

“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 threatened and endangered species, respectively, are found in the Code of Federal Regulations at 50 CFR 17.22 and 50 CFR 17.32.

In December 2013, the applicant closed a segment of a San Diego County regional recreational trail system due to the discovery of the San Diego fairy shrimp (*Branchinecta sandiegonensis*) within ponded areas that had formed within the existing trail alignment. The applicant is seeking a 5-year permit for the take of San Diego fairy shrimp in the interim period of time while the applicant works to find a long-term solution to maintaining a trail connection. The applicant proposes to re-open the existing hiking, biking, and equestrian trail segment where there are currently four seasonally ponded pools covering a total of 291 square feet that are considered occupied by San Diego fairy shrimp. Re-opening the trail to recreational uses may impact San Diego fairy shrimp occurring in these pools. The applicant proposes to install temporary bridges and fencing to minimize impacts to the occupied pools and re-open the trail segment.

The trail segment provides an important connection within a popular regional trail system, and continued closure of the trail will likely result in creation of unsanctioned alternate trails with unpredictable impacts to natural resources. We anticipate minor impacts to San Diego fairy shrimp within up to 145 square feet of the pools due to the effects of shading from the bridges and possible loss of individual San Diego fairy shrimp cysts due to trail maintenance. Although the project site is surrounded by occupied habitat for several federally threatened and endangered species, there are no other listed species specifically within the project alignment. Critical habitat for Otay tarplant (*Deinandra conjugens*) and spreading navarretia (*Navarretia fossalis*) occurs on the project site.

Proposed Action and Alternatives

The Sweetwater Authority proposes to mitigate impacts to the San Diego fairy shrimp through efforts that have resulted in the restoration of 290 square feet of vernal pool habitat occupied by San Diego fairy shrimp and are permanently protected and managed.

The Proposed Action consists of the issuance of an incidental take permit and implementation of the proposed HCP, which includes measures to avoid, minimize, and mitigate impacts to the

San Diego fairy shrimp. Four alternatives to the taking of the listed species under the Proposed Action are considered in the proposed HCP. Under the Permanent Trail Closure (No Action) Alternative, no authorized incidental take of San Diego fairy shrimp would occur; however, it is likely that unsanctioned alternate trail use would occur that would result in more impacts than under the Proposed Action, and recreational opportunities would be substantially reduced. Under the Minor Trail Deviation Alternative, immediate impacts to San Diego fairy shrimp would be avoided by moving the trail away from existing pools, but trail use would likely result in new depressions that could eventually be colonized by San Diego fairy shrimp and subsequently be impacted. Under the Different Location Alternative, the trail would be routed elsewhere to prevent additional impacts; however, planning and permitting this alternative will take up to 5 years, during which time recreational opportunities would be substantially reduced and alternative unsanctioned trail use would likely occur. Under the Reconstruction of the Existing Trail Segment Alternative, existing pools within the trail segment would be recontoured and/or filled to prevent San Diego fairy shrimp from developing within the pools, thereby reducing ongoing incidental take. However, this alternative would result in greater impacts to the species and require additional regulatory permitting.

Our Preliminary Determination

The Service has made a preliminary determination that approval of the proposed HCP qualifies as a categorical exclusion under NEPA, as provided by the Department of the Interior Manual (516 DM 2 Appendix 1 and 516 DM 6 Appendix 1) and as a “low-effect” plan as defined by the *Habitat Conservation Planning Handbook* (November 1996).

We base our determination that a HCP qualifies as a low-effect plan on the following three criteria:

- (1) Implementation of the HCP would result in minor or negligible effects on federally listed, proposed, and candidate species and their habitats;
- (2) Implementation of the HCP would result in minor or negligible effects on other environmental values or resources; and
- (3) Impacts of the HCP, 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.

Based upon this preliminary determination, we do not intend to prepare further NEPA documentation. We will consider public comments in making the final determination on whether to prepare such additional documentation.

Public Availability of Comments

Before including your address, phone number, email 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.

Authority

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

Karen A. Goebel,

Acting Field Supervisor, Carlsbad Fish and Wildlife Office, Carlsbad, California.

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNVS03100 L13400000.PQ0000; 13-08807; MO# 4500054217; TAS 14X5017]

Notice Seeking Public Interest for Solar Energy Development on Public Lands in the Dry Lake Solar Energy Zone in Clark County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management (BLM) Southern Nevada District is seeking expressions of interest in proposing projects for utility-scale solar energy development on approximately 5,717 acres of public land identified as the Dry Lake Solar Energy Zone (SEZ) in Clark County, Nevada.

DATES: Parties interested in proposing a solar energy project on the lands described in this notice should do so by April 16, 2014.

ADDRESSES: Submissions should be sent to the Bureau of Land Management, Attention: Greg Helseth, Renewable Energy Project Manager, 4701 North Torrey Pines Drive, Las Vegas, NV 89130-2301. Electronic submissions will not be accepted.

FOR FURTHER INFORMATION CONTACT: Greg Helseth, Renewable Energy Project Manager, by telephone at 702-515-5173; or by email at ghelseth@blm.gov. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-702-515-5086 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The Dry Lake SEZ is approximately 25 miles northeast of Las Vegas, Nevada, in an undeveloped rural area. The nearest major roads accessing the Dry Lake SEZ are I-15, which runs along the southeastern border of the SEZ, and U.S. 93, which runs along the southwestern border of the SEZ. The subject public lands are described as:

Mount Diablo Meridian

- T. 17 S., R. 63 E.,
 Sec. 33, lots 9, 10, 13 and 14, NE¹/₄SE¹/₄;
 Sec. 34, lots 1 thru 4, NE¹/₄, S¹/₂NW¹/₄, and N¹/₂S¹/₂;
 Secs. 35 and 36.
- T. 18 S., R. 63 E.,
 Secs. 1 and 2;
 Sec. 3, lots 1 thru 3, 5, 7 thru 10, 13, and 14, S¹/₂NE¹/₄, NE¹/₄SE¹/₄;
 Sec. 4, lot 5;
 Sec. 10, lot 1;
 Sec. 11, lots 1, 3 thru 5, and 9, NE¹/₄, N¹/₂SE¹/₄, SE¹/₄SE¹/₄, NE¹/₄NW¹/₄;
 Sec. 12; that portion lying northerly and westerly of the centerline of the southbound lane of I-15;
 Sec. 13, that portion lying northerly and westerly of the centerline of the southbound lane of I-15 and northerly and easterly of the centerline of U.S. Highway No. 93;
 Sec. 14, lot 1.
- T. 17 S., R. 64 E.,
 Sec. 31, lots 5 thru 8, SW¹/₄NE¹/₄, E¹/₂W¹/₂, and that portion of the SE¹/₄ lying northerly and westerly of the centerline of the southbound lane of I-15;
 Sec. 32, that portion of the SW¹/₄ lying northerly and westerly of the centerline of the southbound lane of I-15.
- T. 18 S., R. 64 E.,
 Secs. 6 and 7, that portion lying northerly and westerly of the centerline of the southbound lane of I-15, respectively.

The area described contains an aggregate of 6,160 acres, more or less, in Clark County, Nevada.

During the development of the Solar Energy Programmatic Environmental Impact Statement (EIS) and Record of Decision (ROD), the BLM identified 469 acres of floodplain and wetland as non-development areas within the Dry Lake SEZ, leaving 5,717 acres within the SEZ as available for development. A map of the SEZ can be viewed and downloaded

at: <http://solareis.anl.gov/maps/index.cfm>.

The request for interest follows a 2-year planning effort on the public lands as part of the Solar Energy Programmatic EIS and ROD. On October 12, 2012, the Secretary of the Interior signed the ROD, which amended 89 resource management plans. The Solar Energy Programmatic EIS and ROD provide a road map for utility-scale solar energy development on public lands. Public comments were received during the draft, supplemental, and final Programmatic EIS process. While the ROD does not authorize any solar energy development projects or eliminate the need for site-specific environmental review for future utility-scale projects, the Dry Lake SEZ was identified by the BLM under the Solar Energy Programmatic EIS and ROD as one of the areas as best suited for solar energy development because of fewer potential resource conflicts than other areas on the public land. The Solar Energy Programmatic EIS also will help streamline site-specific environmental analysis for future proposed projects in the Dry Lake SEZ. This notice also announces the release of the "Solar Regional Mitigation Strategy for the Dry Lake Solar Energy Zone" that describes off-site mitigation costs that will be required for the development of future solar energy projects in the Dry Lake SEZ. The Mitigation Strategy is available online at <http://blmsolar.anl.gov/sez/nv/dry-lake/mitigation>.

Two designated transmission corridors pass through the Dry Lake SEZ. These corridors have numerous natural gas, petroleum product, and electric transmission lines, including a 500-kV transmission line.

Parties interested in proposing a solar energy development project in the Dry Lake SEZ, or portion of the Dry Lake SEZ, should submit a letter of interest and a preliminary right-of-way (ROW) application (SF-299) to the address in the ADDRESSES section. The ROW application form is available online: <http://www.gsa.gov/portal/forms/download/117318>. The ROW application should include a legal description and map of the specific parcel of land that is proposed for solar energy development.

The BLM Southern Nevada District has one ROW application within the Dry Lake (SEZ) serialized as NVN-084232. Applications for solar energy development are processed as ROW authorizations under Title V of the Federal Land Policy and Management Act of 1976. The regulations at 43 CFR 2804.23 authorize the BLM to determine

whether competition exists among ROW applications filed for the same area. The regulations also allow the BLM to resolve any such competition by using competitive bidding procedures.

The BLM will review submissions from interested parties in response to this notice and determine whether competition exists to develop solar energy projects in the Dry Lake SEZ. If the BLM determines sufficient competition exists, the BLM may use a competitive bidding process, consistent with the regulations, to select a preferred applicant in the Dry Lake SEZ.

Authority: 43 CFR 2804.23.

Amy L. Lueders,
 State Director.

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DEPARTMENT OF JUSTICE

[OMB Number 1125-0001]

Agency Information Collection Activities; Proposed Collection; Comments Requested: Application for Cancellation of Removal (42A) for Certain Permanent Residents; and Application for Cancellation of Removal and Adjustment of Status (42B) for Certain Nonpermanent Residents

AGENCY: Department of Justice.
ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Executive Office for Immigration Review (EOIR) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and will be accepted for sixty (60) days until May 16, 2014.

FOR FURTHER INFORMATION CONTACT: If you have comments, especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Jeff Rosenblum, General Counsel, Executive Office for Immigration Review, U.S. Department of Justice, Suite 2600, 5107 Leesburg Pike, Falls Church, Virginia, 20530; telephone: (703) 305-0470.

SUPPLEMENTARY INFORMATION: This process is conducted in accordance with