocky Mountains. Rocky Mountains • CIG. • Questar. • Kern River. • Northwest Domestic.