TABLE 1.—SUMMARY OF THE LISTING INFORMATION

Common name	Scientific name	Status	Where listed	Final listing rule
black lace cactus	*Echinocereus reichenbachii var. albertii*	E	TX	44 FR 61918, 61920.
Ozark big-eared bat	*Corynorhinus (=Plecotus) townsendii ingens*	E	AR, MO, OK	44 FR 69206, 69208.
leopard darter	*Percina pantherina*	T	AR, OK	43 FR 3711, 3716.
Pecos bluntnose shiner	*Notropis simus pecosensis*	T	NM	52 FR 5295, 5303.
Sacramento prickly poppy	*Argemone pleiacantha ssp. pinnatisecta*	E	NM	54 FR 35302, 35305.
Todsen's pennyroyal	*Hedeoma todsenii*	E	NM	46 FR 5730, 5733.

Definitions Related to This Notice

The following definitions are provided to assist those persons who contemplate submitting information regarding the species being reviewed:

A. *Species* includes any species or subspecies of fish, wildlife, or plant, and any distinct population segment of any species of vertebrate, which interbreeds when mature.

B. *Endangered* means any species that is in danger of extinction throughout all or a significant portion of its range.

C. *Threatened* means any species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

How do we determine whether a species is endangered or threatened?

Section 4(a)(1) of the Act establishes that we determine whether a species is endangered or threatened based on one or more of the five following factors:

A. The present or threatened destruction, modification, or curtailment of its habitat or range;

B. Overutilization for commercial, recreational, scientific, or educational purposes;

C. Disease or predation;

D. The inadequacy of existing regulatory mechanisms; or

E. Other natural or manmade factors affecting its continued existence. Section 4(a)(1) of the Act requires that our determination be made on the basis of the best scientific and commercial data available.

What could happen as a result of this review?

If we find that there is new information concerning any of the 25 species listed in Table 1 indicating a change in classification may be warranted, we may propose a new rule that could do one of the following: (a) Reclassify the species from endangered to threatened (downlist); (b) reclassify the species from threatened to endangered (uplist); or (c) remove the species from the List. If we determine that a change in classification is not warranted, then these species will remain on the List under their current status.

Public Solicitation of New Information

We request any new information concerning the status of the 25 species listed in Table 1. See ''What information is considered in the review?'' heading for specific criteria. Information submitted should be supported by documentation such as maps, bibliographic references, methods used to gather and analyze the data, and/or copies of any pertinent publications, reports, or letters by knowledgeable sources. Our practice is to make comments, including names and home addresses of respondents, available for public review. Individual respondents may request that we withhold their home addresses from the supporting record, which we will honor to the extent allowable by law. There also may be circumstances in which we may withhold from the supporting record a respondent's identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. We will not consider anonymous comments, however. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

Authority

This document is published under the authority of the Endangered Species Act (16 U.S.C. 1531 *et seq.*).

Dated: March 15, 2006.

Benjamin N. Tuggle,

Acting Regional Director, Southwest Region, Fish and Wildlife Service.

[FR Doc. E6–5983 Filed 4–20–06; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Proposed Low Effect Habitat Conservation Plan for the County of San Bernardino, CA

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: The County of San Bernardino (Applicant) has applied to the U.S. Fish and Wildlife Service (Service) for a 10-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 the proposed realignment of the intersection of Valley and Pepper Avenues in the City of Colton, San Bernardino County, California. A conservation program to mitigate for the project activities would be implemented as described in the proposed Valley/Pepper Realignment 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 Screening Form, which are also available for public review.

DATES: Written comments should be received on or before May 22, 2006.

ADDRESSES: Comments should be addressed to the Field Supervisor, Fish and Wildlife Service, Carlsbad Fish and Wildlife Office, 6010 Hidden Valley Road, Carlsbad, California 92011.

Written comments may be sent by facsimile to (760) 918–0638.

FOR FURTHER INFORMATION CONTACT: Ms. Karen Goebel, Assistant Field Supervisor, Carlsbad Fish and Wildlife Office (see **ADDRESSES**); telephone: (760) 431–9440.

SUPPLEMENTARY INFORMATION:

Availability of Documents

Individuals wishing copies of the application, proposed Plan, and EAS should immediately contact the Service by telephone at (760) 431–9440 or by letter to the Carlsbad Fish and Wildlife Office. Copies of the proposed Plan and EAS also are available for public inspection during regular business hours at the Carlsbad Fish and Wildlife Office (see **ADDRESSES**).

Background

Section 9 of the Act and its implementing Federal regulations prohibit the take of animal species listed as endangered or threatened. Take is defined under the Act as harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect listed animal species, or attempt to engage in such conduct (16 U.S.C. 1538). However, under section 10(a) of the Act, the Service 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 threatened and endangered species, respectively, are found in the Code of Federal Regulations at 50 CFR 17.22 and 50 CFR 17.32

The Applicant is seeking a permit for take of the Delhi Sands flower-loving fly during the life of the permit. This species is referred to as the ''DSF'' in the proposed Plan.

The Applicant proposes to relocate the current Valley Boulevard/Pepper Avenue intersection approximately 76 meters (250 feet) north. Pepper Avenue would be widened to six lanes in the segment between San Bernardino Avenue and Interstate 10. The improvement limits on Valley Boulevard are 246 meters (811 feet) west and 284 meters (938 feet) east of Pepper Avenue. Valley Boulevard would retain two through lanes in each direction with turn lanes at the intersection with Pepper Avenue. A signalized street connection approximately 152 meters (500 feet) west of Pepper Avenue would be developed to include a frontage road and cul-de-sac. An access road would be constructed to permit southbound Pepper Avenue traffic direct access to local business. We anticipate that all DSF would be lost within approximately 1.84 acres of DSF occupied habitat within the project footprint. The project site does not contain any other rare, threatened or endangered species or habitat. No critical habitat for any listed species occurs on the project site.

The Applicant proposes to mitigate the effects to the DSF associated with the covered activities by fully implementing the Plan. The purpose of the proposed Plan's conservation program is to promote the biological conservation of the DSF. The County proposes to mitigate impacts to the DSF either through acquisition and conservation of a 2.04-acre parcel adjacent to the proposed project or purchase of 5 acres of credit within the Vulcan Materials Inc. Colton Dunes Conservation Bank.

The Proposed Action consists of the issuance of an incidental take permit and implementation of the proposed Plan, which includes measures to mitigate impacts of the project on the DSF. Two alternatives to the taking of the listed species under the Proposed Action are considered in the proposed Plan. Under the No Action Alternative, no permit would be issued, and no construction would occur. Under the Modified Project Alternative, incidental take of DSF would be authorized, but the impacts would be reduced.

The Service has made a preliminary determination that approval of the proposed Plan 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). 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 proposed 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 which 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.

This notice is provided pursuant to section 10(c) of the Act. We will evaluate the permit application, the proposed Plan, and comments submitted thereon 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 County of San Bernardino for the incidental take of the Delhi Sands flower-loving fly from realignment of the intersection of Valley and Pepper avenues in the City of Colton, San Bernardino County, California.

Dated: April 17, 2006.

Jim A. Bartel,

Field Supervisor, Carlsbad Fish and Wildlife Office, California/Nevada Operations Carlsbad, California.

[FR Doc. E6–5988 Filed 4–20–06; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Endangered and Threatened Wildlife and Plants; Initiation of a 5-Year Review of Nine Listed Species: the Purple Bean (Villosa perpurpurea), Clubshell (Pleurobema clava), Northern Red-bellied Cooter (Pseudemys rubriventris bangsi), Roanoke Logperch (Percina rex), Swamp Pink (Helonias bullata), Northern Riffleshell (Epioblasma torulosa rangiana), Flat-spired Three-toothed Land Snail (Triodopsis platysayoides), Puritan Tiger Beetle (Cicindela puritana), and Dwarf Wedgemussel (Alasmidonta heterodon)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: Pursuant to section 4(c)(2)(A) of the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531 *et seq.*), the U.S. Fish and Wildlife Service (Service) announces a 5-year review of the endangered purple bean (*Villosa perpurpurea*), clubshell *(Pleurobema clava*), northern red-bellied cooter *(Pseudemys rubriventris bangsi*), Roanoke logperch *(Percina rex*), northern riffleshell *(Epioblasma torulosa rangiana*), and dwarf wedgemussel *(Alasmidonta heterodon*); and the threatened swamp pink *(Helonias bullata*), flat-spired three-toothed land snail *(Triodopsis platysayoides*), and Puritan tiger beetle *(Cicindela puritana*). A 5-year review is