

Wheeler National Wildlife Refuge Complex, with refuges in Jackson, Lauderdale, Limestone, Madison, and Morgan Counties, Alabama, is available for distribution. The CCP was prepared pursuant to the National Wildlife Refuge System Improvement Act of 1997, and in accordance with the National Environmental Policy Act of 1969, and describes how the refuge complex will be managed for the next 15 years.

**ADDRESSES:** A copy of the CCP/FONSI may be obtained by writing to: C. Dwight Cooley, Project Leader, Wheeler National Wildlife Refuge Complex, 2700 Refuge Headquarters Road, Decatur, AL 35603; Telephone: 256/353-7243; Fax 256/353-9728. The CCP/FONSI may also be accessed and downloaded from the Service's Web site: <http://southeast.fws.gov/planning/>.

**SUPPLEMENTARY INFORMATION:** With this notice, we finalize the CCP process for the Wheeler National Wildlife Refuge Complex, begun as announced in the **Federal Register** on July 21, 2005 (70 FR 42084). For more about the process, see that notice. We released the Draft Comprehensive Conservation Plan and Environmental Assessment (Draft CCP/EA) to the public, requesting comments in a notice of availability in the **Federal Register** on April 5, 2007 (72 FR 16811).

The Draft CCP/EA identified and evaluated four alternatives for managing the refuge complex over the next 15 years. Under Alternative A, the "no-action" alternative, present management would have continued. Current approaches to managing migratory birds, threatened and endangered species, other wildlife and habitats, and allowing for public use would have remained unchanged. Under Alternative B, management would have focused on maximizing opportunities for public visitation, increasing both facilities and activities. Under Alternative C, the refuge complex would have emphasized its biological program by applying maximum efforts to enhance habitat conditions and increase wildlife populations, particularly migratory birds. The visitor services program would have remained as it is at present. We chose Alternative D as the preferred alternative. This determination was made based on the best professional judgment of the planning team and the comments received on the Draft CCP/EA. Under this alternative, the refuge complex will strive to optimize both its biological program and its visitor services program.

Over the 15-year life of the plan, the complex staff will increase emphasis on environmental education and interpretation to lead to a better

understanding of the importance of wildlife and habitat resources, especially invasive species, endangered species, and migratory birds. Research studies on the refuge will be fostered and partnerships developed with universities and other agencies, providing needed resources and experiment sites, while meeting the needs of each refuge's wildlife and habitat management programs. New surveys on birds, reptiles, and amphibians will be initiated to develop baseline information.

The Wheeler National Wildlife Refuge Complex is currently comprised of seven national wildlife refuges, spreading across 12,500 square miles of northern Alabama. In addition, the Wheeler Complex administers five Farm Service Agency conservation easement tracts. The Final CCP/FONSI covers four of the seven refuges: Wheeler Refuge in Limestone, Madison and Morgan Counties; Key Cave Refuge in Lauderdale County; Sauta Cave Refuge in Jackson County (formerly known as Blowing Wind Cave); and Fern Cave Refuge in Jackson County. The other three refuges (Cahaba River, Mountain Longleaf, and Watercress Darter) will be addressed at a later date in separate plans.

Wheeler National Wildlife Refuge, consisting of 37,000 acres and located among the cities of Athens, Decatur, and Huntsville, was established in 1938 by Executive Order 7926 as a refuge and breeding ground for migratory birds and other wildlife. Additional purposes were added later under the authorities of the Migratory Bird Conservation Act of 1929 and the Refuge Recreation Act of 1962. Sauta Cave National Wildlife Refuge, known as Blowing Wind Cave National Wildlife Refuge until 1999, is located near Scottsboro. It is a 264-acre refuge purchased in 1978 to provide protection for the federally endangered gray bat (*Myotis grisescens*) and Indiana bat (*Myotis sodalis*) and their critical habitat. Fern Cave National Wildlife Refuge, located near Paint Rock, was purchased in 1981 to provide protection for the federally endangered gray and Indiana bats. It consists of 199 acres of forested hillside underlain by a massive cave with many stalactite- and stalagmite-filled rooms. Key Cave National Wildlife Refuge, located about 5 miles southwest of Florence, was established in 1997 to provide protection for the endangered Alabama cavefish (*Speoplatyrhinus poulsoni*).

**Authority:** This notice is published under the authority of the National Wildlife Refuge System Improvement Act of 1997, Public Law 105-57.

Dated: July 24, 2007.

**Cynthia K. Dohner,**

*Acting Regional Director.*

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**BILLING CODE 4310-55-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Proposed Low Effect Habitat Conservation Plan for Washington Department of Natural Resources' Commercial Geoduck Fishery

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

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

**SUMMARY:** We, the Fish and Wildlife Service (Service), advise the public that the Washington Department of Natural Resources (WDNR) has applied for an incidental take permit (ITP), pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The requested 50-year permit would authorize the incidental take of covered species associated with WDNR's management of the State's Commercial Geoduck Fishery. We are requesting comments on the permit application and on whether the proposed Habitat Conservation Plan (HCP) qualifies as a "low-effect" HCP, eligible for a categorical exclusion under the National Environmental Policy Act (NEPA) of 1969, as amended. We explain the basis for this possible determination in a draft environmental action statement (EAS), which is also available for public review.

**DATES:** Written comments must be received by 5 p.m. on October 15, 2007.

**ADDRESSES:** Address comments to Ken Berg, Manager, Western Washington Fish and Wildlife Office, U.S. Fish and Wildlife Service, 510 Desmond Drive SE., Suite 102, Lacey, WA 98503. You may also send comments by facsimile to (206) 753-9405 or by electronic mail to [geoduckhcp@fws.gov](mailto:geoduckhcp@fws.gov). For further information and instruction on the reviewing and commenting process, see Public Availability of Comments section below.

**FOR FURTHER INFORMATION CONTACT:** Jo Ellen Henry, Fish and Wildlife Biologist, U.S. Fish and Wildlife Service (see **ADDRESSES**), or telephone (360) 753-7766.

#### SUPPLEMENTARY INFORMATION:

##### Availability of Documents

If you would like copies of the application, proposed HCP, or EAS, contact us by telephone (see **FOR**

**FURTHER INFORMATION CONTACT**) or by letter (see **ADDRESSES**). Copies of the subject documents also are available for public inspection during regular business hours at the Western Washington Fish and Wildlife Office (see **ADDRESSES**) and the Western Washington Fish & Wildlife Service internet site: <http://www.fws.gov/westwafwo/consplan/docs.html>.

### Background

Section 9 of the Act (16 U.S.C. 1531 *et seq.*) and Federal regulations prohibit the “take” of a fish or wildlife species listed as endangered or threatened. Take of federally listed fish and wildlife is defined under section 3 of the Act as including to “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in such conduct” (16 U.S.C. 1538). We may, under limited circumstances, issue permits to authorize “incidental take” of listed species. “Incidental take” is defined by the Act as take that is incidental to, and not the purpose of, carrying out an otherwise lawful activity. Regulations governing permits for threatened species and endangered species, respectively, are at 50 CFR 17.32 and 50 CFR 17.22. The applicant is seeking a permit for the incidental take of species that are listed as either threatened or endangered under the Act, and certain species should they become listed during the 50-year term of the permit. The species under consideration for coverage include bald eagle (*Haliaeetus leucocephalus*), California brown pelican (*Pelecanus occidentalis*), marbled murrelet (*Brachyramphus marmoratus*), tufted puffin (*Fratrercula cirrhata*), bull trout (*Salvelinus confluentus*), and coastal cutthroat trout (*O. clarki clarki*).

Proposed covered activities under the HCP include the subtidal harvest of wild stock geoduck clams (*Panopea abrupta*) on State-owned aquatic lands for commercial, research and health sampling purposes.

The majority of subtidal lands in the State, and the resources embedded in them, are owned by Washington State and managed by the WDNR. The geoduck clam is among the most commercially valuable of these resources.

The wild geoduck fishery in the state is jointly managed by WDNR, Washington Department of Fish and Wildlife (WDFW), and the Puget Sound Treaty Indian Tribes (tribes). The State and the tribes each have a right to 50 percent of the allowable geoduck catch. The State and the tribes are jointly responsible for estimating geoduck population size, determining

sustainable yield, and protecting the health of the geoduck stock and the habitat they depend upon. WDNR offers the State’s half of the geoduck harvest at auctions for the right of private companies and individuals to harvest specific quantities of geoducks in specific areas. As the State’s managers of the geoduck resource, WDNR and WDFW enforce civil and criminal Washington State laws, regulations and contract conditions that apply to the State’s fishery.

Washington’s commercial geoduck fishery is divided into six geoduck management regions. Commercial harvest occurs within one management region at a time, and usually on one tract at a time. There are currently 400 commercial geoduck tracts comprising approximately 30,000 acres of subtidal bedlands. Ten to 14 harvest quotas are offered at each WDNR geoduck harvest auction, resulting in 30 to 40 individual harvest agreements annually. Typically, one or two tracts are open for harvest at any given time. The tract boundaries are defined by a water depth of –18 feet mean lower low water (MLLW) to the outer edge of the harvest area (depth of –70 feet MLLW). Most of the subtidal tracts range in size from 18 acres to 459 acres. A small number of tracts are larger. Harvest limits are based on the annual harvest level (Total Allowable Catch (TAC)). The TAC for a management region is the total weight of geoduck that may be harvested during the year in each management region. The number is calculated annually and is the product of the regional commercial biomass estimate multiplied by the equilibrium harvest rate.

The proposed minimization and mitigation measures include, but are not limited to: Limiting the number of acres open to harvest in each management region per year; permitting harvest only from tracts designated through contract by WDNR; clearly marking tracts with easily identifiable stakes and/or buoys, and recording latitude and longitude positions on all markers; limiting surface noise levels; applying harvest boundaries and buffers to protect eelgrass beds, forage fish spawning areas and other sensitive nearshore habitats and providing direct oversight of the fishery by maintaining compliance staff aboard vessels on harvest tracts each day that commercial geoduck harvest occurs.

Approval of the HCP may qualify for a categorical exclusion under NEPA, as provided by the Departmental Manual (516 DM2 Appendix 1 and 516 DM 6 Appendix 1), and as a “low-effect” plan as defined by the Habitat Conservation Planning Handbook (Service, November

1996). We determine whether an HCP is low effect based upon whether the HCP has minor or negligible effects on federally listed, proposed, or candidate species and their habitats; minor or negligible effects on other environmental values or resources; and impacts that together with the impacts of other past, present, and reasonably foreseeable similarly situated projects would, not result, over time, in cumulative effects to the environmental values or resources which would be considered significant. If we find the HCP to qualify as a low-effect HCP, further NEPA documentation would not be required.

### Public Availability of Comments

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. If we determine that the requirements are met, we will issue an incidental take permit under section 10(a)(1)(B) of the Act to the applicant for take of the proposed covered species, incidental to otherwise lawful activities in accordance with the terms of the permit. We will not make our final decision until after the end of the 30-day comment period and will fully consider all comments received during the comment period.

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

Dated: September 7, 2007.

**Ken S. Berg,**

Manager, Western Washington Fish and Wildlife Office, U.S. Fish and Wildlife Service, Lacey, Washington.

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 2007 Migratory Bird Hunting and Conservation Stamp (Federal Duck Stamp) Contest

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

**ACTION:** Notice.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service) announce the