

scientific research permits to conduct certain activities with endangered species pursuant to section 10(a)(1)(A) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*). The U.S. Fish and Wildlife Service (we) solicits review and comment from local, State, and Federal agencies, and the public on the following permit requests.

**Permit No. TE-122620**

*Applicant:* Joseph B. Platt, Irvine, California

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

**Permit No. TE-074017**

*Applicant:* Jackie Charbonneau, Livermore, California

The permittee requests an amendment to take (harass by survey, capture, and release) the California tiger salamander (*Ambystoma californiense*) in conjunction with surveys and demographic studies in Alameda County, California, for the purpose of enhancing its survival.

**Permit No. TE-052744**

*Applicant:* Shannon Hickey, Davis, California

The permittee requests an amendment to take (harass by survey, capture, and release) the California tiger salamander (*Ambystoma californiense*) in conjunction with surveys and demographic studies throughout the range of the species in California for the purpose of enhancing its survival.

**Permit No. TE-122632**

*Applicant:* Kimberly Ferree, Encinitas, California

The applicant requests a permit to take (harass by survey, and locate and monitor nests) the coastal California gnatcatcher (*Polioptila californica californica*), take (harass by survey, locate and monitor nests, capture, band, and release) the southwestern willow flycatcher (*Empidonax traillii extimus*), and take (locate and monitor nests, capture, band, and release) the least Bell's vireo (*Vireo bellii pusillus*) in conjunction with ecological research and surveys for the purpose of enhancing their survival throughout the range of each species in California.

**Permit No. TE-123409**

*Applicant:* Rachel Bomkamp, Placentia, California

The applicant requests a permit to take (capture, and collect and kill) the Conservancy fairy shrimp (*Branchinecta conservatio*), the longhorn fairy shrimp (*Branchinecta longiantenna*), the vernal pool tadpole shrimp (*Lepidurus packardii*), the Riverside fairy shrimp (*Streptocephalus wootoni*), and the San Diego fairy shrimp (*Branchinecta sandiegonensis*) in conjunction with surveys throughout the range of each species in California for the purpose of enhancing their survival.

**Permit No. TE-123412**

*Applicant:* Zachary Parker, Fresno, California.

The applicant requests a permit to take (capture, and collect and kill) the Conservancy fairy shrimp (*Branchinecta conservatio*), the longhorn fairy shrimp (*Branchinecta longiantenna*), the vernal pool tadpole shrimp (*Lepidurus packardii*), the Riverside fairy shrimp (*Streptocephalus wootoni*), and the San Diego fairy shrimp (*Branchinecta sandiegonensis*) in conjunction with surveys throughout the range of each species in southern California for the purpose of enhancing their survival.

**Permit No. TE-020548**

*Applicant:* U.S. Geological Survey-BRD, Western Ecological Research Center, Vallejo, California

The permittee requests an amendment to take (capture, handle, collect biological samples, and radio-tag) the California clapper rail (*Rallus longirostris obsoletus*) in conjunction with ecological research throughout the species range in California for the purpose of enhancing its survival.

**Permit No. TE-124994**

*Applicant:* USDA Forest Service, San Bernardino National Forest, San Bernardino, California.

The applicant requests a permit to take (capture and release) the unarmored threespine stickleback (*Gasterosteus aculeatus williamsoni*) in conjunction with surveys and population monitoring in San Bernardino, Los Angeles, Riverside, and Orange Counties, California, for the purpose of enhancing its survival.

**Permit No. TE-126141**

*Applicant:* Craig A. Stockwell, Fargo, North Dakota.

The applicant requests a permit to take (capture, mark, and release) the Mohave tui chub (*Siphateles bicolor mohavensis*) in conjunction with ecological studies in San Bernardino, California, for the purpose of enhancing its survival.

We solicit public review and comment on each of these recovery permit applications. Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home addresses from the record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the record a respondent's identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment, but you should be aware that we may be required to disclose your name and address pursuant to the Freedom of Information Act. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

Dated: June 1, 2006.

**Michael Fris,**

*Acting Manager, California/Nevada Operations Office, U.S. Fish and Wildlife Service.*

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**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**Proposed Programmatic Statewide Red-cockaded Woodpecker Safe Harbor Agreement, AL**

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

**ACTION:** Notice of availability.

**SUMMARY:** This notice advises the public that the Alabama Department of Conservation and Natural Resources (ADCNR, or Applicant) has applied to the Fish and Wildlife Service (Service) for an enhancement of survival permit (ESP) under section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (Act). The ESP application includes a proposed Safe Harbor Agreement (SHA) for the endangered Red-cockaded Woodpecker (*Picoides borealis*) (RCW) for a period of 99 years, along with a supporting Environmental Assessment (EA). We announce the

opening of a 30-day comment period and request comments from the public on the proposed SHA and the supporting EA.

**DATES:** Written comments should be sent to the Service's Regional Office (see **ADDRESSES**) and must be received on or before July 13, 2006.

**ADDRESSES:** To obtain copies of the proposed SHA and the supporting EA for review, write to the Service's Southeast Regional Office, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345 (Attn: Endangered Species Permits). Send your comments to this address as well. For commenting guidelines, see "Public Comments" under **SUPPLEMENTARY INFORMATION**.

Documents will also be available for public inspection by appointment during normal business hours at the Regional Office in Atlanta, or at our Field Office located at 1208-B Main Street, Daphne, Alabama 36526. Do not write to this address.

**FOR FURTHER INFORMATION CONTACT:** Mr. Rick Gooch, Regional Safe Harbor Coordinator, at the Atlanta address above, 404-679-7124 (phone), or 404-679-7081 (facsimile), or Mr. Dan Everson, Fish and Wildlife Biologist, at the Daphne address above or 251-441-5837 (phone).

**SUPPLEMENTARY INFORMATION:** The Applicant has applied to the Service for an ESP under section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*). The application includes a proposed SHA for the endangered RCW for a period of 99 years, along with a supporting EA. We announce the opening of a 30-day comment period and request comments from the public on the proposed SHA and the supporting EA. If approved, the SHA would allow the Applicant to issue certificates of inclusion throughout the state of Alabama to eligible non-Federal landowners that complete an approved Safe Harbor Management Agreement (SHMA).

### Background

The EA identifies and describes several alternatives. All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public, subject to the requirements of the Privacy Act and Freedom of Information Act. For further information and instructions on reviewing and commenting on this application, see **ADDRESSES** and, in this section, "Public Comments."

Under a SHA, participating property owners voluntarily undertake

management activities on their property to enhance, restore, or maintain habitat benefiting species listed under the Act. SHAs encourage private and other non-Federal property owners to implement conservation efforts for listed species by assuring property owners they will not be subjected to increased property use restrictions if their efforts attract listed species to their property or increase the numbers or distribution of listed species already on their property. Application requirements and issuance criteria for enhancement of survival permits through SHAs are found in 50 CFR 17.22 and 17.32.

ADCNR's proposed Statewide SHA is designed to encourage voluntary RCW habitat restoration or enhancement activities by relieving a landowner who enters into a landowner-specific agreement (*i.e.*, the SHMA) from any additional responsibility under the Act beyond that which exists at the time he or she enters into the program. The SHMA will identify any existing RCWs and any associated habitat (the baseline) and will describe the actions that the landowner commits to take (*e.g.*, hardwood midstory removal, cavity provisioning) or allows to be taken to improve RCW habitat on the property, and the time period within which those actions are to be taken and maintained. A participating landowner must maintain the baseline on his/her property (*i.e.*, any existing RCW groups and/or associated habitat), but may be allowed the opportunity to incidentally take RCWs at some point in the future if above-baseline numbers of RCWs are attracted to that site by the proactive management measures undertaken by the landowner. It is important to note that the SHA does not envision, nor will it authorize, incidental take of existing RCW groups, with one exception. This exception is incidental take related to a baseline shift; in this circumstance, the baseline will be maintained but redrawn or shifted on that landowner's property. Among the minimization measures proposed by the Applicant are no incidental taking of RCWs during the breeding season, consolidation of small, isolated RCW populations at sites capable of supporting a viable RCW population, and measures to improve current and potential habitat for the species. Further details on the topics described above are found in the aforementioned documents available for review under this notice.

The geographic scope of the Applicant's SHA is the State of Alabama. Lands potentially eligible for inclusion include all privately owned lands, State lands, and public lands owned by cities, counties, and

municipalities with potentially suitable RCW habitat.

We have evaluated several alternatives to the proposed action, and these are described at length in the accompanying EA. The alternative of our paying landowners for desired management practices is not being pursued because we are presently unable to fund such a program. An alternative by which interested private or non-Federal property owners would prepare an individual permit application/Agreement with us also was evaluated. Under that alternative, we would process each permit application/Agreement individually. This would increase the effort, cost, and amount of time it would take to provide safe harbor assurances to participating landowners and also cause such benefits to be applied on a piecemeal, individual basis. We have determined the previously identified alternatives, which would result in delays and lack of a coordinated effort, would likely result in a continued decline of the RCWs on private lands due to habitat fragmentation, lack of beneficial habitat management, and the effects of demographic isolation.

A no-action alternative was also explored, but this alternative is not likely to increase the number of RCW groups or RCW habitat, nor would it alleviate landowner conflicts. Instead, the action proposed here, although it authorizes future incidental take, is expected to attract sufficient interest among Alabama landowners to generate substantial net conservation benefits to the RCW on a landscape level. The proposed SHA was developed in an adaptive management framework to allow changes in the program based on new scientific information, including but not limited to biological needs and management actions proven to benefit the species or its habitat.

### Public Comments

Written data or comments should be submitted to the Regional Office at the address listed under **ADDRESSES** and must be submitted in writing to be adequately considered in the Service's decision-making process. Please reference the "Proposed Programmatic Alabama Statewide Red-cockaded Woodpecker Safe Harbor Agreement" in your comments, or in requests for the documents discussed in this notice.

### Decision

We will not make our final determination until after the end of the 30-day comment period, and we will fully consider all comments received during the comment period. If the final

analysis shows the SHA to be consistent with the Service's policies and applicable regulations, the Service will sign the SHA and issue the ESP.

#### Authority

We are providing this notice under section 10(c) of the Endangered Species Act and implementing regulations for the National Environmental Policy Act (40 CFR part 1506).

Dated: May 25, 2006.

Cynthia K. Dohner,

Acting Regional Director, Southeast Region.

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Receipt of Application for Formal Modification of Issued Incidental Take Permit (ITP); Availability of an Environmental Assessment (EA); Baldwin County, AL

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

**ACTION:** Notice.

**SUMMARY:** We, the Fish and Wildlife Service (Service), announce the availability of an EA and Habitat Conservation Plan (HCP)/Application for amendment to an issued incidental take permit. D & E Investments (permittee) requests an amendment to its ITP Number PRT-787172, which was issued in 1994 under the Endangered Species Act of 1973, as amended (Act), for the take of the Alabama beach mouse (*Peromyscus polionotus ammobates*) (ABM). The proposed take would be incidental to otherwise lawful activities, including the construction, occupancy, use, operation, and maintenance of a residential condominium at Kiva Dunes on the Fort Morgan Peninsula, in Baldwin County, Alabama.

**DATES:** We must receive your written comments on the ITP amendment application, modified HCP, and EA on or before July 13, 2006.

**ADDRESSES:** You may obtain hard or electronic copies of the application, HCP, and EA by sending a letter to the Service's Southeast Regional Office, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345 (Attn: HCP Coordinator), or to the Service's Ecological Services Field Office, 1208-B Main Street, Daphne, Alabama 36526, or by sending an e-mail to [Aaron\\_Valenta@fws.gov](mailto:Aaron_Valenta@fws.gov). Submit your written data or comments concerning the proposed amendment and/or the documents by mail to the Regional

Office, by e-mail to [Aaron\\_Valenta@fws.gov](mailto:Aaron_Valenta@fws.gov), or by hand-delivery to either Service office. For more about how to request documents or submit comments, see "Public Comments Solicited" under **SUPPLEMENTARY INFORMATION**.

**FOR FURTHER INFORMATION CONTACT:** Mr. Aaron Valenta, Regional Permit Coordinator (see **ADDRESSES**), telephone: (404) 679-4144; or Acting Field Supervisor, Daphne Field Office (see **ADDRESSES**), telephone: (251) 441-6181.

**SUPPLEMENTARY INFORMATION:** We announce the availability of an EA and HCP/Application for amendment to an issued incidental take permit. The permittee requests an amendment to ITP Number PRT-787172, which was issued on April 29, 1994, under section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*), for the take of the ABM. The proposed take would be incidental to otherwise lawful activities, including the construction, occupancy, use, operation, and maintenance of a residential condominium at Kiva Dunes on the Fort Morgan Peninsula, in Baldwin County, Alabama.

The amendment would allow the permittee to build a 12-story condominium with eight units per floor on four beachfront lots, instead of the four single-family residences, yet unbuilt, that we originally approved the permittee to build. The proposed action would involve approval of the modified HCP developed by the permittee, as required by section 10(a)(2)(B) of the Act, to minimize and mitigate for incidental take of the ABM, the threatened green sea turtle (*Chelonia mydas*), the threatened loggerhead sea turtle (*Caretta caretta*), and the endangered Kemp's ridley sea turtle (*Lepidochelys kempi*). A detailed description of the mitigation and minimization measures to address the effects of the project to the ABM and sea turtles is provided in the permittee's HCP and also in our EA.

#### Public Comments Solicited

We specifically request information, views, and opinions from the public via this notice, including the identification of any other aspects of the human environment not already identified in the EA. Further, we specifically solicit information regarding the adequacy of the HCP as measured against our ITP issuance criteria found in 50 CFR parts 13 and 17.

If you wish to comment, you may submit comments by any one of several methods (see **ADDRESSES**). If you contact us via e-mail, please include your name

and return mailing address in your e-mail message. If you do not receive a confirmation from us that we have received your e-mail message, contact us directly by telephone (see **FOR FURTHER INFORMATION CONTACT**).

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home addresses from the administrative record. We will honor such requests to the extent allowable by law. There may also be other circumstances in which we would withhold from the administrative record a respondent's identity, as allowable by law. If you wish us to withhold your name and address, you must state this prominently at the beginning of your comments. We will not, however, consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

#### Background

The ABM is one of eight subspecies of the old field mouse restricted to coastal dunes. We estimate that ABM historically occupied approximately 45 kilometers (28 miles) of shoreline. Monitoring (trapping and field observations) of the ABM population on other private lands that hold, or are under review for, an ITP during the last five years indicates that the Fort Morgan Peninsula remains occupied (more or less continuously) by ABM along its primary and secondary dunes, as well as the escarpment and suitable interior habitat.

The permittee owns approximately 252 acres of land south of Alabama Highway 180 on the Fort Morgan Peninsula. The site is approximately 12.5 miles west of the intersection of Highway 180 with Alabama Highway 59 in Gulf Shores, Baldwin County, Alabama. On May 3, 1994, the Service issued ITP number PRT-787172, authorizing the take of ABM incidental to construction and occupancy of the Kiva Dunes development. The single project includes a golf course, and both multi-family and single-family residential areas located north of currently designated critical habitat. The ITP did not establish a maximum number of units to be developed as part of the project. The site development plan incorporated in the original HCP anticipated the construction and occupancy of 531 residential units within the 91 acres designated for