

days of the date of publication of this notice, to the address above.

**Stephen C. Helfert,**

*Acting Assistant Regional Director, Ecological Services, Region 2, Albuquerque, New Mexico.*

[FR Doc. 00-23998 Filed 9-18-00; 8:45 am]

**BILLING CODE 4310-55-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Availability of a Draft Recovery Plan for the Robust Spineflower (*Chorizanthe robusta* var. *robusta*) From Santa Cruz County, California

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

**ACTION:** Notice of document availability.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, announce the availability for public review of a draft recovery plan for the robust spineflower (*Chorizanthe robusta* var. *robusta*) from Santa Cruz County, California. This federally endangered plant taxon is known from four coastal and near-coastal sites in Santa Cruz County, California. We solicit review and comment from local, State, and Federal agencies, and the public on this draft recovery plan.

**DATES:** Comments on the draft recovery plan must be received on or before November 20, 2000, to receive our consideration.

**ADDRESSES:** Copies of the draft recovery plan are available for inspection, by appointment, during normal business hours at the following location: U.S. Fish and Wildlife Service, 2493 Portola Road, Suite B, Ventura, California 93003 (phone: 805/644-1766). The draft recovery plan will also be available at the Santa Cruz Public Library. Requests for copies of the draft recovery plan and written comments and materials regarding this plan should be addressed to Ms. Diane K. Noda, Field Supervisor, at the above Ventura address.

**FOR FURTHER INFORMATION CONTACT:** Connie Rutherford, Botanist, (805) 644-1766, at the above Ventura address.

#### **SUPPLEMENTARY INFORMATION:**

#### **Background**

Restoring endangered or threatened animals and plants to the point where they are again secure and self-sustaining members of their ecosystems is a primary goal of our endangered species program. To help guide the recovery effort, we are working to prepare recovery plans for most of the federally

listed species native to the United States. Recovery plans describe actions considered necessary for the conservation of the species, establish criteria for recovery levels to downlist or delist them, and estimate time and cost for implementing the recovery measures needed.

The Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act), requires the development of recovery plans for federally listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act requires that public notice and an opportunity for public review and comment be provided during recovery plan development. We will consider all information presented during the public comment period prior to approval of each new or revised recovery plan. Substantive technical comments will result in changes to the plans. Substantive comments regarding recovery plan implementation may not necessarily result in changes to the recovery plans, but will be forwarded to appropriate Federal or other entities so that they can take these comments into account during the course of implementing recovery actions. Individualized responses to comments will not be provided.

The robust spineflower is federally listed as endangered. The robust spineflower is restricted to sandy soils along the coast and near-coastal areas in Santa Cruz County, California from Santa Cruz south to Sunset State Beach. It is currently known from four sites. The first site, Pogonip Park, supports two small colonies; the Park is owned and managed by the City of Santa Cruz. The second site is Sunset Beach State Park; a large population is scattered along approximately 1 kilometer (0.5 mile) of backdune habitat. The third site is on a 115-hectare (285-acre) private parcel known as Buena Vista that has been considered for golf course development; small colonies are scattered over 4 hectares (10 acres). The fourth site, located near Rob Roy Junction, is on a 8-hectare (20-acre) private parcel that was recently proposed for a lot split; the population here is scattered over 1.2 hectares (3 acres).

The objective of this draft recovery plan is to provide a framework for delisting the robust spineflower so that protection by the Act is no longer necessary. Actions necessary to accomplish this objective include: Protect robust spineflower habitat through land acquisition, conservation easements, and Habitat Conservation Plans; managing robust spineflower

habitat; conduct management-oriented research on the taxon's ecology and biology; review and revise management and recovery plan guidelines; locate additional populations; and establish new populations of the taxon within the historic range of this variety of *Chorizanthe robusta*.

**Authority:** The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: September 13, 2000.

**Elizabeth H. Stevens,**

*Acting Manager, California/Nevada Operations Office, Region 1, U.S. Fish and Wildlife Service.*

[FR Doc. 00-23996 Filed 9-18-00; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Availability of a Habitat Conservation Plan and Receipt of an Application for an Incidental Take Permit for the Westwood Tributary Point Office Project, Sacramento County, California

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

**ACTION:** Notice of availability and receipt of application.

**SUMMARY:** Westwood Tributary Point Limited (Applicant) has applied to the Fish and Wildlife Service (Service) for an incidental take permit pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The Service proposes to issue a 2-year permit to the Westwood Tributary Point Limited that would authorize take of the threatened valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*) incidental to otherwise lawful activities. Such take would occur as a result of development on the Westwood Tributary Point Office Project area in Sacramento County, California. Development will result in the loss of one elderberry plant with two stems which provide habitat for the valley elderberry longhorn beetle.

We request comments from the public on the permit application, which is available for review. The application includes a Habitat Conservation Plan (Plan). The Plan describes the proposed project and the measures that Westwood Tributary Point Limited would undertake to minimize and mitigate take of the valley elderberry longhorn beetle.

We also request comments on our preliminary determination that the Plan qualifies as a "low-effect" Habitat Conservation Plan, eligible for a categorical exclusion under the National

Environmental Policy Act. The basis for this determination is discussed in an Environmental Action Statement, which is also available for public review.

**DATES:** Written comments should be received on or before October 19, 2000.

**ADDRESSES:** Send written comments to Mr. Wayne White, Field Supervisor, Fish and Wildlife Service, 2800 Cottage Way, Suite W-2605, Sacramento, California 95825-1846. Comments may be sent by facsimile to 916-414-6712 or 6713.

**FOR FURTHER INFORMATION CONTACT:** Ms. Vicki Campbell, Chief of Conservation Planning Division, at the above address or call (916) 414-6600.

**SUPPLEMENTARY INFORMATION:**

**Document Availability**

Please contact the above office if you would like copies of the application, Plan, and Environmental Action Statement. Documents also will be available for review by appointment, during normal business hours at the above address.

**Background**

Section 9 of the Endangered Species Act and Federal regulation prohibit the "take" of fish or wildlife species listed as endangered or threatened, respectively. Take of listed fish or wildlife is defined under the Act to include kill, harm, or harass. The Service may, under limited circumstances, issue permits to authorize incidental take; *i.e.*, take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity. Regulations governing incidental take permits for threatened and endangered species are found in 50 CFR 17.32 and 17.22, respectively.

The Westwood Tributary Point Office project is located west of Hazel Avenue, south of Folsom South Canal, and north of U.S. Highway 50 in the unincorporated Rancho Cordova area of Sacramento County. The project site is one parcel of a larger development area, which corresponds to an un-sectioned portion of Township 9 North, Range 7 East of the United States Geological Survey "Folsom, California" topographic quadrangle. The Applicant is requesting a 2-year incidental take permit for the valley elderberry longhorn beetle.

The Westwood Tributary Point Office project area is currently a partially graded vacant lot. The applicant plans on erecting a 2-story 37,000-square-foot office building with parking facilities on the 3.43-acre site. Other land uses in the surrounding area include a 216-unit high-end apartment village, a 70,000-

square-foot, 3-story office building, 2 retail furniture stores, 2 fast-food restaurants, and 2 gas station/convenience marts. Two additional lots are owned by an extended-stay hotel operator.

One small (6-foot-tall) blue elderberry (*Sambucus mexicana*) shrub is present on the property. Westwood Tributary Point Limited has submitted a Plan to minimize and mitigate for the removal (transplantation) of this plant, which is potential habitat for the valley elderberry longhorn beetle, federally listed as threatened under the Act. No beetle exit holes were found in this shrub. 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. Construction of the proposed project would result in the removal of one elderberry shrub with two stems greater than 1-inch diameter at ground level.

Under the Plan, compensation for impacts to the valley elderberry longhorn beetle would conform to the Service's 1999 Conservation Guidelines. The elderberry shrub affected by the proposed project would be transplanted to the Conservation Resources Laguna Creek Mitigation Bank, a Service-approved compensation site. Transplantation would occur after September 15, 2000 and prior to February 15, 2001. To fully comply with the Service's conservation guidelines for the transplantation of elderberry shrubs, and to minimize the effects of take on the beetle, Westwood Tributary Point Limited will purchase one valley elderberry longhorn beetle compensation unit at the Laguna Creek Mitigation Bank. Purchase of this compensation unit will result in the planting of five elderberry plants and five associated native plants to compensate for impacts to two stems. The purchase of this compensation unit will be consummated with an agreement for the sale of one valley elderberry longhorn beetle compensation unit between Westwood Tributary Point Limited and Conservation Resources, LLC.

The Service's Proposed Action consists of the issuance of an incidental take permit and implementation of the Plan, which includes measures to minimize and mitigate impacts of the project on the valley elderberry longhorn beetle. Two alternatives to the taking of listed species under the Proposed Action are considered in the Plan. Under the No Action Alternative, no permit would be issued. However, Westwood Tributary Point Limited did not select this alternative as it is

inconsistent with local development goals and would result in the undisturbed elderberry shrub being left on the site in an isolated patch of open space with little habitat value. Another alternative would result in the development of another site instead of the described project site. The proposed project is an infill project and has minor or negligible environmental effects. Westwood Tributary Point Limited considers development of the present site as more desirable than construction of the project on an open site in a less-developed area because the use of an alternative site may result in greater environmental effects.

The Service has made a preliminary determination that the Plan qualifies as a "low-effect" plan as defined by its Habitat Conservation Planning Handbook (November 1996). Our determination that a habitat conservation plan qualifies as a low-effect plan is based 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 which would be considered significant. As more fully explained in our Environmental Action Statement, Westwood Tributary Point Limited's habitat conservation plan for the Westwood Tributary Point Office Project qualifies as a "low-effect" plan for the following reasons:

1. Approval of the Plan would result in minor or negligible effects on the valley elderberry longhorn beetle and its habitat. The Service does not anticipate significant direct or cumulative effects to the valley elderberry longhorn beetle resulting from development of the Westwood Tributary Point Office Project.

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

3. Approval of the Plan would not result in any cumulative or growth inducing impacts and, therefore, 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 Plan would not establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.

The Service therefore has made a preliminary determination that approval of the Plan qualifies as a categorical exclusion under the National Environmental Policy Act, as provided by the Department of the Interior Manual (516 DM 2, Appendix 1 and 516 DM 6, Appendix 1). Based upon this preliminary determination, we do not intend to prepare further National Environmental Policy Act documentation. The Service will consider public comments in making its final determination on whether to prepare such additional documentation.

The Service provides this notice pursuant to section 10(c) of the Endangered Species Act. We will evaluate the permit application, the 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, the Service will issue a permit to the Westwood Tributary Point for the incidental take of the valley elderberry longhorn beetle from development of the Westwood Tributary Point Office Project area. We will make the final permit decision no sooner than 30 days from the date of this notice.

Dated: September 8, 2000.

**Elizabeth H. Stevens,**

*Deputy Manager, California/Nevada Operations Office, Sacramento, California.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### **Notice of Receipt of an Application and Availability of an Environmental Assessment/Habitat Conservation Plan for Issuance of an Endangered Species Act 10(a)(1)(B) Permit for the Incidental Take of the Houston Toad (*Bufo houstonensis*) During Construction of a Recreational Vehicle Park and Camp Ground on Approximately 1.8 Acres of a 10.516-Acre Property on Park Road 1-C, Bastrop County, Texas**

**SUMMARY:** Marion Kelly Walraven (Applicant) has applied to the U.S. Fish and Wildlife Service (Service) for an incidental take permit pursuant to

section 10(a) of the Endangered Species Act (Act). The Applicant has been assigned permit number TE-033185-0. The requested permit, which is for a period of 5 years, would authorize the incidental take of the endangered Houston toad (*Bufo houstonensis*). The proposed take would occur as a result of the construction and occupation of an approximately 1.8-acre recreational vehicle park and campground located along Park Road 1-C, Bastrop County, Texas.

The Service has prepared the Environmental Assessment/Habitat Conservation Plan (EA/HCP) for the incidental take application. A determination of jeopardy to the species or a Finding of No Significant Impact (FONSI) will not be made until at least 60 days from the date of publication of this notice. This notice is provided pursuant to section 10(c) of the Act and National Environmental Policy Act regulations (40 CFR 1506.6).

**DATES:** Written comments on the application should be received on or before November 20, 2000.

**ADDRESSES:** Persons wishing to review the application may obtain a copy by writing to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103.

Persons wishing to review the EA/HCP may obtain a copy by contacting Tannika Engelhard, U.S. Fish and Wildlife Service, 10711 Burnet Road, Suite 200, Austin, Texas 78758 (512/490-0057). Documents will be available for public inspection by written request, by appointment only, during normal business hours (8:00 to 4:30) at the U.S. Fish and Wildlife Service, Austin, Texas. Written data or comments concerning the application and EA/HCP should be submitted to the Supervisor, U.S. Fish and Wildlife Service, Austin, Texas, at the above address. Please refer to permit number TE-033185-0 (Walraven) when submitting comments.  
**FOR FURTHER INFORMATION CONTACT:** Tannika Engelhard at the above U.S. Fish and Wildlife Service, Austin Office.

**SUPPLEMENTARY INFORMATION:** Section 9 of the Act prohibits the "taking" of endangered species such as the Houston toad. However, the Service, under limited circumstances, may issue permits to take endangered wildlife species incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for endangered species are at 50 CFR 17.22.

*Applicant:* Marion Kelly Walraven plans to construct a recreational vehicle park and campground on approximately 1.8 acres of the 10.516-acre property

located on Park Road 1-C, Bastrop County, Texas. This action will eliminate 1.8 acres or less of Houston toad habitat and result in indirect impacts within the property. The Applicant proposes to compensate for this incidental take of the Houston toad by providing \$7,200.00 to the National Fish and Wildlife Foundation for the specific purpose of land acquisition and management within Houston toad habitat, as identified by the Service.

**Lynn B. Starnes,**

*Regional Director, Region 2, Albuquerque, New Mexico.*

[FR Doc. 00-23997 Filed 9-18-00; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### **San Dieguito Lagoon Restoration Plan Final Environmental Impact Statement/Report**

**AGENCY:** Fish and Wildlife Service, Department of the Interior.

**ACTION:** Notice of availability of final environmental impact statement/report for the San Dieguito Lagoon Restoration Plan, San Diego County, California.

**SUMMARY:** Pursuant to the National Environmental Policy Act of 1969, the Fish and Wildlife Service (FWS) announces the availability of a final environmental impact statement/report (FEIS/R) for the San Dieguito Lagoon Restoration Plan, San Diego County, California.

**DATES:** A 30-day review period will follow the Environmental Protection Agency's notice of availability of the FEIS/R on September 15, 2000.

**ADDRESSES:** Public reading copies of the FEIS/R will be available for review at: Fish and Wildlife Service, 2730 Loker Ave. West, Carlsbad, California 92008  
San Dieguito River Park, 18372 Sycamore Creek Rd., Escondido, California 92025  
Del Mar Library, 1309 Camino del Mar, Del Mar, California  
Carmel Valley Library, 3919 Townsgate Drive, San Diego, California  
Solana Beach Branch Library, 981 Lomas Santa Fe Drive, Suite F, Solana Beach, California

**FOR FURTHER INFORMATION CONTACT:** Jack Fancher, Coastal Program Coordinator, Fish and Wildlife Service, 2730 Loker Ave. West, Carlsbad, California 92008; phone (760) 431-9440

**SUPPLEMENTARY INFORMATION:** This FEIS/R has been prepared and is being circulated in accordance with the