

**NOTIFICATION PROCEDURES:**

For information, assistance, or inquiry about the existence of records, contact the Privacy Act Officer at the Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC. Written requests must include the full name, Social Security Number, date of birth, current address, and telephone number of the individual making the request.

**CONTESTING RECORD PROCEDURES:**

Procedures for the amendment or correction of records, and for applicants wanting to appeal initial agency determination, appear in 24 CFR part 16. If additional information is needed, contact:

(i) In relation to contesting contents of records, the Departmental Privacy Act Officer at HUD, 451 Seventh Street, SW., Room 2256, Washington, DC 20410; and

(ii) In relation to appeals of initial denials, HUD, Departmental Privacy Appeals Officer, Office of General Counsel, 451 Seventh Street, SW., Washington, DC 20410.

**RECORD SOURCE CATEGORIES:**

Information is received from Nonprofit Organizations, Government Entities and homebuyers purchasing homes from participating agencies.

**EXEMPTIONS FROM CERTAIN PROVISIONS OF THE ACT:**

None.

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**DEPARTMENT OF THE INTERIOR****U.S. Fish and Wildlife Service**

[FWS-R2-ES-2008-N0063; 20124-1112-0000-F2]

**Notice of Availability of Record of Decision for the Horseshoe-Bartlett Habitat Conservation Plan for Incidental Take by the Salt River Project, Maricopa and Yavapai Counties, AZ**

**AGENCY:** U.S. Fish and Wildlife Service, Department of the Interior.

**ACTION:** Notice of Availability of Record of Decision.

**SUMMARY:** The United States Fish and Wildlife Service (Service) has issued an incidental take permit (ITP) to the Salt River Project (SRP) for 16 federally listed and candidate species in Maricopa and Yavapai counties, Arizona. Authorized take will occur as the result of modified operation of

Horseshoe Dam and Reservoir (Horseshoe) and Bartlett Dam and Reservoir (Bartlett).

The Record of Decision (ROD) became effective on June 13, 2008. It states that the preferred alternative will be implemented and discusses all factors leading to the decision.

**ADDRESSES:** Persons wishing to review the ROD may obtain a copy by writing to the Field Supervisor, U.S. Fish and Wildlife Service, 2321 West Royal Palm Road, Suite 103, Phoenix, AZ 85021.

**FOR FURTHER INFORMATION CONTACT:** Ms. Debra Bills, Arizona State Office, U.S. Fish and Wildlife Service, 2321 West Royal Palm Road, Suite 103, Phoenix, AZ 85021; 602-242-0210, Mr. Charles Paradzick, Senior Ecologist, Salt River Project, P.O. Box 52025, PAB352, Phoenix, AZ 85072-2025; 602-236-2724, or Mr. Craig Sommers, President, ERO Resources Corporation, 1842 Clarkson Street, Denver, CO 80218; 303-830-1188.

A read-only downloadable copy of the ROD is available on the Internet at <http://www.fws.gov/southwest/es/arizona>. A copy is available for public inspection and review at the locations listed below under **SUPPLEMENTARY INFORMATION**.

**SUPPLEMENTARY INFORMATION:** Pursuant to the National Environmental Policy Act (NEPA), this notice advises the public that the Service has issued an Incidental Take Permit (ITP) to SRP for the following federally listed and candidate species: southwestern willow flycatcher (*Empidonax traillii extimus*), bald eagle (*Haliaeetus leucocephalus*), yellow-billed cuckoo (*Coccyzus americanus*), razorback sucker (*Xyrauchen texanus*), Colorado pikeminnow (*Ptychocheilus lucius*), Gila topminnow (*Peociliopsis occidentalis occidentalis*), Spikedace (*Meda fulgida*), loach minnow (*Tiaroga cobitis*), roundtail chub (*Gila robusta*), longfin dace (*Agosia chrysogaster*), Sonora sucker (*Catostomus insignis*), desert sucker (*Catostomus clarki*), speckled dace (*Rhinichthys osculus*), lowland leopard frog (*Rana yavapaiensis*), Northern Mexican gartersnake (*Thamnophis eques megalops*), and narrow-headed gartersnake (*Thamnophis rufipunctatus*).

SRP completed the Horseshoe and Bartlett Habitat Conservation Plan (HCP) as part of the application package for an ITP submitted to the Service as required by the Endangered Species Act of 1973, as amended (Act), which provides measures to minimize and mitigate for the effects of the taking of listed and

candidate species and the habitats upon which they depend.

The Notice of Intent and Notice of Public Scoping Meeting was published in the **Federal Register** on June 19, 2003 (68 FR 36829).

The Notice of Availability for the Draft Environmental Impact Statement, application for the ITP, Draft HCP, and Draft Implementing Agreement was published in the **Federal Register** on July, 25 2007 (72 FR 40892).

The Notice of Availability for the Final EIS (FEIS), Final HCP, and Implementing Agreement published in the **Federal Register** on April 30, 2008 (73 FR 23488).

A copy of the ROD is available for public inspection and review at the following locations (by appointment at government offices):

Department of the Interior, Natural Resources Library, 1849 C. St., NW., Washington, DC 20240.  
U.S. Fish and Wildlife Service, 2321 West Royal Palm Road, Suite 103, Phoenix, AZ 85021.  
Salt River Project, 1521 Project Drive, Tempe, AZ 85281.

**Background**

Horseshoe and Bartlett are operated by SRP in conjunction with four reservoirs on the Salt River and one reservoir on East Clear Creek as integral features of the Salt River Federal Reclamation Project, authorized by the Reclamation Act of 1902, and under a 1917 contract with the United States (43 U.S.C. 499). Since completion in the 1930s and 1940s, Horseshoe and Bartlett have provided water for irrigation, municipal, and other uses. Currently, SRP reservoirs supply much of the water for the population of more than 2.6 million people in the cities of Phoenix, Mesa, Chandler, Tempe, Glendale, Gilbert, Scottsdale, Tolleson, and Avondale. Water deliveries are also made under specific water rights in Horseshoe and Bartlett held by the City of Phoenix, the Salt River Pima-Maricopa Indian Community, and the Fort McDowell Yavapai Nation. In addition, water is provided to irrigate agricultural lands within SRP and for satisfaction of the independent water rights of Buckeye Irrigation Company, Gila River Indian Community, Roosevelt Irrigation District, Roosevelt Water Conservation District, and others. Horseshoe, Bartlett, and the other SRP reservoirs also provide a variety of recreational uses and environmental benefits in central Arizona.

Due to dry conditions in central Arizona for the past 12 years, water levels in Horseshoe and Bartlett have been below normal. As a result, riparian

trees and shrubs have grown in the Horseshoe storage space and have been colonized by a population of flycatchers, which are listed as endangered under the Act. Thus, periodic refilling of the reservoir may adversely impact the habitat and nesting of the flycatcher as well as the cuckoo, which uses similar habitat. Also, nonnative fish produced in Horseshoe and Bartlett can adversely impact covered fish, frog, and gartersnake species through predation, competition, and alteration of habitat in the Verde River and portions of its tributaries.

Based upon our review of the alternatives and their environmental consequences described in the FEIS, our decision is to implement Alternative 2—Optimum Operation of Horseshoe and Bartlett (the preferred alternative). The HCP will minimize and mitigate for take of the covered species named above by operating Horseshoe to maintain riparian forest in the upper end of the reservoir, acquiring and managing 200 acres of replacement habitats in perpetuity, managing Horseshoe to benefit aquatic species, funding improvements to a State native fish hatchery, stocking covered fish species, and supporting other watershed improvement projects as described in the HCP.

**Thomas L. Bauer,**

*Acting Regional Director, Southwest Region.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS-R2-ES-2008-N0177; 20124-1115-0000-F4]

#### **Draft Candidate Conservation Agreement With Assurances and Application for an Enhancement of Survival Permit for the Lesser Prairie-Chicken and Sand Dune Lizard (Center of Excellence for Hazardous Materials Management)**

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

**ACTION:** Notice of availability of draft candidate conservation agreement with assurances and draft environmental assessment; receipt of application.

**SUMMARY:** The Center of Excellence for Hazardous Materials Management (CEHMM) (Applicant) has applied for an enhancement of survival permit under Section 10(a)(1)(A) of the Endangered Species Act (Act) of 1973, as amended. The permit application

includes a draft Candidate Conservation Agreement with Assurances (CCAA) between the U.S. Fish and Wildlife Service (Service) and CEHMM for the lesser prairie-chicken (*Tympanuchus pallidicinctus*) (LPC) and the dunes sagebrush lizard (*Sceloporus arenicolus*), commonly known as the sand dune lizard (SDL) throughout their range in New Mexico. The Applicant proposes to implement conservation measures for the LPC and SDL by removing threats to the survival of these species and protecting their habitat. We invite public comment.

**DATES:** To ensure consideration, we must receive written comments on or before November 20, 2008.

**ADDRESSES:** Persons wishing to review the application may obtain a copy by writing to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Room 4102, Albuquerque, NM 87103. Persons wishing to review the draft CCAA or the draft environmental assessment may obtain a copy by written or telephone request to Nancy Riley, New Mexico Ecological Services Field Office, U.S. Fish and Wildlife Service, 2105 Osuna NE., Albuquerque, NM 87113 (505/761-4707). Documents will be available for public inspection by written request, or by appointment only during normal business hours (8 a.m. to 4:30 p.m.), at the above Albuquerque address.

**FOR FURTHER INFORMATION CONTACT:** Nancy Riley, New Mexico Ecological Services Field Office, U.S. Fish and Wildlife Service, 2105 Osuna NE., Albuquerque, NM 87113 (505/761-4707).

**SUPPLEMENTARY INFORMATION:** With the assistance of the Service, the Applicant proposes to implement conservation measures for the LPC and SDL by removing threats to the survival of these species and protecting their habitat. The proposed CCAA would be in effect for 20 years in southeastern New Mexico. This area constitutes the CCAA's Planning Area, with Covered Areas being private lands and state trust lands that provide suitable habitat or are being improved or restored to provide suitable habitat for the LPC and/or SDL. This CCAA is part of a larger conservation effort for the LPC and SDL within New Mexico in the form of a Candidate Conservation Agreement (CCA) among the Service, the Bureau of Land Management, and CEHMM that would address conservation measures on Federal lands. The CCA contains more information regarding both species, including the life history, historic ranges, threats to the species, and conservation measures to reduce and/or

eliminate those threats. There are no assurances associated with the CCA.

Under the CCAA, LPC and SDL conservation will be enhanced by providing assurances such that, should the Participating Landowner or Other Cooperator have or attract LPCs or SDLs to their property, the Participating Landowner or Other Cooperator will not incur additional land use restrictions in the event either species is listed. Without regulatory assurances, landowners may be unwilling to initiate conservation measures for these species.

### Background

The historic range of the LPC encompassed habitats with sandy soils supporting shinnery oak-bluestem and sand sage-bluestem communities in the high plains of southeastern Colorado, southwestern Kansas, western Oklahoma, west Texas, the Texas panhandle, and eastern New Mexico. The Service was petitioned to list the LPC as threatened in 1995. The Service ruled that listing of the LPC was warranted, but precluded because of other higher priority species. The LPC was designated as a candidate for listing in 1997.

The SDL is native to a small area of southeastern New Mexico and west Texas. The species only occurs in sand dune complexes associated with shinnery oak. Oil and gas development near dunal complexes along with shinnery oak removal for the enhancement of forage production for grazing has increased fragmentation of SDL habitat and gaps in the species' range. In 2001, the Service determined that listing of the SDL was warranted, but precluded because of other higher priority species, and the species was designated a candidate for listing under the Act.

This CCAA was initiated in order to facilitate conservation and restoration of the LPC and SDL on private lands and state trust lands. Conservation benefits for both species are expected in the form of habitat enhancement and restoration. The Applicant also proposes to encourage creative partnerships among public, private, and government entities to conserve the LPC and SDL and their habitats. In addition to habitat enhancement and restoration activities, release of captive-reared or trans-located LPCs will be conducted in order to establish viable populations within the Planning Area. The Applicant has committed to guiding the implementation of these conservation measures and requests issuance of the permit in order to address the take prohibitions of Section 9 of the Act