

revision of timing considerations would allow construction during the nesting season after monitoring confirms that nesting attempts by any eagles present had been abandoned. Current ITP conditions require monitoring and restrictions on construction until the end of the nesting season. This revision will not result in additional take of bald eagles.

Revised development plans, if implemented, will result in a decrease in the existing buffer zone surrounding the nest site. The Service proposes to modify the current ITP allowing for the construction of five additional single-family homes within the 250-foot buffer zone surrounding the bald eagle nest site. Under the current ITP, the five lots are encompassed within the 250-foot buffer zone, and represent natural areas where construction is prohibited. The proposed ITP modification will result in a reduction in the "no-build" buffer to a 30-foot radius around the nest tree, however, revised construction timing restrictions within this reduced buffer and other protective measures currently required within the current buffer zone will remain in effect. Although this revision may cause take in the form of harassment of adult eagles, the Service believes take of active nests to be highly unlikely because the eagles have not nested here in the past two seasons.

As stated above, the Service has made a preliminary determination that the issuance of the ITP is not a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of NEPA. This preliminary information may be revised due to public comment received in response to this notice and is based on information contained in the draft EA and HCP.

The Service will also evaluate whether the issuance of a section 10(a)(1)(B) ITP complies with section 7 of the Act by conducting an intra-Service section 7 consultation. The results of the biological opinion, in combination with the above findings, will be used in the final analysis to determine whether or not to issue the ITP.

Dated: May 25, 2001.

**Sam D. Hamilton,**  
Regional Director.

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Availability of an Environmental Action Statement and Receipt of an Application for a Permit To Enhance the Survival of the Oregon Chub in Lane County, OR Under a Safe Harbor Agreement

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

**ACTION:** Notice of availability.

**SUMMARY:** This notice advises the public that Robert Russell (Applicant) has applied to the Fish and Wildlife Service (we, the Service) for an enhancement of survival permit pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (Act) for the Oregon Chub (*Oregonichthys crameri*) in Lane County, Oregon. This permit application includes a proposed Safe Harbor Agreement (Agreement) between the Applicant and the Service. The proposed permit and Agreement would become effective upon initialization of the Agreement and remain in effect for 30 years. The Service has made a preliminary determination that the proposed Agreement and permit application are eligible for categorical exclusion under the National Environmental Policy Act of 1969 (NEPA). We explain the basis for this determination in an Environmental Action Statement, which also is available for public review.

We announce the opening of a 30-day comment period to receive comments from the public on the Applicant's enhancement of survival permit application, the accompanying proposed Agreement, and Environmental Action Statement.

The Agreement fully describes the proposed project, management actions, and the conservation benefits that will be gained for Oregon chub. The management actions and conservation benefits are also described in the Background section below.

**DATES:** Written comments must be received by July 9, 2001.

**ADDRESSES:** Comments should be addressed to the Manager, Fish and Wildlife Service, Oregon Fish and Wildlife Office, fax number (503) 231-6195 (see Public Review and Comment section below).

**FOR FURTHER INFORMATION CONTACT:** Amy Horstman, Fish and Wildlife Service, Oregon Fish and Wildlife Office, telephone (503) 231-6179.

**SUPPLEMENTARY INFORMATION:**

### Background

Under a Safe Harbor Agreement, participating property owners voluntarily undertake management activities on their property to enhance, restore, or maintain habitat benefitting species listed under the Act. Safe Harbor Agreements encourage private and other non-Federal property owners to implement conservation efforts for listed species by assuring property owners that they will not be subjected to increased property use restrictions if their efforts attract listed species to their property or increase the numbers or distribution of listed species already on their property. Application requirements and issuance criteria for enhancement of survival permits through Safe Harbor Agreements are found in 50 CFR 17.22(c).

We have worked with the Applicant to develop the proposed Agreement for the conservation of Oregon chub within his 800 square meter (0.2 acre) artificial pond in Lane County, Oregon. The area is currently not occupied by Oregon chub or any other Federal or State listed species. Under the proposed Agreement, the Applicant will: (1) Allow translocation of Oregon chub to the pond, (2) allow the Service and Oregon Department of Fish and Wildlife access to the pond for translocation and habitat and chub population monitoring, (3) provide the Service with written notice of intent to modify the pond or introduce competing fish species, (4) work cooperatively with the Service on other issues necessary to further the purposes of the Agreement.

Threats to the Oregon chub include: dam construction, channelization, diking, wetland fill, and loss of riparian vegetation which have changed flooding, streamflow, and temperature patterns of the watershed and subsequent loss of backwater habitats used by Oregon chub (Markle *et al.* 1991). Degradation of habitat has also occurred, primarily due to sedimentation from construction activities, logging, alterations of water flow, and other causes. Introductions of exotic game fish (e.g., bass, crappie, mosquito fish) may have contributed to the decline of existing Oregon chub populations and may reduce the potential for Oregon chub to recolonize suitable habitats through increased competition for resources, predation, and introduction of parasites and disease (Markle and Pearsons 1990). The proximity of many populations to rail, highway, and power transmission corridors, and state park campgrounds poses the threat of chemical spills, runoff or spill of agricultural or right-of-

way maintenance chemicals, and overflow from campground toilets. This Agreement provides a net conservation benefit to Oregon chub by creating a protected refugia for this segment of the Oregon chub population and thereby reducing risks of complete loss of the donor population and thus loss of any unique genetic material. The Agreement is expected to contribute to recovery of Oregon chub by reducing threats and expanding Oregon chub populations. Recovery of the species would be further enhanced by increasing the reproductive viability of the populations.

Under the Agreement, consistent with the Service's Safe Harbor Policy, published in the **Federal Register** on June 17, 1999 (64 FR 32717), the Service would issue a permit to the Applicant authorizing incidental take of Oregon chub as a result of activities outside of the 15-meter (50-foot) buffer zone around the perimeter of the pond. These activities include: diversion of water for irrigation or other purposes, grazing of livestock upslope of the pond, stocking of fish or amphibian species, logging trees, removal of vegetation surrounding the pond area, use of herbicide or pesticide, and any earthmoving activities upslope of the pond. We expect that the maximum level of incidental take authorized under the proposed Agreement will never be realized.

We are providing this notice pursuant to section 10(c) of the Act and pursuant to implementing regulations for NEPA (40 CFR 1506.6). We will evaluate this permit application, associated documents, and comments submitted thereon to determine whether the permit application meets the requirements of section 10(a) of the Act and NEPA regulations. If, upon completion of the 30-day comment period, we determine that the requirements are met, we will sign the proposed Agreement and issue an enhancement of survival permit under section 10(a)(1)(A) of the Act to the Applicant for take of Oregon chub incidental to otherwise lawful activities in accordance with the terms of the Agreement.

#### Public Review and Comments

Individuals wishing copies of the permit application, the Environmental Action Statement, or copies of the full text of the Agreement, including a map of the proposed permit area, references, and legal descriptions of the proposed permit area, should contact the office and personnel listed in the **ADDRESSES** section above.

If you wish to comment on the permit application, the Environmental Action Statement, or the Agreement, you may submit your comments to the address listed in the **ADDRESSES** section of this document. Comments and materials received, including names and addresses of respondents, will be available for public review, by appointment, during normal business hours at the address in the **ADDRESSES** section above and will become part of the public record, pursuant to section 10(c) of the Act.

Dated: May 24, 2001.

**Rowan W. Gould,**

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

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### **Availability of an Environmental Action Statement and Receipt of an Application for a Permit To Enhance the Survival of the Hawaiian Duck or Koloa and Endangered Hawaiian Goose or Nene through a Safe Harbor Agreement for Umikoa Ranch, HI**

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

**ACTION:** Notice of availability.

**SUMMARY:** This notice advises the public that Umikoa Ranch, Limited (Ranch) has applied to the Fish and Wildlife Service (we, the Service) for an enhancement of survival permit pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (Act) for Hawaiian Duck or Koloa (*Anas wyvilliana*) and Endangered Hawaiian Goose or Nene (*Branta sandvicensis*). The permit application includes a Safe Harbor Agreement (Agreement) between the Ranch, the Service, and the Hawaii Department of Land and Natural Resources. The proposed permit and Agreement would become effective upon initialization of the Agreement and remain in effect for 20 years. The Service has made a preliminary determination that the proposed Agreement and permit application are eligible for categorical exclusion under the National Environmental Policy Act of 1969 (NEPA). We explain the basis for this determination in an Environmental Action Statement, which also is available for public review.

We announce the opening of a 30-day comment period to receive comments from the public on the Applicant's enhancement of survival permit

application, the accompanying proposed Agreement, and Environmental Action Statement. For further information and instruction on the reviewing and commenting process, see Public Review and Comment section below.

**DATES:** Written comments must be received by July 9, 2001.

**ADDRESSES:** Comments should be addressed to Mr. Paul Henson, Field Supervisor, U.S. Fish and Wildlife Service, PO Box 50088, Honolulu, Hawaii 96850; facsimile (808) 541-3470. (See Public Review and Comment section below.)

**FOR FURTHER INFORMATION CONTACT:** Ms. Gina Shultz at the above address or telephone 808-541-3441.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

Under a Safe Harbor Agreement, participating property owners voluntarily undertake management activities on their property to enhance, restore, or maintain habitat benefitting species listed under the Act. Safe Harbor Agreements encourage private and other non-Federal property owners to implement conservation efforts for listed species by assuring property owners they will not be subjected to increased property use restrictions if their efforts attract listed species to their property or increase the numbers or distribution of listed species already on their property. Application requirements and issuance criteria for enhancement of survival permits through Safe Harbor Agreements are found in 50 CFR 17.22(c).

We have worked with the Ranch and the Hawaii Department of Land and Natural Resources to develop a Safe Harbor Agreement for the creation and enhancement of habitat for the endangered Hawaiian duck or koloa and Hawaiian goose or nene on Umikoa Ranch, Hawaii. Under this Agreement, the Ranch will: (1) Construct and maintain wetland and associated upland habitat for nene and koloa; (2) maintain fences that exclude cattle from newly created wetland and associated upland habitats; (3) allow for controlled grazing to prevent encroachment of kikuyu grass and for maintenance of open, short grass habitat for nene; (4) prevent the establishment of problematic alien invasive plant species; (5) implement a program to control predators in and around newly created habitats where koloa and nene are likely to occur; (6) prohibit hunting in areas within the upper portion of the Ranch managed for koloa and nene; and (7) prevent the