

sandiegensis), and vernal pool fairy shrimp (*Branchinecta lynchi*) in conjunction with presence and absence surveys and population monitoring in San Diego, Riverside, and Orange Counties, California, for the purpose of enhancing their survival.

Permit No. 817400

Applicant: East Bay Regional Park District, Oakland, California

The applicant requests an amendment to his permit to take (harass by survey using a motorized boat) the California clapper rail (*Rallus longirostris obsoletus*) in conjunction with presence or absence surveys in Alameda and Contra Costa Counties, California, for the purpose of enhancing its survival.

Permit No. 785564

Applicant: Parsons Harland Bartholomew & Associates, Sacramento, California

The applicant requests an amendment to his permit to take (harass by survey) the California clapper rail (*Rallus longirostris obsoletus*) in conjunction with presence or absence surveys throughout the species range in California for the purpose of enhancing its survival.

Permit No. 839093

Applicant: Thomas Wang, San Francisco, California

The applicant requests a permit to take (harass by survey; mark larvae) the mission blue butterfly (*Icaricia icarioides missionensis*) in conjunction with scientific research in San Mateo County, California, for the purpose of enhancing its survival.

Permit No. 815537

Applicant: Karen Swaim, Livermore, California

The applicant requests a permit amendment to take (capture, handle, and release) the Alameda whipsnake (*Masticophis lateralis euryxanthus*) and to take (harass by survey) the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), vernal pool tadpole shrimp (*Lepidurus packardii*), San Diego fairy shrimp (*Branchinecta sandiegensis*), and the Riverside fairy shrimp (*Streptocephalus woottoni*) throughout the range of the species in California in conjunction with presence or absence surveys, general aquatic surveys, and scientific research for the purpose of enhancing their survival.

Permit No. 836517

Applicant: Chet McCaugh, Riverside, California

The applicant requests a permit amendment to take (locate and monitor

nests) the least Bell's vireo (*Vireo bellii pusillus*) in conjunction with population monitoring and removal of brown-headed cowbird (*Molothrus ater*) eggs and chicks from parasitized nests throughout the species' range in California for the purpose of enhancing its survival.

Permit No's. 832717, 794784, 797665

Applicants: Rodrick Dossey, El Cajon, California; Affinis, El Cajon, California; RECON, San Diego, California

The applicants request a permit amendment to take (harass by survey) the Quino checkerspot butterfly (*Euphydryas editha quino*) in conjunction with presence or absence surveys and ecological research throughout the species' range in California, for the purpose of enhancing its survival.

Permit No. 810768

Applicant: Harmsworth Associates, Dove Canyon, California

The applicant requests a permit amendment to take (harass by survey; nest monitor) the southwestern willow flycatcher (*Empidonax traillii extimus*) in conjunction with presence or absence surveys and nest monitoring throughout the species' range in California, for the purpose of enhancing its survival.

Permit No. 801346

Applicant: Geoffrey L. Rogers, San Diego, California

The applicant requests a permit amendment to take (harass by survey) the southwestern willow flycatcher (*Empidonax traillii extimus*) in conjunction with presence or absence surveys in San Diego, Orange, Imperial, and Riverside Counties, California, for the purpose of enhancing its survival.

Permit No. 839211

Applicant: Marnie Crook, Redland, California

The applicant requests a permit to take (capture, handle, and release) the San Bernardino kangaroo rat (*Dipodomys merriami parvus*) in conjunction with presence or absence surveys and population monitoring in San Bernardino County, California, for the purpose of enhancing its survival.

Permit No. 839483

Applicant: University of Nevada, Reno, Nevada

The applicant requests a permit to take (harass by survey, collect and sacrifice) the Conservancy fairy shrimp (*Branchinecta conservatio*) and the vernal pool tadpole shrimp (*Lepidurus packardii*) in conjunction with the collection of soil samples at the Beale Air Force Base and Jepson Prairie

Reserve, California, for the purpose of enhancing their survival.

Permit No. 839578

Applicant: David Evans and Associates, Inc., Bellevue, Washington

The applicant requests a permit to take (harass by survey) the southwestern willow flycatcher (*Empidonax traillii extimus*) throughout the states of Utah and Nevada in conjunction with presence or absence surveys for the purpose of enhancing its survival.

DATES: Written comments on these permit applications must be received on or before March 30, 1998.

ADDRESSES: Written data or comments should be submitted to the Chief, Division of Consultation and Conservation Planning, Ecological Services, Fish and Wildlife Service, 911 N.E. 11th Avenue, Portland, Oregon 97232-4181; Fax: (503) 231-6243. Please refer to the respective permit number for each application when submitting comments. All comments, including names and addresses, received will become part of the official administrative record and may be made available to the public.

FOR FURTHER INFORMATION CONTACT: Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents within 20 days of the date of publication of this notice to the address above; telephone: (503) 231-2063. Please refer to the respective permit number for each application when requesting copies of documents.

Dated: February 20, 1998.

William F. Shake,

Acting Regional Director, Region 1, Portland, Oregon.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of an Environmental Assessment and Receipt of an Application for an Incidental Take Permit for Corrections Corporation of America, California City Prison Project, Kern County, CA

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: The Corrections Corporation of America of Nashville, Tennessee, has

applied to the Fish and Wildlife Service for an incidental take permit pursuant to the Endangered Species Act of 1973, as amended (Act). The Service proposes to issue an incidental take permit for the federally threatened desert tortoise (*Gopherus agassizii*) at the proposed California City Prison Project site, located in Kern County, California. Corrections Corporation of America has requested that the Service include the Mojave ground squirrel (*Spermophilus mohavensis*), a species listed as threatened by the State of California, and the burrowing owl (*Athene cunicularia*), a California species of special concern, as covered species in the Habitat Conservation Plan submitted with their application. This notice announces the availability of the permit application and the Environmental Assessment for the proposed action. The permit application includes the Habitat Conservation Plan for the California City Prison Project and an Implementing Agreement. The Service specifically requests comment on the appropriateness of the "No Surprises" assurances contained in this application. All comments received, including names and addresses, will become part of the administrative record and may be made available to the public.

DATES: Written comments on the permit application, Habitat Conservation Plan, Environmental Assessment, and Implementing Agreement should be received on or before March 30, 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, 2493 Portola Road, Suite B, Ventura, California 93003. Written comments may also be sent by facsimile to (805) 644-3958. Individuals wishing copies of the documents should immediately contact the Service's Ventura Fish and Wildlife Office at the above referenced address or facsimile, or at the telephone number listed below. Documents will also be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Denise Washick, Fish and Wildlife Biologist, at the above address or call (805) 644-1766.

SUPPLEMENTARY INFORMATION: The "take" of threatened and endangered species is prohibited under Section 9 of the Act and its implementing regulations. "Take" is defined, in part, as killing, harming or harassing listed species, including significant habitat

modification that results in death of or injury to listed species. Under limited circumstances, the Service may issue permits to take listed species if such taking is incidental to otherwise lawful activities. Regulations governing permits are found at Title 50, Code of Federal Regulations, sections 17.22 and 17.32.

The Service proposes to issue a section 10(a)(1)(B) permit to the applicant for incidental take of the desert tortoise, Mojave ground squirrel, and the burrowing owl (covered species) during the construction and operation of the prison. The proposed development of the prison would result in a permanent loss of habitat for the covered species as the project site is bladed and the vegetative communities are permanently removed during the construction of the prison. The construction and operation of the prison could directly and indirectly affect the covered species.

Background Information

Corrections Corporation of America proposes the construction and operation of a new 2,304-bed medium security prison facility located on undeveloped land in the northern one-half of section 13 of Township 32 South, Range 38 East in California City, Kern County, California. The proposed prison would occupy approximately 105 acres of a 320-acre property characterized by creosote bush scrub vegetation. This site is known to support a population of the threatened desert tortoise and may support populations of Mojave ground squirrels and burrowing owls, the latter species being listed as threatened and sensitive, respectively, by the State of California.

The proposed action would authorize the incidental take of all desert tortoises on the 105-acre site in the form of harassment as a result of being moved out of harm's way. Additionally, two desert tortoises may be taken in the form of direct mortality associated with construction and operational activities and travel on the access road. Burrowing owls are unlikely to be killed or injured by the proposed action. If Mojave ground squirrels are present on the site, they would likely be killed during the initial grading of the construction areas. The proposed acquisition and management of the habitat off-site would be the primary means of compensating for the loss of habitat and direct take of the Mojave ground squirrel and burrowing owl.

The Habitat Conservation Plan proposes several measures to mitigate and minimize the effects of the prison development on the desert tortoise.

Before construction activities commence, an amount of habitat of the covered species equal to that being destroyed will be purchased and placed in management for recovery of the desert tortoise. A fence to prevent desert tortoises from entering the construction site will be constructed under the supervision of a biologist and the area enclosed by the fence will be systematically searched. All desert tortoises found will be relocated to adjacent habitat in a manner consistent with current handling procedures and guidelines. Workers at the construction site will be educated about the status of the desert tortoise and procedures to take if desert tortoises are found during work activities or while traveling on access roads. The Corrections Corporation of America or their contractor will ensure that trash is handled in a way that does not lure predators of the desert tortoise into the area or increase their presence on-site.

In compliance with the National Environmental Policy Act, the Environmental Assessment examines the environmental consequences of four alternatives. These include the proposed action, a smaller project that would impact 40 acres, an alternate site that would also require the issuance of a section 10(a)(1)(B) permit for the incidental take of the desert tortoise, and a no take alternative.

This notice is provided pursuant to section 10(a)(1)(B) of the Act and Service regulations for implementing the National Environmental Policy Act of 1969 (40 CFR 1506.6). The Service will evaluate the application, its associated documents, and submitted comments 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 incidental take of the listed species. A final decision on permit issuance will be made no sooner than 30 days from the date of this notice.

Dated: February 23, 1998.

David L. McMullen,

Acting Regional Director, Region 1, Portland, Oregon.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Letters of Authorization To Take Marine Mammals

AGENCY: U.S. Fish and Wildlife Service, Interior.