

configuration that would encourage the continued use and expansion of volunteer trails, thus continuing and expanding impacts to coastal scrub and salt marsh habitats. The third alternative would involve the relocation of the project site within the Morro Bay State Park. However, the proposed Marina Peninsula Trail project offers an opportunity to use a long stretch of existing disturbed ground, former maintenance road, and existing trails, all of which could be improved to meet accessible guidelines, limit the removal of existing habitat, and provide substantial protection and improvement of habitat for sensitive species.

We are requesting comments on our preliminary determination that the applicant's proposal will have a minor or negligible effect on the species covered in the plan, and that the plan qualifies as a "low-effect" habitat conservation plan as defined by our Habitat Conservation Planning Handbook (November 1996). We base our determination that the plan qualifies as a low-effect plan on the following three criteria: (1) Implementation of the plan would result in minor or negligible effects on Federally listed, proposed, and candidate species and their habitats; (2) implementation of the plan would result in minor or negligible effects on other environmental values or resources; and (3) impacts of the plan, considered together with the impacts of other past, present, and reasonably foreseeable similarly situated projects, would not result, over time, in cumulative effects to environmental values or resources that would be considered significant. As more fully explained in our Environmental Action Statement and associated Low Effect Screening Form, the applicant's proposed plan qualifies as a "low-effect" plan for the following reasons:

(1) Approval of the HCP would result in minor or negligible effects on the Morro shoulderband snail and California seablite and their habitat. The Service does not anticipate significant direct or cumulative effects to the Morro shoulderband snail or California seablite resulting from the proposed Project.

(2) Approval of the HCP would not have adverse effects on unique geographic, historic, or cultural sites, or involve unique or unknown environmental risks.

(3) Approval of the HCP would not result in any cumulative or growth-inducing impacts and would not result in significant adverse effects on public health or safety.

(4) The project does not require compliance with Executive Order 11988 (Floodplain Management), Executive

Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act, nor does it threaten to violate a Federal, State, local, or Tribal law or requirement imposed for the protection of the environment.

(5) Approval of the HCP would not establish a precedent for future actions or represent a decision in principle about future actions with potentially significant environmental effects.

We, therefore, have made a preliminary determination that the approval of the HCP and incidental take permit application qualifies for a categorical exclusion under the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*), as provided by the Department of the Interior Manual (516 DM 2 Appendix 1 and 516 DM 8). Based on our review of public comments that we receive in response to this notice, we may revise this preliminary determination.

#### Next Steps

We will evaluate the plan and comments we receive to determine whether the permit application meets the requirements of section 10(a) of the Act (16 U.S.C. 1531 *et seq.*). If we determine that the application meets these requirements, we will issue the permit for incidental take of the Morro shoulderband snail. We will also evaluate whether issuance of a section 10(a)(1)(B) permit would comply with section 7 of the Act by conducting an intra-Service section 7 consultation. We will use the results of this consultation, in combination with the above findings, in our final analysis to determine whether or not to issue a permit. If the requirements are met, we will issue the permit to the applicant.

#### Public Comments

If you wish to comment on the permit application, plan, and associated documents, you may submit comments by any one of the methods in

#### ADDRESSES.

#### Public Availability of Comments

Before including your address, phone number, e-mail address, or other personal identifying information in your comments, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. If you wish us to consider withholding this information you must state this prominently at the beginning of your comments. In addition, you must provide a rationale demonstrating and documenting that disclosure would constitute a clearly unwarranted invasion of privacy. 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. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, are available for public inspection in their entirety.

#### Authority

We provide this notice under section 10(c) of the Act (16 U.S.C. 1531 *et seq.*) and NEPA regulations (40 CFR 1506.6).

Dated: February 19, 2010.

**Diane K. Noda,**

*Field Supervisor, Ventura Fish and Wildlife Office.*

[FR Doc. 2010-3850 Filed 2-24-10; 8:45 am]

**BILLING CODE 4310-55-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS-R7-ES-2009-N244; 70120-1113-0000-C3]

#### Endangered and Threatened Wildlife and Plants; Request for Scoping Comments and Intent To Prepare an Environmental Assessment for the Proposed Designation of a Non-Essential Experimental Population of Wood Bison in Alaska

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

**ACTION:** Notice of intent.

**SUMMARY:** We, the Fish and Wildlife Service (Service), plan to prepare a draft environmental assessment, under the National Environmental Policy Act of 1969, as amended (NEPA), in conjunction with a potential proposed rule to establish an experimental population of wood bison (*Bison bison athabasca*) in Alaska, pursuant to the Endangered Species Act of 1973, as amended. We are seeking comments or suggestions concerning the scope of our environmental analysis for this action.

**DATES:** To ensure consideration, please send your written comments by March 29, 2010.

**ADDRESSES:** Send information, comments, or questions by any one of the following methods.

*U.S. Mail or hand delivery:* Fisheries and Ecological Services Office, U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, AK 99503.

*Fax:* 907-786-3575.

*E-mail:* woodbison-ak@fws.gov.

**FOR FURTHER INFORMATION CONTACT:** Judy Jacobs, (907) 786-3472.

**SUPPLEMENTARY INFORMATION:****Background**

A subspecies of North American bison, wood bison (*Bison bison athabascae*) are larger than plains bison (*Bison bison bison*) and well adapted to northern meadow and forest habitats. Skeletal remains and historical accounts show that wood bison persisted in a large part of their original range in Alaska and Canada during the last 10,000 years (Stephenson *et al.* 2001; Gardner and DeGange 2003). Soper (1941) estimated that 168,000 wood bison existed in North America (Alaska and western Canada) in 1800. By the end of the 19th century, however, wood bison had declined to an estimated low of 250 animals (Soper 1941). The specific causes of this precipitous decline are not known with certainty, but unregulated hunting following the fur trade, westward expansion of European settlement, and severe winters likely played a role (Fuller 1962; Gates *et al.* 1992). The extirpation of wood bison in Alaska was likely due to the combined effects of hunting by humans and changes in habitat distribution during the Holocene (Stephenson *et al.* 2001; Gardner and DeGange 2003).

Conservation efforts in Canada have substantially improved the status of wood bison. Today, there are over 10,000 free-ranging wood bison in Canada, including over 4,000 bison in 7 free-ranging, disease-free herds; over 6,000 in 4 free-ranging herds that are not disease-free but are increasing; and over 1,000 wood bison in captive conservation and research herds. (Canadian Wildlife Service, unpublished data 2009).

We have been coordinating with the State of Alaska (State) to pursue the goal of reintroducing wood bison to Alaska. The State and other conservation interests believe that wood bison reintroduction to Alaska can play an important role in ecosystem restoration and is a significant opportunity for international cooperation in improving the status of a historically important native species. The recovery of wood bison overall, however, is not dependent on restoration in Alaska.

The Alaska Department of Fish and Game (ADF&G) has worked for over 15 years to evaluate reintroducing wood bison into portions of the species' historic range in interior Alaska. Three prospective release sites with the best potential habitat include: Yukon Flats, Minto Flats, and the lower Innoko/Yukon River area (Berger *et al.* 1995; Gardner 2007). Numerous public meetings have been held over the years in communities located in these areas.

All of the involved local State fish and game advisory committees and Federal regional subsistence advisory councils have discussed and supported wood bison reintroduction. In 2005, the State established a citizen's advisory group, the Wood Bison Restoration Advisory Group (WBRAG), to review information on the proposal to restore wood bison, discuss the relevant issues, and provide recommendations to ADF&G. Following 4 days of public meetings, the WBRAG recommended moving forward with wood bison restoration in Alaska. ADF&G produces a project newsletter, *Wood Bison News*, to inform the public of current developments with this project, and also maintains a web page on wood bison restoration in Alaska: <http://www.wc.adfg.state.ak.us/index.cfm?adfg=game.restoration>. In 2005 and 2007, ADF&G invited written public comment on wood bison restoration in Alaska. In both review periods, public comment strongly favored proceeding with this action.

The proposed reintroduction program would use wood bison stock imported from Canada, primarily from Elk Island National Park (EINP), Alberta, where a disease-free herd of 300–400 wood bison is maintained for the primary purpose of reestablishing additional healthy, free-ranging wood bison herds in additional parts of the species' original range. In June 2008, ADF&G imported wood bison from EINP, and is presently maintaining a captive herd at the Alaska Wildlife Conservation Center (AWCC) in Portage, Alaska. These animals and their progeny are intended to be used as founding stock for reintroductions to interior Alaska. Wood bison will be held for a minimum of 2 years at the AWCC for additional disease testing while plans for their release are finalized.

The goal of the Alaska wood bison restoration project is to reestablish 1–3 free-ranging populations, each including at least 400 adults within 12–15 years of release, at one or more of the three sites with the best potential habitat, Yukon Flats, Minto Flats, and/or the lower Innoko/Yukon River area. ADF&G will work with the Service, other agencies, landowners and other stakeholders to develop management plans for each area where they plan to reestablish the species (ADF&G 2007). Some of the key management objectives include restoring an indigenous grazing animal and habitat diversity to northern ecosystems, providing benefits to Alaska's people and economy, and reestablishing wood bison populations that can be harvested on a sustained yield basis.

**Regulatory Considerations***Endangered Species Act Protections*

Under the U.S. Endangered Species Act (Act; 16 U.S.C. 1531 *et seq.*), wood bison are listed as endangered, although they presently occur in the wild only in Canada. If wood bison were to be introduced to Alaska with the endangered designation, they would be subject to the protections and prohibitions of sections 7 and 9 of the Act. Section 7 requires Federal agencies to ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of designated critical habitat. Section 9 prohibits the take of endangered and threatened wildlife. "Take" is defined as: to harass, harm, pursue, hunt, shoot, wound, trap, capture, or collect, or to attempt to engage in any such conduct.

*Experimental Populations*

In 1982, Congress amended the Act by adding section 10(j), to provide for designation of "experimental populations." Prior to 1982, local citizens often opposed reintroductions of listed species into unoccupied portions of their historical range because they were concerned about potential restrictions to Federal, State, and private activities. Under section 10(j), and our regulations at 50 CFR 17.81, the Service can designate reintroduced populations established outside the species' current range, but within its historical range, as "experimental." Our regulations at 50 CFR 17.80(b) state that a reintroduced population can be considered a "nonessential experimental population" (NEP) if the loss of that population would not appreciably reduce the likelihood of survival of the species in the wild. Regulatory requirements of sections 7 and 9 of the Act are considerably reduced under a NEP designation. The Act further prohibits designating critical habitat for any NEP, and through section 4(d) of the Act, the Service may develop regulations and management options specific to the species' needs that are necessary to promote the species' conservation. In order to establish a NEP, we must first issue a proposed regulation pursuant to section 10(j) of the Act and consider public comments prior to publishing a final regulation. Our regulations at 50 CFR 17.81 (d) require that, to the extent practicable, a regulation issued under section 10(j) of the Act represents an agreement between the Service, the affected State and Federal agencies, and persons holding any interest in land that

may be affected by the establishment of the NEP.

#### *Wood Bison Status in Canada and ESA Petition*

In 1988, the Committee on the Status of Endangered Wildlife in Canada reclassified the wood bison from "endangered" to "threatened" status under Canada's Species at Risk Act because Canadian populations of wood bison were recovering. In 2007, Canada's Wood Bison Recovery Team petitioned the Service to reclassify wood bison from endangered to threatened status under the Act. On February 3, 2009, we published a finding that the petition presented substantial information indicating that this action may be warranted and initiated a status review for wood bison (74 FR 5908). Following our review of the wood bison's status, we will issue a finding on the petition, in which we will determine whether it is appropriate to retain the species' endangered status, reclassify it as threatened, or even to remove the wood bison from listed status under the Act.

#### *Regulatory Status of Wood Bison in Alaska*

The State will not consider reintroducing wood bison to Alaska in the absence of Federal regulatory assurance to landowners and land managers that such action would not adversely affect resource development activities important to Alaska's economy. Such assurance could be accomplished through a change in the species' listing status throughout its range or through the establishment of a NEP pursuant to section 10(j) of the Act. A reclassification of the wood bison to "threatened" status, without the establishment of a NEP pursuant to ESA section 10(j), would not provide sufficient regulatory assurance.

#### *Scoping Process*

To ensure compliance with NEPA and the Act, the Service and ADF&G are cooperating to prepare a draft environmental assessment (EA) and proposed rule to establish, under section 10(j) of the Act, a non-essential experimental population of wood bison in Alaska. The purpose of this scoping process is to aid the development of the EA by collecting comments on this action as a way to support wood bison conservation. We also seek comments on the environmental effects of reintroducing wood bison to Alaska.

In addition to the "no action" alternative, our draft EA will consider:

(1) The environmental effects of issuing 10(j) and 4(d) rules for wood bison in Alaska;

(2) the environmental effects of reintroducing wood bison to one or more of the potential release sites Minto Flats, Yukon Flats, and the lower Innoko/Yukon River area;

(3) the environmental effects of reintroducing wood bison to Alaska in the absence of 10(j) and 4(d) rules.

We will incorporate the relevant public comments we receive in response to this scoping notice into our analysis of impacts of the proposed action and project alternatives in the draft EA. This document will include maps of the proposed reintroduction area or areas, based on public input and current knowledge of wood bison habitat in Alaska. We will make the draft EA available for a minimum 30-day public review period. The final environmental document, which will address the comments we receive during the draft EA public comment period, will be available on the internet.

#### **Request for Public Comments**

We wish to ensure that any 10(j) rule and associated environmental documents we issue relating to the wood bison in Alaska effectively evaluate all potential issues associated with wood bison reintroduction to Alaska. Therefore, we request comments or recommendations concerning any of the considerations we have listed above; and also concerning: The biological and habitat requirements of the species; information on the distribution and quality of habitat for the wood bison in Alaska; the overall approach to the conservation of wood bison in Canada and Alaska; reasons why any specific areas might require special management or should be excluded from, or added to, the proposed reintroduction site or sites; and any other pertinent issues of concern. We seek comments from the public; Tribal, local, State, and Federal government agencies; the scientific community; industry; or any other affected or interested party. To determine whether to prepare a Finding of No Significant Impact or an Environmental Impact Statement, we will take into consideration all comments and any additional information we receive.

#### **References**

A complete list of all references in this notice is available upon request from the Fish and Wildlife Service (see **ADDRESSES**).

#### **Author(s)**

The primary author of this package is the Fisheries and Ecological Services Office, U.S. Fish and Wildlife Service, Anchorage, AK.

Dated: February 12, 2010.

#### **Gary Edwards,**

*Deputy Regional Director, Region 7, U.S. Fish and Wildlife Service.*

[FR Doc. 2010-3889 Filed 2-24-10; 8:45 am]

**BILLING CODE 4310-55-P**

## **DEPARTMENT OF THE INTERIOR**

### **Bureau of Land Management**

**LLNM915000L1420000.BJ0000]**

#### **Notice of Filing of Plats of Survey, NM**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of filing of Plats of Survey.

**SUMMARY:** The plats of survey described below are scheduled to be officially filed in the New Mexico State Office, Bureau of Land Management (BLM), Santa Fe, New Mexico, thirty (30) calendar days from the date of this publication.

#### **SUPPLEMENTARY INFORMATION:**

##### **New Mexico Principal Meridian, New Mexico (NM)**

The plat representing the dependent resurvey and survey in Township 14 North, Range 10 West, of the New Mexico Principal Meridian, accepted September 4, 2009, for Group 1093 NM.

The plat, in two sheets, representing the dependent resurvey and survey, in Township 16 North, Range 19 West, of the New Mexico Principal Meridian, accepted September 30, 2009, for Group 1073 NM.

The plat representing the dependent resurvey and survey, of the Canon De San Diego Grant, accepted November 19, 2009, for Group 1100 NM.

The plat representing the dependent resurvey and survey, in Township 17 North, Range 24 East, of the New Mexico Principal Meridian, accepted December 2, 2009, for Group 1102 NM.

##### **Indian Meridian, Oklahoma (OK)**

The plat, in two sheets, representing the dependent resurvey and survey in Township 15 North, Range 11 West, of the Indian Meridian, accepted October 16, 2009, for Group 180 OK.

The plat, in four sheets, representing the dependent resurvey and survey in Township 20 North, Range 16 West, of the Indian Meridian, accepted October 14, 2009, for Group 162 OK.