

improve nesting success, and salvaging eggs and nestlings to enhance the survival of the species in the wild.  
*Permit Application Number:* TE182430.  
*Applicant:* Nicholas Owens, Oak Brook, Illinois.

The applicant requests a permit amendment to take (capture and release) federally listed mussels within the State of Iowa. Species included on Mr. Owens' existing permit are: Fanshell (*Cyprogenia stegaria*), pink mucket (*Lampsilis abrupta*), Higgins' Eye (*Lampsilis higginsii*), orangefoot pimpleback (*Plethobasus cooperianus*), clubshell (*Pleurobema clava*), fat pocketbook (*Potamilus capax*), rough pigtoe (*Pleurobema plenum*), and Northern riffleshell (*Epioblasma torulosa rangiana*). Proposed activities are for enhancement of the survival of the species in the wild.

*Permit Application Number:* TE152002.  
*Applicant:* Stantec Consulting Services, Louisville, Kentucky.

The applicant requests a permit amendment to take (capture and release) Carolina northern flying squirrel (*Glaucomys sabrinus coloratus*) and bog turtle (*Clemmys muhlenbergii*) to the list of approved species on their existing fish and wildlife permit. Activities for the Carolina northern flying squirrel are proposed for Tennessee, North Carolina, and Virginia. Activities for the bog turtle are proposed for Connecticut, Delaware, Georgia, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Tennessee, and Virginia. Proposed surveys are aimed at enhancement of the survival of the species in the wild.

*Permit Application Number:* TE212435.  
*Applicant:* David Zanatta, Central Michigan University, Mount Pleasant, Michigan.

The applicant requests a permit to take (capture and release) Northern riffleshell and Clubshell in the Black River watershed and St. Joseph River watershed in the State of Michigan. Proposed surveys to determine species presence and abundance are aimed at enhancement of the survival of the species in the wild.

*Permit Application Number:* TE023664.  
*Applicant:* Environmental Solutions & Innovations, Inc., Cincinnati, Ohio.

The applicant requests a permit amendment to authorize personnel to work under the authority of their existing permit for federally listed bat species. The proposed amendment is for the enhancement of survival of the species in the wild.

*Permit Application Number:* TE212440.  
*Applicant:* Bat Conservation and Management, Carlisle, Pennsylvania.

The applicant requests a permit to take (capture and release) Indiana bats and gray bats within Iowa, Illinois, Indiana, Missouri and Ohio. Proposed activities include presence/absence surveys, studies to document habitat use, and population monitoring in the interest of recovery and enhancement of the survival of the species in the wild.

*Permit Application Number:* TE842313.

*Applicant:* Dr. Everett D. Cashatt, Illinois State Museum, Springfield, Illinois.

The applicant requests a permit amendment to take (collect) Hines' emerald dragonfly in Missouri and to include additional personnel in activities authorized on his existing fish and wildlife permit. The proposed activities are for scientific research in the interest of species recovery.

#### Public Comments

We solicit public review and comments on these permit applications. Please refer to the permit number when you submit comments. Comments and materials we receive are available for public inspection, by appointment, during normal business hours at the street address shown in the **ADDRESSES** section. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

#### National Environmental Policy Act (NEPA)

In compliance with NEPA (42 U.S.C. 4321 *et seq.*), we have made an initial determination that the activities proposed in these permits are categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement (516 DM6 Appendix 1, 1.4C(1)).

Dated: April 10, 2009.

**Lynn M. Lewis,**

*Assistant Regional Director, Ecological Services, Region 3.*

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## DEPARTMENT OF THE INTERIOR

### National Park Service

#### Repair Kalaupapa Dock Structures To Ensure Continued Barge Service; Kalaupapa National Historical Park, Hawaii; Notice of Intent To Prepare Environmental Impact Statement

**SUMMARY:** Pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C), the National Park Service will prepare an Environmental Impact Statement (EIS) for all repairs of Kalaupapa dock structures as may be necessary to ensure continued barge service for Kalaupapa National Historical Park (NHP) and community residents. Kalaupapa NHP was established on the island of Molokai in 1980 in recognition of the significant role of this extremely isolated area in the development of treatments and care for persons with Hansen's disease. The proposed project may include stabilization and repair of the failing bulkhead wall and toe structure located adjacent to the pier; repair and reconstruction of the severely cracked and deteriorating concrete pier; replacement of mooring dolphins to used to secure barges; and dredging and potentially blasting to widen the berthing channel. Timely repair of the structures is needed to avoid any disruption of incoming barge service upon which Kalaupapa NHP and community residents depend for their livelihood (as well as regular outgoing service required for the park's recycling program and other activities).

The National Park Service (NPS) previously conducted public scoping during spring and summer 2008, and began preparing an environmental assessment. A community meeting was conducted in March, 2008. Oral and written comments were obtained from the Kalaupapa patient community and park neighbors; state, county, and federal agencies, including Hawaii Department of Health, the State Historic Preservation Officer, and U.S. Fish and Wildlife Service; interested organizations; and Native Hawaiian groups. Based on information obtained, particularly concerning the degree to which potential impacts could adversely affect several species protected under the Endangered Species Act, the NPS has determined that preparation of an EIS is warranted. Moreover the dock and harbor setting are deemed to be potential contributing elements to the National Historic Landmark status of Kalaupapa Leprosy Settlement made famous by Father Damien.

**DATES:** All written comments must be postmarked or transmitted not later than June 8, 2009.

**FOR FURTHER INFORMATION CONTACT:** Current information about proposed repairs to Kalaupapa dock or design of appurtenant structures will be available from Superintendent Steve Prokop, Kalaupapa National Historical Park, P.O. Box 2222, Kalaupapa, HI 96742 (808) 567-6802 (or at <http://parkplanning.nps.gov/kala>).

*Scoping Process:* The NPS will formally conclude the public scoping phase (needed to inform preparation of a Draft EIS) following receipt of any and all comments as noted above. All previously submitted comments are documented in the administrative record; only new issues and concerns need to be submitted at this time. During this final scoping period, public meetings will also be conducted—the dates, times, and locations will be announced via local and regional press media and on the project website (noted above). Confirmed details may also be obtained by contacting the Superintendent of Kalaupapa NHP.

All new relevant environmental information, or additional comments on any issues that may be associated with the proposed project, should be submitted by mail to the attention of the Superintendent (address as noted above, or you may submit comments electronically at <http://parkplanning.nps.gov/kala>). Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

*Decision Process:* All information and comments received will be carefully considered in preparing a Draft EIS, availability of which will be similarly announced in the **Federal Register**. Following release of the Draft EIS for public and agency review, a Final EIS will be prepared. As a delegated EIS, the official responsible for approval of any dock repair project is the Regional Director, Pacific West Region, National Park Service. Notice of approval of a Record of Decision will also be published in the **Federal Register**. The official responsible for implementation of the approved project will be the Superintendent, Kalaupapa National Historical Park.

Dated: December 30, 2008.

**Jonathan B. Jarvis**,  
Regional Director, Pacific West Region.

**Editorial Note:** This document was received in the Office of the Federal Register on April 10, 2009.

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS-R8-ES-2009-N0060]; [1112-0000-81420-F2]

#### Hossain Ahmadi Low-Effect Habitat Conservation Plan, City of San Jose, Santa Clara County, CA

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

**ACTION:** Notice of availability; proposed low-effect habitat conservation plan; request for comment.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, have received an application from Hossain Ahmadi (applicant) for a 3-year incidental take permit for five species under the Endangered Species Act of 1973, as amended (Act). The application addresses the potential for “take” of three listed animals, one listed plant, and one non-listed plant. The applicant would implement a conservation program to minimize and mitigate the project activities, as described in the applicant’s low-effect habitat conservation plan (plan). We request comments on the applicant’s application and plan, and the preliminary determination that the plan qualifies as a “low-effect” habitat conservation plan, eligible for a Categorical Exclusion under the National Environmental Policy Act of 1969, as amended (NEPA). We discuss our basis for this determination in our environmental action statement (EAS), also available for public review.

**DATES:** We must receive written comments on or before May 18, 2009.

**ADDRESSES:** Please address written comments to Mike Thomas, Conservation Planning Branch, U. S. Fish and Wildlife Service, Sacramento Fish and Wildlife Office, 2800 Cottage Way, W-2605, Sacramento, CA 95825. Alternatively, you may send comments by facsimile to (916) 414-6713.

**FOR FURTHER INFORMATION CONTACT:** Mike Thomas, or Eric Tattersall, Division Chief, Conservation Planning Branch, at the address shown above or at 916-414-6600 (telephone).

**SUPPLEMENTARY INFORMATION:**

### Availability of Documents

You may obtain copies of the permit application, plan, and EAS from the individuals in **FOR FURTHER INFORMATION CONTACT**. Copies of these documents are also available for public inspection, by appointment, during regular business hours, at the Sacramento Fish and Wildlife Office (see **ADDRESSES**).

### Public Availability of Comments

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

### Background Information

Section 9 of the Act (16 U.S.C. 1531 *et seq.*) and its implementing Federal regulations prohibit the “take” of fish or wildlife species listed as endangered or threatened. “Take” is defined under the Act to include the following activities: To harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect listed animal species, or to attempt to engage in such conduct. However, under section 10(a)(1)(B) of the Act, we may issue permits to authorize incidental take of listed species. “Incidental take” is defined by the Act as take that is incidental to, and not the purpose of, carrying out an otherwise lawful activity. Regulations governing incidental take permits for endangered and threatened species, respectively, are in the Code of Federal Regulations at 50 CFR 17.22 and 50 CFR 17.32.

Although take of listed plant species is not prohibited under the Act, and therefore cannot be authorized under an incidental take permit, plant species may be included on a permit in recognition of the conservation benefits provided to them under a habitat conservation plan. All species included in the incidental take permit would receive assurances under our “No Surprises” regulations (50 CFR 17.22(b)(5) and 17.32(b)(5)).

The applicant seeks an incident take permit for covered activities within 9.2 acres (ac) (3.72 hectares (ha)) of grassland the applicant owns in Santa Clara County, California. The applicant is requesting permits for take of three animal species federally listed as threatened: Bay checkerspot butterfly (*Euphydryas editha bayensis*), California red-legged frog (*Rana aurora draytonii*),