

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 Bluffs Project, Alameda County, California**

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability and receipt of application.

SUMMARY: This notice advises the public that the Greenbriar Land Company and the East County Investors (Applicants) have 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 (Act). The proposed permit would authorize the incidental take of the San Joaquin kit fox (*Vulpes macrotis mutica*), federally listed as endangered, and modification of its habitat during construction of a planned unit development in Alameda County, California. The permit would also authorize incidental take of the California tiger salamander (*Ambystoma californiense*), a Federal candidate species, effective upon its listing under the Act. The permit would be in effect for 2 years.

The Service announces the receipt of the Applicants' incidental take permit application and the availability of an Environmental Assessment and the proposed Bluffs Habitat Conservation Plan (Plan), which accompanies the incidental take permit application, for public comment. The Plan fully describes the proposed project and the measures the Applicants would undertake to minimize and mitigate project impacts to the San Joaquin kit fox and the California tiger salamander. This notice is provided pursuant to section 10(a) of the Endangered Species Act and National Environmental Policy Act regulations (40 CFR 1506.6). All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public.

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

ADDRESSES: Comments regarding the permit application, Environmental Assessment or the Plan should be addressed to the Field Supervisor, Fish and Wildlife Service, Sacramento Fish and Wildlife Office, 3310 El Camino Avenue, Suite 130, Sacramento, California 95821-6340. Written comments may be sent by facsimile to (916) 979-2723. Individuals wishing

copies of the application, the Environmental Assessment and the Plan for review should immediately contact the above office. Documents also will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Ms. Lori Rinek or Mr. William Lehman, Sacramento Fish and Wildlife Office, telephone (916) 979-2129.

SUPPLEMENTARY INFORMATION: Section 9 of the Act and Federal regulation prohibit the "take" of a species listed as endangered or threatened, respectively (take is defined under the Act, in part, as to kill, harm, or harass). However, the Service, under limited circumstances, may issue permits to authorize "incidental take" of listed species (defined by the Act as take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity). Regulations governing permits for threatened species are promulgated in 50 CFR 17.32; regulations governing permits for endangered species are promulgated in 50 CFR 17.22.

Background

The Applicants propose to construct a Planned Unit Development consisting of 51 single-family residential units and associated public streets and infrastructure on the Bluffs project site. The planned development will cover approximately 22.8 acres, with the remaining 9.5 acres of the property set aside as open space. Residential lot sizes will range from 0.23 to 0.53 an acre, with a maximum density of 2 units per acre. Grading of lots and streets will conform approximately to the existing topography, with the exception that the knoll at the northeastern end of the site will be substantially lowered. The open space areas on the site will consist of an earthquake fault structure exclusion zone that traverses the site from northwest to southeast, a series of sediment detention basins, and 0.36 acre of seasonal wetlands with associated 50-foot minimum setbacks at the western end of the site. Four of the detention basins will be located within the structure exclusion zone. Two additional detention basins will be constructed at the western end of the property and will be separated from the existing wetlands and setbacks by a berm approximately 4 feet tall. Appropriate native vegetation, including indigenous shrubs and native grass seed mixture, will be planted on the banks of the detention basins. The Bluffs project site covers approximately 32.28 contiguous acres within the City of Livermore. The site is located at the

northeastern end of the Livermore Valley in eastern Alameda County, California, approximately one mile north of Interstate 580. The property borders open grassland to the north, Laughlin Road opposite Frick Lake to the east, grassland adjacent to a new residential development to the south, and grassland and alkali wetlands to the west. The site is comprised mainly of a gently sloping alluvial plain at the base of the Altamont Hills.

In 1993 and 1994, the proposed project area was surveyed for potential habitat for rare, threatened, or endangered species and other biological features that could be affected by the project. Only one federally listed species, the endangered San Joaquin kit fox, has the potential to occur on the project site and to be incidentally taken during the proposed project. The project site may also provide foraging or estivation habitat for the California tiger salamander, a Federal candidate species. To mitigate for impacts that may result from incidental take of the San Joaquin kit fox and the California tiger salamander, the Greenbriar Land Company purchased 60 credits (60 acres) from the Livermore Equity Group Conservation Bank, a mitigation bank approved by the California Department of Fish and Game. To further minimize take of the San Joaquin kit fox and California tiger salamander, the Applicants will ensure the following: (1) that a qualified biologist is present to monitor the project site during and after the initial grading period; (2) that temporary fencing will be installed to ensure that construction personnel remain out of the open space area; (3) that construction equipment disturbance will be minimized; and (4) that construction personnel receive worker awareness training.

The Environmental Assessment considers the environmental consequences of three alternatives. Alternative one, the No Action Alternative, the Service would not issue an incidental take permit. The Bluffs project would not be implemented, and no incidental take of the listed species would occur. In addition, the mitigation credits would be transferred, therefore no habitat would be preserved from compensation activities for the proposed project.

Under Alternative two, the Reduced Density Alternative, the development footprint of the Bluffs project would be reduced, thereby reducing the loss of annual grassland. The amount of offsite mitigation would be less than that provided for the project as proposed.

Alternative three, the Proposed Action, consists of the issuance of an

incidental take permit, and implementation of the Habitat Conservation Plan. The purchase of 60 acres of habitat management lands and other conservation measures would result in greater habitat value for the San Joaquin kit fox and the California tiger salamander than currently exists on the project site.

This notice is provided pursuant to section 10(a) of the Endangered Species Act and the National Environmental Policy Act of 1969 regulations (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 the National Environmental Policy Act regulations and section 10(a) of the Endangered Species Act. If it is determined that those requirements are met, a permit will be issued for the incidental take of the San Joaquin kit fox during the Applicants' planned development project. The permit would also authorize incidental take of the California tiger salamander effective upon its listing under the Act. The final permit decision will be made no sooner than 30 days from the date of this notice.

Dated: September 4, 1998.

Michael J. Spear,

Manager, California/Nevada Operations Office, Fish and Wildlife Service, Region 1, Sacramento, California.

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WO-350-4210-01]

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

AGENCY: Bureau of Land Management Interior.

ACTION: Notice and request for comments.

In accordance with the Paperwork Reduction Act of 1995, the Bureau of Land Management (BLM) announces its intention to request approval from the Office of Management and Budget (OMB) to collect information, suggestions, and opinions, of individuals who visit the Wild Horse and Burro Internet Adoption Web Site. On June 24, 1998, BLM published a notice in the **Federal Register** (63 FR 33472) requesting comment on this proposed collection. The comment

period closed on August 25, 1998. No comments were received from the public in response to that notice. Copies of the proposed collection of information and related forms and explanatory material may be obtained by contacting the BLM clearance officer at the telephone number listed below. OMB is required to respond to this request within 60 days but may respond after 30 days. For maximum consideration, your comments and suggestions on the requirement should be made directly to the Office of Management and Budget, Interior Department Desk Officer (1004-NEW), Office of Information and Regulatory Affairs, Washington, D.C. 20503, telephone (202) 395-7340. Please provide a copy of your comments to the Bureau Clearance Officer (WO-630), 1849 C St., N.W., Mail Stop 401 LS, Washington, D.C. 20240.

Nature of Comments

We specifically request your comments on the following:

1. Whether the collection of information is necessary to BLM's proper functioning, including whether the information will have practical utility;
2. The accuracy of BLM's estimate of the burden of collecting the 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 collecting the information on those who are to respond, including the use of appropriate electronic, mechanical, or other forms of information technology.

Title: Wild Horse and Burro Internet Adoption Customer Comment Card.

OMB Approval Number: None.

Abstract: BLM will use the information, suggestions, and opinions given by commenters on the Internet adoption web site to improve the management of the web site and of the Internet adoption program. These data will determine whether BLM continues to use Internet adoptions as a means of disposing of healthy, excess wild horses and burros living on public lands.

Frequency: Once, per adoption.

Description of Respondents:

Respondents are those individuals who have access to computers with modems and internet access and who visit the Wild Horse and Burro Internet Adoption Web Site during the period of the adoption. Estimated completion time, 3 minutes per response.

Annual Responses: 600.

Annual Burden Hours: 30.

Collection Clearance Officer: Carole Smith, (202) 452-0367.

Dated: August 26, 1998.

Carole J. Smith,

Bureau of Land Management, Information Clearance Officer.

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA-060-1430-01; CACA 7195]

Termination of Classification of Public Land for Small Tract Classification Number 368, and Opening Order; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice terminates, in its entirety, the following classification, which classified public land for disposition pursuant to the Small Tract Act of June 1, 1938: CACA 7195—Small Tract Classification Number 368. The Small Tract Act of June 1, 1938 was repealed by the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), which contained provisions providing broad authority that replaced the repealed act. Of the 75 acres described under the above described classification, 35 acres have been conveyed out of public ownership pursuant to the Small Tract Act of June 1, 1938. The mineral estates of those conveyed lands were reserved to the United States. Until appropriate rules and regulations are issued by the Secretary of the Interior, the reserved minerals on the conveyed lands will not be subject to location under the U.S. mining laws. A total of 40 acres still remain in public ownership. Those lands will be opened to the operation of the public land laws including the mining laws, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. All of the lands have been and remain open to the operation of the mineral leasing laws. The termination is necessary to facilitate the completion of a pending land exchange.

EFFECTIVE DATE: The termination of the classification is effective on September 11, 1998. The public land will be opened to entry at 10 a.m. on October 13, 1998.

FOR FURTHER INFORMATION CONTACT: Duane Marti, BLM California State Office (CA-931.4), 2135 Butano Drive, Sacramento, California 95825-0451; telephone number 916-978-4675.