

Succession of officials authorized to perform the functions and duties of the Office of the Assistant Secretary for Public and Indian Housing when, by reason of absence, disability, or vacancy in office, the Assistant Secretary is not available to exercise the powers or perform the duties of the office. This Order of Succession is subject to the provisions of the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345–3349d. This publication supersedes the Order of Succession notice of November 6, 2000 (65 FR 66551).

Accordingly, the Assistant Secretary for Public and Indian Housing designates the following Order of Succession:

#### Section A. Order of Succession

Subject to the provisions of the Federal Vacancies Reform Act of 1998, during any period when, by reason of absence, disability, or vacancy in office, the Assistant Secretary for Public and Indian Housing is not available to exercise the powers or perform the duties of the Office of the Assistant Secretary for Public and Indian Housing, the following officials within the Office of Public and Indian Housing are hereby designated to exercise the powers and perform the duties of the Assistant Secretary for Public and Indian Housing:

- (1) General Deputy Assistant Secretary for Public and Indian Housing;
- (2) Deputy Assistant Secretary for Public Housing and Voucher Programs;
- (3) Deputy Assistant Secretary for Field Operations;
- (4) Deputy Assistant Secretary for Public Housing Investments.

These officials shall perform the functions and duties of the office in the order specified herein, and no official shall serve unless all the other officials, whose position titles precede his/hers in this order, are unable to act by reason of absence, disability, or vacancy in office.

#### Section B. Authority Superseded

This Order of Succession supersedes the Order of Succession for the Assistant Secretary for Public and Indian Housing published on November 6, 2000 (65 FR 66551).

**Authority:** Section 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: June 15, 2006.

**Orlando J. Cabrera,**

*Assistant Secretary for Public and Indian Housing.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Proposed Low Effect Habitat Conservation Plan for the Schwisow Development in Adams County, ID

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

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

**SUMMARY:** This notice advises the public that Duane and Darlene Schwisow (Applicants) have applied to the Fish and Wildlife Service (Service) for an incidental take permit (ITP), pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The requested 25-year permit would authorize the incidental take of the threatened northern Idaho ground squirrel (*Spermophilus brunneus brunneus*) (“squirrels”), on 13.9 square meters (150 square feet) of suitable but unoccupied habitat associated with the development of a residence in Adams County, Idaho.

We are requesting comments on the permit application and on whether the proposed Habitat Conservation Plan (HCP) qualifies as a “low effect” HCP, eligible for a categorical exclusion under the National Environmental Policy Act (NEPA) of 1969, as amended. We explain the basis for this possible determination in a draft Environmental Action Statement (EAS), which is also available for public review.

**DATES:** Written comments must be received by 5 p.m. on November 17, 2006.

**ADDRESSES:** Comments should be addressed to Jeri Wood, Biologist, Fish and Wildlife Service, Snake River Fish and Wildlife Office, 1387 Vinnell Way, Suite 368, Boise, Idaho 83709, (telephone number (208) 378–5243; fax number (208) 378–5262). For further information and instruction on the reviewing and commenting process, see Public Review and Comment section below.

**FOR FURTHER INFORMATION CONTACT:** Jeri Wood, at the above address, or telephone (208) 378–5243.

#### SUPPLEMENTARY INFORMATION:

##### Availability of Documents

Individuals wishing copies of the application, proposed HCP, or EAS, should contact the Service by telephone (see **FOR FURTHER INFORMATION CONTACT**) or by letter (see **ADDRESSES**). Copies of the subject documents also are available for public inspection during regular business hours at the Snake River Fish and Wildlife Office (see **ADDRESSES**).

## Background

Section 9 of the Act (16 U.S.C. 1531 *et seq.*) and Federal regulations prohibit the “take” of a fish or wildlife species listed as endangered or threatened. Take of federally listed fish and wildlife is defined under section 3 of the Act as including to “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in such conduct” (16 U.S.C. 1538). The Service may, under limited circumstances, 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 permits for threatened species and endangered species, respectively, are at 50 CFR 17.32 and 50 CFR 17.22. The Applicants are seeking a permit for the incidental take of the northern Idaho ground squirrel during the 25-year term of the permit.

Applicants propose to develop and carry out construction activities on the proposed covered lands, comprising 2.0 hectares (5 acres), as a residence with a septic system, well and utility lines. Of the proposed covered area’s 2.0 hectares (5 acres), approximately 1.2 hectares (3 acres) will be set aside as a Protected Area. The Protected Area is currently occupied habitat for the northern Idaho ground squirrel. Incidental take of the northern Idaho ground squirrel would be authorized for the remaining 0.81 hectare (2 acres) Project Area in unoccupied but suitable habitat for northern Idaho ground squirrels. The 0.81 hectare (2 acres) site will be developed for a 13.9 square meter (150 square feet) development pad for a residence, a septic system, underground utility lines, and well. Therefore, Applicants seek a Permit for the 0.81 hectares (2 acres) of the proposed covered area.

The proposed minimization and mitigation measures include avoidance of all ground disturbing activity in the 1.2 hectare (3 acre) Protected Area; and to mitigate for the temporary loss of suitable habitat due to the development of utility lines, a septic system and well in the 0.81-hectare (2-acre) Project Area, Applicants will replant these disturbed areas with native plants. Monitoring of the northern Idaho ground squirrel and its habitat would occur throughout the 2.0 hectares (5 acres) of proposed covered lands[w1].

Approval of the HCP may qualify as a categorical exclusion under NEPA, as provided by the Departmental 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 (Service, 1996). Determination of low effect HCPs is based upon the plan having: minor or negligible effects on federally listed, proposed, or candidate species and their habitats; minor or negligible effects on other environmental values or resources; and, impacts that considered together with the impacts of other past, present, and reasonably foreseeable similarly situated projects would not result, over time, in cumulative effects to the environmental values or resources which would be considered significant. If the proposed Schwisow HCP is found to qualify as a low-effect HCP, further NEPA documentation would not be required.

#### Public Review and Comment

If you wish to comment on the permit application, draft Environmental Action Statement, or the proposed HCP, you may submit your comments to the address listed in the **ADDRESSES** section of this document. 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. Individual respondents may request that we withhold their home address from the record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the 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. Anonymous comments will not be considered. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, are available for public inspection in their entirety. If we determine that the requirements are met, we will issue an incidental take permit under section 10(a)(1)(B) of the Act to the Applicants for take of the squirrels, incidental to otherwise lawful activities in accordance with the terms of the permit. We will not make our final decision until after the end of the 30-day comment period and will fully consider all comments received during the comment period.

The Service provides this notice pursuant to section 10(c) of the Act and pursuant to implementing regulations for NEPA (40 CFR 1506.6).

Dated: September 11, 2006.

**Jeffery L. Foss,**

*Field Office Supervisor, Fish and Wildlife Service, Boise, Idaho.*

[FR Doc. E6-17280 Filed 10-17-06; 8:45 am]

**BILLING CODE 4310-55-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Receipt of an Application for an Incidental Take Permit for the Sarment Parcel Low-Effect Habitat Conservation Plan, Monterey County, California

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

**ACTION:** Notice of availability.

**SUMMARY:** Daniel Keig (applicant) has applied to the Fish and Wildlife Service (Service or "we") for an incidental take permit pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). We are considering issuing a 5-year permit to the applicant that would authorize take of the federally endangered Smith's blue butterfly (*Euphilotes enoptes smithi*) incidental to otherwise lawful activities associated with construction of a single family home, which would remove 0.3 acre of Smith's blue butterfly habitat within a 6.1-acre parcel in Carmel Highlands, Monterey County, California.

We invite comments from the public on the permit application, which is available for review. The application includes a Habitat Conservation Plan (HCP), that fully describes the proposed project and the measures that the applicant would undertake to minimize and mitigate anticipated take of the Smith's blue butterfly, as required in Section 10(a)(2)(B) of the Act. These measures are outlined in the **SUPPLEMENTARY INFORMATION** section below.

We also invite comments on our preliminary determination that the HCP qualifies as a "low-effect" plan, eligible for a categorical exclusion under the National Environmental Policy Act (NEPA) of 1969, as amended. We explain the basis for this possible determination in a draft Environmental Action Statement and associated Low Effect Screening Form, which are also available for public review.

**DATES:** Written comments should be received on or before November 17, 2006.

**ADDRESSES:** Written comments should be addressed to Diane Noda, Field Supervisor, Ventura Fish and Wildlife Office, 2493 Portola Road, Suite B,

Ventura, California 93003. Comments may also be sent by facsimile to (805) 644-3958. To obtain copies of draft documents, see "Availability of Documents" under **SUPPLEMENTARY INFORMATION**.

#### FOR FURTHER INFORMATION CONTACT:

Jacob Martin, Fish and Wildlife Biologist (*see ADDRESSES*), telephone: (805) 644-1766, extension 285.

**SUPPLEMENTARY INFORMATION:** Please contact the Ventura Fish and Wildlife Office (*see ADDRESSES*) if you would like copies of the application, HCP, and Environmental Action Statement. Documents will also be available for review by appointment, during normal business hours, at the Ventura Fish and Wildlife Office (*see ADDRESSES*) or via the Internet at <http://www.fws.gov/ventura>.

#### Background

Section 9 of the Act and Federal regulations 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 mean harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. However, the Service, under limited circumstances, may issue permits to cover 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 at 50 CFR 17.32 and 17.22, respectively. Among other criteria, issuance of such permits must not jeopardize the existence of federally listed fish, wildlife, or plants.

The Sarment Parcel (Assessor's Parcel Number 241-221-005) (Parcel) has an area of 6.1 acres, is owned by the applicant, and is located east of California Highway 1, in Carmel Highlands, Monterey County, California. The applicant proposes to develop a single family home within the Parcel. Development activities would include grading; construction of the home, driveway, and septic system; and landscaping; which are expected to disturb up to 0.3 acre. Two native plant communities are found within the Parcel, coastal sage scrub and closed-cone coniferous forest. Disturbed areas also exist within the Parcel, including an existing road and areas dominated by invasive plants.

The areas of coastal sage scrub within the Parcel include seacalf buckwheat (*Eriogonum parvifolium*), a food plant used by all life stages of the Smith's blue butterfly. Surveys in July 2000, July