

defined under the ESA as take of a listed species that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity under limited circumstances. Regulations governing permits for threatened species are promulgated in 50 CFR 17.32.

The Applicants' original draft regional county-wide HCP, initiated at the time of listing in May 1998, focused on providing coverage for activities conducted by the Applicants as well as private landowners and other entities, addressed multiple plant, wildlife and fish species, and proposed a permit duration of 50 years. The Applicants continued to pursue the regional HCP approach until February 2005 when the Service announced its 12-month finding on the two delisting petitions and its proposal to remove Prebles from the List of Endangered and Threatened Wildlife (70 FR 5404 [February 2, 2005]). In light of the proposed delisting of Prebles, the Applicants considered the following alternatives—(1) the no action alternative, resulting in the status quo requiring compliance with the ESA on a project by project basis; (2) the regional HCP alternative, affording broad incidental take permit coverage; or (3) the proposed action (DCHCP), entailing scaling back the regional HCP to address only Prebles, and covering only activities conducted by the Applicants for a reduced permit duration.

The Service's EA evaluates the environmental consequences of the three alternatives discussed above—the Proposed Action (the DCHCP); a Regional HCP; and No Action. The No Action alternative was rejected because it would likely have greater environmental impacts, would not provide as great a conservation benefit as the proposed action, and is more expensive and time consuming than the proposed action. While the Regional HCP alternative may provide greater conservation benefit to Prebles, it is not economically viable and no longer meets the Applicants' purpose and need, and thus was rejected. The draft EA analyzes the onsite, offsite, and cumulative impacts of the proposed action and associated development and construction activities and mitigation activities on the Prebles, and also on other threatened or endangered species, vegetation, wildlife, wetlands, geology/soils, land use, water resources, air and water quality, and cultural resources.

The DCHCP delineates riparian areas and adjacent upland habitat on non-Federal lands with a high likelihood of supporting Prebles within the three major watersheds in the County (Plum Creek, Cherry Creek, and South Platte

River upstream of Chatfield Reservoir), referred to as the Riparian Conservation Zone (RCZ). The DCHCP seeks to provide incidental take coverage for construction, maintenance, use, and closure of roads, bridges, trails, and recreational facilities, maintenance and repair of existing structures and facilities, emergency activities, habitat improvements that benefit the RCZ, and other necessary public improvement projects (covered activities) identified by the Applicants that need to be completed during the next 10 years. The permanent impacts to the RCZ associated with the covered activities are distributed throughout the County and the RCZ and will permanently affect a maximum of approximately 308 acres (125 hectares) (about 1.6 percent of the RCZ) and temporarily disturb approximately 122 acres (49 hectares) over the life of the permit. The DCHCP establishes an impact cap (including permanent and temporary impacts) of approximately 30 acres (12 hectares) of the RCZ that will not be exceeded during the permit term absent amendment of the DCHCP and incidental take permits.

The DCHCP sets forth measures to minimize and mitigate impacts to Prebles and its potential habitat through impact avoidance, restoration of temporary impacts, implementation of activity conditions and best management practices, and habitat preservation. The minimization and mitigation efforts identified in the DCHCP will likely provide a benefit to Prebles and other wildlife by protecting approximately 1,133 acres (459 hectares), restoring portions of RCZ, and by providing a consistent riparian conservation strategy among the Applicants. The HCP addresses the proposed delisting of Prebles.

We will evaluate the application, associated documents, and comments submitted thereon to determine whether the application meets the requirement of National Environmental Policy Act regulations and section 10(a) of the ESA. If we determine that those requirements are met, we will issue a permit to the Applicants for the incidental take of Prebles. We will make our final permit decision no sooner than 60 days from the date of this notice.

Dated: December 2, 2005.

**Elliott Sutta,**

*Acting Deputy Regional Director, Region 6.*  
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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Service Regulations Committee Meeting

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

**ACTION:** Notice of meeting.

**SUMMARY:** The Fish and Wildlife Service (hereinafter Service) will conduct an open meeting on February 1, 2006, to identify and discuss preliminary issues concerning the 2006-07 migratory bird hunting regulations.

**DATES:** The meeting will be held February 1, 2006.

**ADDRESSES:** The Service Regulations Committee will meet at the Embassy Suites Hotel, Denver—International Airport, 7001 Yampa Street, Denver, Colorado, (303) 574-3000.

**FOR FURTHER INFORMATION CONTACT:** Brian Millsap, Chief, Division of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, ms MBSP-4107-ARLSQ, 1849 C Street, NW., Washington, DC 20240, (703) 358-1714.

**SUPPLEMENTARY INFORMATION:** Under the authority of the Migratory Bird Treaty Act (16 U.S.C. 703-712), the U.S. Fish and Wildlife Service regulates the hunting of migratory game birds. We update the migratory game bird hunting regulations, located at 50 CFR part 20, annually. Through these regulations, we establish the frameworks, or outside limits, for season lengths, bag limits, and areas for migratory game bird hunting. To help us in this process, we have administratively divided the nation into four Flyways (Atlantic, Mississippi, Central, and Pacific), each of which has a Flyway Council. Representatives from the Service, the Service's Migratory Bird Regulations Committee, and Flyway Council Consultants will meet on February 1, 2006, at 8:30 a.m. to identify preliminary issues concerning the 2006-07 migratory bird hunting regulations for discussion and review by the Flyway Councils at their March meetings.

In accordance with Departmental policy regarding meetings of the Service Regulations Committee attended by any person outside the Department, these meetings are open to public observation.

Dated: December 6, 2005.

**Paul R. Schmidt,**

*Assistant Director, Migratory Birds, U.S. Fish and Wildlife Service.*

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