

### Section A. Authority Delegated

The Secretary delegates to the Assistant Secretary for Policy Development and Research, concurrent with the Secretary's authority, the authority to designate qualified census tracts and difficult development areas for the low-income housing tax credit as authorized by Section 42(d)(5)(C) of the Internal Revenue Code of 1986 (26 U.S.C. 42(d)(5)(C)), as well as such other statutory authority, duties, and responsibilities related to the designation of these tracts and areas.

### Section B. Redelegation

The authority delegated to the Assistant Secretary for Policy Development and Research in Section A may not be redelegated.

**Authority:** Section 42(d)(5)(C) of the Internal Revenue Code of 1986 (26 U.S.C. 42(d)(5)(C)), and Section 7(d) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: October 25, 2004.

**Alphonso Jackson,**

*Secretary.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Notice of Decision and Availability of the Record of Decision for the Final Comprehensive Conservation Plan and Environmental Impact Statement for Nisqually National Wildlife Refuge, Thurston and Pierce Counties, Washington

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

**ACTION:** Notice of decision and availability of the record of decision.

**SUMMARY:** This is a notice of decision and availability of the Record of Decision (ROD) for the Nisqually National Wildlife Refuge Final Comprehensive Conservation Plan and Environmental Impact Statement (Final CCP/EIS). The Refuge is located in Thurston and Pierce Counties, Washington. A thorough analysis of the environmental, social, and economic considerations was completed and presented in the Final CCP/EIS. The Final CCP/EIS was released to the public and a Notice of Availability was published in the **Federal Register** on August 31, 2004 (69 FR 53084). The ROD documents the selection of Alternative D, the Preferred Alternative in the Final CCP/EIS, as the CCP for

Nisqually Refuge. The ROD was signed by the Regional Director, U.S. Fish and Wildlife Service, Pacific Region, on November 1, 2004.

**ADDRESSES:** A copy of the ROD or Final CCP/EIS may be obtained from the Refuge Manager, Nisqually National Wildlife Refuge Complex, 100 Brown Farm Road, Olympia, Washington 98516, Phone (360) 753-9467, or from the following Web site: <http://pacific.fws.gov/planning>.

#### FOR FURTHER INFORMATION CONTACT:

Contact the Refuge Manager, Nisqually National Wildlife Refuge Complex, 100 Brown Farm Road, Olympia, Washington 98516, Phone (360) 753-9467.

**SUPPLEMENTARY INFORMATION:** The Nisqually Refuge's CCP will provide management guidance for conservation of Refuge resources and public use activities during the next 15 years. The following is a summary of the Nisqually Refuge's Final CCP/EIS ROD.

The Service has selected Alternative D, the Preferred Alternative, as the CCP for Nisqually Refuge. Alternative D addresses the key issues and conflicts identified during the planning process and will best achieve the purposes and goals of the Refuge as well as the mission of the National Wildlife Refuge System. This decision includes adoption of stipulations and mitigation measures identified in Alternative D, Appendix G Compatibility Determinations, and Appendix I Goals, Objectives and Strategies, of the Final CCP/EIS. Implementation of the CCP will occur over the next 15 years, depending on future staffing levels, funding, and willing sellers.

#### Factors Considered in Making the Decision

The decision was based on a thorough analysis of the environmental, social, and economic considerations presented in the Final CCP/EIS. During the decision making phase of the CCP process, the Service reviewed and considered: the impacts identified in Chapter 4 of the Draft and Final CCP/EIS; the results of various studies and surveys conducted in conjunction with the Draft and Final CCP/EIS; relevant issues, concerns, and opportunities; comments on the Draft and Final CCP/EIS; and other relevant factors, including the purposes for which the Refuge was established, and statutory and regulatory guidance. Alternative D incorporates several components addressing a variety of needs including fish and wildlife sanctuary, habitat restoration and protection, Refuge expansion, and the National Wildlife

Refuge System's six priority public uses. It is, however, the unique combination of these components that contributes the most to achieving the Refuge's purposes and goals. Alternative D strengthens the monitoring of fish, wildlife, habitat, and public uses on the Refuge which will provide the means to better respond to rapidly changing conditions within the surrounding, growing urban environment. Alternative D was selected for implementation because it provides the greatest number of opportunities for the Refuge to contribute to the fish, wildlife, and habitat needs of the Nisqually River watershed and the greater Puget Sound region.

**David J. Wesley,**

*Acting Regional Director, Region 1, Portland, Oregon.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Proposed Low Effect Habitat Conservation Plan for Shaw Mira Loma LLC, Riverside County, CA

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

**ACTION:** Notice of availability.

**SUMMARY:** Shaw Mira Loma LLC (Applicant) has applied to the U.S. Fish and Wildlife Service (Service) for a 1-year incidental take permit for one covered species pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The application addresses the potential for "take" of the endangered Delhi Sands flower-loving fly (*Rhaphiomidas terminatus abdominalis*) associated with construction of commercial and industrial facilities within a 5.02-acre parcel located in the unincorporated City of Mira Loma, Riverside County, California. A conservation program to mitigate for the project activities would be implemented as described in the proposed Shaw Mira Loma LLC Low Effect Habitat Conservation Plan (proposed Plan), which would be implemented by the Applicant.

We are requesting comments on the permit application and on the preliminary determination that the proposed Plan qualifies as a "Low-effect" Habitat Conservation Plan, eligible for a categorical exclusion under the National Environmental Policy Act (NEPA) of 1969, as amended. The basis for this determination is discussed in the Environmental Action Statement (EAS) and the associated Low Effect