

**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service**

[FWS-R8-ES-2012-N112:  
FXES1112080000F2-123-FF08ECAR00]

**Receipt of Application for the  
Amendment of the Incidental Take  
Permit for the Multiple Species  
Conservation Program County of San  
Diego Subarea Plan, County of San  
Diego, California**

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

**ACTION:** Notice of receipt of permit  
amendment application; request for  
comments.

**SUMMARY:** We, the U.S. Fish and  
Wildlife Service (Service) intend to  
amend the incidental take permit (PRT-  
840414) issued for the Multiple Species  
Conservation Program County of San  
Diego Subarea Plan (MSCP Subarea  
Plan). The County of San Diego  
(Applicant) has requested an  
amendment to the incidental take  
permit. The amendment would modify  
the MSCP Subarea Plan boundary to add  
approximately 210 acres of land solely  
for conservation purposes. If amended,  
no additional incidental take will be  
authorized. The Applicant will follow  
all other existing habitat conservation  
plan conditions. We also announce a  
public comment period.

**DATES:** To ensure consideration, please  
send your written comments by July 18,  
2012.

**ADDRESSES:** To request further  
information or submit written  
comments, please use one of the  
following methods and note that your  
information request or comment is in  
reference to the MSCP Subarea Plan:

- *Email:* Karen\_Goebel@fws.gov.  
Include "MSCP Subarea Plan" in the  
subject line of the message.
- *U.S. Mail:* Field Supervisor, Fish  
and Wildlife Service, Carlsbad Fish and  
Wildlife Office, 6010 Hidden Valley  
Road, Suite 101, Carlsbad, California  
92011.

- *In-Person Drop-off, Viewing, or  
Pickup:* Call 760-431-9440 to make an  
appointment during regular business  
hours to drop off comments or view  
received comments at this location:

- *Fax:* Field Supervisor, 760-918-  
0638, Attn. MSCP Subarea Plan.

**FOR FURTHER INFORMATION CONTACT:** Ms.  
Karen Goebel, Assistant Field  
Supervisor, Carlsbad Fish and Wildlife  
Office (see **ADDRESSES**); telephone: 760-  
431-9440. If you use a  
telecommunications device for the deaf,  
please call the Federal Information  
Relay Service at 800-877-8339.

**SUPPLEMENTARY INFORMATION:** We, the  
Service, have made a preliminary  
determination that amendment of the  
permit is neither a major Federal action  
that will significantly affect the quality  
of the human environment within the  
meaning of section 102(2)(C) of the  
National Environmental Policy Act  
(NEPA), nor will it individually or  
cumulatively have more than a  
negligible effect on the species covered  
in the MSCP Subarea Plan. Therefore,  
the permit amendment qualifies as a  
categorical exclusion under NEPA as  
provided by the Department of Interior  
Manual (516 DM 2, Appendix 1 and 516  
DM 6, Appendix 1).

**Background**

On March 17, 1998, the Service issued  
an incidental take permit (PRT-840414),  
pursuant to section 10(a)(1)(B) of the  
Endangered Species Act (16 U.S.C. 1531  
*et seq.*) for 85 species covered by the  
MSCP Subarea Plan. The MSCP Subarea  
Plan boundary encompasses 252,132  
acres of unincorporated land in south  
San Diego County, California.  
Opportunity for public review of the  
original permit application and the  
habitat conservation plan was provided  
in the **Federal Register** on March 28,  
1997 (62 FR 14938) and November 14,  
1997 (62 FR 61140).

The Applicant is seeking an  
amendment to their incidental take  
permit, consistent with section 1.14.2 of  
the MSCP Subarea Plan Implementing  
Agreement, to modify the MSCP  
Subarea Plan boundary to add 210.6  
acres of land for conservation purposes  
(*i.e.*, a "hardline preserve") in  
contemplation of establishing a  
privately-owned mitigation bank.  
Establishment of the bank would be a  
future action that would require a  
formalized conservation banking  
agreement consistent with section 9.13  
of the MSCP Subarea Plan  
Implementing Agreement.

The conservation lands are located in  
an unincorporated portion of northern  
San Diego County in the community of  
Ramona, approximately 1 mile north of  
the existing MSCP Subarea Plan  
boundary. The conservation land  
consists of 4 parcels; a single 63-acre  
parcel (Assessor's Parcel Number [APN]  
277-050-32), and 3 parcels totaling  
147.6 acres (APN 277-121-05, 277-  
111-09, and 277-121-08) (*i.e.*,  
unsectioned lands within Township 13  
South, Range 1 West of the U.S.  
Geological Survey 7.5-minute San  
Pasqual quadrangle). The parcels are  
contiguous with other conserved lands  
and support vernal pool, riparian, and  
nonnative grassland habitats. Sensitive  
species documented on the parcels

include the federally listed endangered  
San Diego fairy shrimp (*Branchinecta  
sandiegonensis*) and the burrowing owl  
(*Athene cunicularia*), an MSCP Subarea  
Plan covered species. More details on  
the specific parcels and their locations  
are available in the permit amendment  
application (see **ADDRESSES**).

**Public Availability of Comments**

Written comments we receive become  
part of the public record associated with  
this action. Before including your  
address, phone number, email 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. 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(c) the Act (16 U.S.C. 1531 *et seq.*)  
and by NEPA regulations (40 CFR  
1506.6).

**Jim A. Bartel,**

*Field Supervisor, Carlsbad Fish and Wildlife  
Office.*

[FR Doc. 2012-14744 Filed 6-15-12; 8:45 am]

**BILLING CODE 4310-55-P**

**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service**

[FWS-R8-ES-2012-N139: FF08ESMF00-  
FXES1112080000F2-123-F2]

**Proposed Low-Effect Habitat  
Conservation Plan for the California  
Tiger Salamander, Calaveras County,  
CA**

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

**ACTION:** Notice of availability; request  
for comment.

**SUMMARY:** We, the U.S. Fish and  
Wildlife Service, have received an  
application from Juan San Bartolome  
(applicant) for a 10-year incidental take  
permit for one species under the  
Endangered Species Act of 1973, as  
amended (Act). The application  
addresses the potential for "take" of one  
listed animal, the threatened Central  
California Distinct Population Segment  
of the California tiger salamander (tiger  
salamander). 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 July 18, 2012.

**ADDRESSES:** To request further information or submit written comments, please use one of the following methods, and note that your information request or comment is in reference to the Low-Effect Habitat Conservation Plan for the California Tiger Salamander, Calaveras County, California.

- *U.S. Mail:* Mike Thomas, Conservation Planning Division, U.S. Fish and Wildlife Service, Sacramento Fish and Wildlife Office, 2800 Cottage Way, W-2605, Sacramento, CA 95825.

- *In-Person Drop-off, Viewing, or Pickup:* Call 916-414-6600 to make an appointment during regular business hours to drop off comments or view received comments at the above address.

**FOR FURTHER INFORMATION CONTACT:** Mike Thomas, Chief, Conservation Planning Division, or Eric Tattersall, Deputy Assistant Field Supervisor, at the address shown above or at 916-414-6600 (telephone). If you use a telecommunications device for the deaf, please call the Federal Information Relay Service at 800-877-8339.

#### **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, 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 prohibits taking of fish and wildlife species listed as endangered or threatened under section 4 of the Act. Under the Act, the term "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The term "harm" is defined in the regulations as significant habitat modification or degradation that results in death or injury of listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering (50 CFR 17.3). The term "harass" is defined in the regulations as to carry out actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavioral patterns, which include, but are not limited to, breeding, feeding, or sheltering (50 CFR 17.3).

However, under specified circumstances, the Service may issue permits that allow the take of federally listed species, provided that the take that occurs is incidental to, but not the purpose of, an otherwise lawful activity. Regulations governing permits for endangered and threatened species are at 50 CFR 17.22 and 17.32, respectively.

Section 10(a)(1)(B) of the Act contains provisions for issuing such incidental take permits to non-Federal entities for the take of endangered and threatened species, provided the following criteria are met:

1. The taking will be incidental;
2. The applicants will, to the maximum extent practicable, minimize and mitigate the impact of such taking;
3. The applicants will develop a proposed HCP and ensure that adequate funding for the plan will be provided;
4. The taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild; and
5. The applicants will carry out any other measures that the Service may require as being necessary or appropriate for the purposes of the HCP.

The applicant seeks an incident take permit for covered activities within 109 acres of grassland associated with the construction of 15-lot subdivision, with a minimum 5-acre parcel size, on the north side of Highway 12, in northwest Calaveras County, just west of Burson, California. The following federally listed species will be included as a covered species (covered species) in the applicants' proposed Plan:

- Central California Distinct Population Segment of the California tiger salamander (*Ambystoma californiense*) (threatened)

The applicant would receive assurances under our "No Surprises" regulations (50 CFR 17.22(b)(5) and 17.32(b)(5)) for take of tiger salamanders.

Covered activities include the following:

- Grading and ground leveling associated with construction of 15 residential homes,
- Vegetation removal and planting,
- Use of heavy equipment (not limited to bulldozers and backhoes),
- Erosion control structures (such as silt fencing and barriers),
- Dust control (such as watering surface soils),
- Construction of driveways and roadways,
- Trenching and installation of utilities and irrigation systems, and
- Landscaping associated with all of the above activities and structures.

The applicant proposes to avoid, minimize, and mitigate the effects to the covered species associated with the covered activities by fully implementing the Plan. Minimization measures will include, but are not limited to:

- An employee education program,
- Temporary construction fencing,
- A 15-mile per hour speed limit,
- Construction work time windows (i.e., to avoid the rainy season and nighttime work), and
- A deed restriction or conservation easement on 54 acres of the site for protection of tiger salamander upland habitat.

The applicant proposes to build a 15-lot subdivision, with a minimum 5-acre parcel size. Thirteen of the lots would be between 5.0 and 5.5 acres, one lot would be 9.0 acres, and the largest and most northerly lot would encompass 26.57 acres, including an existing pond that would be left undisturbed. The subdivision includes 15 single-family residences with associated landscaping, utilities, and roadways.

#### **Alternatives**

Our proposed action is approving the applicant's Plan and issuance of an incidental take permit for the applicant's covered activities. As required by the Act, the applicant's Plan considers alternatives to the take under the proposed action. The Plan considers the environmental consequences of two alternatives to the proposed action, the No Action Alternative and a Reduced Take Alternative. Under the No Action Alternative, we would not issue a permit; the applicant would not build the proposed subdivision, the on-site upland grassland habitat would not receive protection, and no take would occur for the construction of the

residence and its associated structures. For these reasons, the No-Action Alternative has been rejected.

Under the Reduced Take Alternative, we would issue an incidental take permit for the development of 10 residential units instead of the proposed 15. However, due to the relatively small project site dimensions, the County's zoning ordinance of a minimum 5-acre parcels, and infrastructure that would still be required by the landowner (*e.g.*, roads, utilities, *etc.*) any further reduction in the number of lots would make the project economically unviable. In addition, even though this alternative would result in larger lot size and slightly less vehicular traffic due to the reduced number of homeowners, the impacts to the covered species relative to the increase in preserved upland habitat would be small. For these reasons, the Reduced Take Alternative was rejected.

Under the Proposed Action Alternative, we would issue an incidental take permit for the applicant's proposed project, which includes the activities described above. The Proposed Action Alternative would result in permanent loss of 55 acres of upland grassland habitat for the California tiger salamander. To mitigate for these effects, the applicant proposes to protect, enhance, and manage in perpetuity 54 acres of on-site grassland habitat.

#### National Environmental Policy Act

As described in our EAS, we have made the preliminary determination that approval of the proposed Plan and issuance of the permit would qualify as a categorical exclusion under NEPA (42 U.S.C. 4321 *et seq.*), as provided by Federal regulations (40 CFR 1500, 5(k), 1507.3(b)(2), 1508.4) and the Department of the Interior Manual (516 DM 2 and 516 DM 8). Our EAS found that the proposed plan qualifies as a "low-effect" habitat conservation plan, as defined by our Habitat Conservation Planning Handbook (November 1996). Determination of low-effect habitat conservation plans is based on the following three criteria: (1) Implementation of the proposed plan would result in minor or negligible effects on federally-listed, proposed, and candidate species and their habitats; (2) implementation of the proposed 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. Based upon the preliminary determinations in the EAS, we do not intend to prepare further NEPA documentation. We will consider public comments when making the final determination on whether to prepare an additional NEPA document on the proposed action.

#### Public Comments

We request data, comments, new information, or suggestions from the public, other concerned governmental agencies, the scientific community, Tribes, industry, or any other interested party on this notice. We particularly seek comments on the following:

1. Biological information concerning the species;
2. Relevant data concerning the species;
3. Additional information concerning the range, distribution, population size, and population trends of the species;
4. Current or planned activities in the subject area and their possible impacts on the species;
5. The presence of archeological sites, buildings and structures, historic events, sacred and traditional areas, and other historic preservation concerns, which are required to be considered in project planning by the National Historic Preservation Act; and
6. Identification of any other environmental issues that should be considered with regard to the proposed development and permit action.

#### Authority

We provide this notice pursuant to section 10(c) of the Act and the NEPA public-involvement regulations (40 CFR 1500.1(b), 1500.2(d), and 1506.6). We will evaluate the permit application, including the Plan, and comments we receive to determine whether the application meets the requirements of section 10(a) of the Act. If the requirements are met, we will issue a permit to the applicant for the incidental take of the Central California Distinct Population Segment of the California tiger salamander from the implementation of the covered activities described in the Low-Effect Habitat Conservation Plan for the California Tiger Salamander, Calaveras County, California. We will make the final permit decision no sooner than 30 days after the date of this notice.

Dated: June 11, 2012.

**Susan K. Moore,**

*Field Supervisor, Sacramento Fish and Wildlife Office, Sacramento, California.*

[FR Doc. 2012-14649 Filed 6-15-12; 8:45 am]

**BILLING CODE 4310-55-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### Implementation of Indian Reservation Roads Program and Streamlining the Federal Delivery of Tribal Transportation Services

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice of Tribal Consultations and Informational Meetings; Correction.

**SUMMARY:** The Bureau of Indian Affairs (BIA) published a document in the **Federal Register** of May 7, 2012, announcing tribal consultations to discuss the following topics: (1) Changes in how Proposed Roads and Access Roads are considered in the calculation of the Relative Needs Distribution Formula (RNDF) used for the allocation of Indian Reservation Roads (IRR) funding among tribes; (2) streamlining BIA delivery of transportation program services to tribal governments; and (3) update on implementation of "Question 10." BIA and the Federal Highway Administration (FHWA) will also present an update on potential congressional reauthorization of the current transportation legislation involving the Indian Reservation Roads program or, if new transportation legislation is enacted prior to the meetings, BIA and FHWA will discuss its anticipated impacts on the IRR program. This notice corrects the meeting dates, locations, and agenda.

**DATES:** See the **SUPPLEMENTARY INFORMATION** section of this notice for consultation dates.

**ADDRESSES:** See the **SUPPLEMENTARY INFORMATION** section of this notice for locations where the consultations will be held.

#### FOR FURTHER INFORMATION CONTACT:

LeRoy M. Gishi, Chief, Division of Transportation, Bureau of Indian Affairs, 1849 C Street NW., MS-4513, Washington, DC 20240, telephone (202) 513-7711; or Robert W. Sparrow, Jr., IRR Program Manager, Federal Highway Administration, 1200 New Jersey Ave. SE., Room E61-311, Washington, DC 20159, telephone (202) 366-9483.

#### SUPPLEMENTARY INFORMATION:

##### Corrections

In the **Federal Register** of May 7, 2012, on page 26786, the meeting date of June 21, 2012 in Lincoln, NE has been removed. In the same section, the Meeting Agenda has been modified by switching time slots for Question 10 Update section with the Reauthorization Update section. In addition, three new