

APPENDIX A

NOTICE OF INTENT, NOTICE OF AVAILABILITY,  
AND LIST OF RECIPIENTS

objectives and criteria, and specific actions needed to reclassify the sentry milk-vetch from endangered to threatened and for eventual consideration for delisting. An original draft of the recovery plan was developed by Dr. Joyce Maschinski, a botanist and species specialist from The Arboretum at Flagstaff. The document was reviewed and updated by a team of botanists, soil scientists, naturalists and National Park Service land managers that have a history of researching or managing the plant and its environs. In 1993, a draft recovery plan for the sentry milk-vetch underwent technical and public review. The draft was not finalized at that time due to other high priority work. The reviews received on the 1993 draft are maintained in the Service's administrative record. Peer review of this draft Recovery Plan was conducted concurrent with the original public review period.

Sentry milk-vetch is known from two, and up to three, locations on the South Rim and one location on the North Rim of the Park, where Kaibab limestone forms large flat platforms with shallow soils near pinyon-juniper woodlands. The primary cause of population decline prior to protection was trampling by Park visitors, although drought conditions may have worsened the situation. We carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by sentry milk-vetch as part of our 1990 final determination to list this species as endangered (55 FR 50184). The four major threats identified in the rule listing the species were: (1) Destruction of habitat and damage to individuals through human disturbance (trampling); (2) over-utilization due to collection; (3) inadequacy of existing regulatory mechanisms to provide protection of habitat; and (4) naturally low reproduction of the species. The draft Recovery Plan contains action items to alleviate these factors.

#### Public Comments Solicited

We solicit written comments on the Draft Plan. All comments received by the date specified above will be considered prior to approval of the plan.

#### Authority

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

Dated: November 24, 2004.

**Bryan Arroyo,**

*Acting Regional Director, Region 2, Fish and Wildlife Service.*

[FR Doc. 05-409 Filed 1-7-05; 8:45 am]

**BILLING CODE 4310-55-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### **Notice of Intent to Scope for the Preparation of an Environmental Impact Statement for the Proposed Issuance of an Incidental Take Permit Associated With the Agua Caliente Band of Cahuilla Indians Habitat Conservation Plan, Riverside County, CA**

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

**ACTION:** Notice of intent.

**SUMMARY:** Pursuant to the National Environmental Policy Act of 1969, as amended, the U.S. Fish and Wildlife Service (Service) as the lead agency, advises the public that it is preparing an Environmental Impact Statement (EIS) for the Agua Caliente Band of Cahuilla Indians Habitat Conservation Plan (HCP) in Riverside County, California. The proposed HCP is being prepared in compliance with the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*). The HCP is intended to support the issuance of an incidental take permit to the Agua Caliente Band of Cahuilla Indians (Tribe) from the Service under section 10(a)(1)(B) of the Act. The requested incidental take permit, if granted, would authorize the permittees to incidentally take species federally listed under the Act as a result of activities proposed to be covered under the HCP. It would also address incidental take of other species that are not currently listed, should they be listed during the permit term. The planning area for the HCP is located within the Coachella Valley in eastern Riverside County. The HCP would provide measures to minimize and mitigate the impacts of the proposed taking of covered species and the habitats upon which they depend.

The Service is furnishing this notice in compliance with the National Environmental Policy Act and implementing regulations for the following purposes: (1) to advise other Federal and State agencies, affected tribes, and the public of our intent to prepare an EIS; (2) announce the initiation of a 30-day public scoping period; and (3) to obtain suggestions and information on the scope of issues and alternatives to be considered in the EIS.

**DATES:** Written comments should be received on or before February 9, 2005.

**ADDRESSES:** Address comments, requests for more information, or requests to be added to the mailing list for this project to: Ms. Therese O'Rourke, Assistant Field Supervisor, U.S. Fish and Wildlife Service, Carlsbad Fish and Wildlife Office, 6010 Hidden Valley Road, Carlsbad, California 92009 or by facsimile to (760) 431-5902.

**FOR FURTHER INFORMATION CONTACT:** Jon Avery, Fish and Wildlife Biologist, at (760) 431-9440, extension 309 [see **ADDRESSES**].

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

Section 9 of the Federal ESA (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 the ESA 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 ESA 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.

An incidental take permit is needed to authorize take of listed species (including harm, injury and harassment) during urban and rural development on the Agua Caliente Reservation (Reservation). The Tribe is requesting a permit for incidental take of covered species on lands included in the proposed HCP. The HCP planning area includes lands within and near the Reservation and encompasses approximately 87,000 acres. The Reservation totals about 31,500 acres.

The HCP proposes coverage of 24 species: 9 federally-listed (threatened or endangered) species, 1 Federal candidate species, and 14 unlisted species that may become listed during the term of the proposed permit. The species proposed for coverage include: Peninsular bighorn sheep (*Ovis canadensis nelsoni*), Coachella Valley round-tailed ground squirrel (*Spermophilus tereticaudus chlorus*), Palm Springs pocket mouse (*Perognathus longimembris bangsi*), southern yellow bat (*Lasiurus ega xanthinus*), least Bell's vireo (*Vireo bellii pusillus*), southwestern willow flycatcher (*Empidonax traillii extimus*),

summer tanager (*Piranga rubra cooperi*), yellow-breasted chat (*Icteria virens*), yellow warbler (*Dendroica petechia brewstri*), burrowing owl (*Athene cunicularia*), gray vireo (*Vireo vicinior*), Le Conte's thrasher (*Toxostoma lecontei*), crissal thrasher (*Toxostoma crissali*), California red-legged frog (*Rana aurora draytonii*), mountain yellow-legged frog (*Rana muscosa*), desert tortoise (*Gopherus agassizii*), Coachella Valley fringe-toed lizard (*Uma inornata*), flat-tailed horned lizard (*Phrynosoma mcalli*), Coachella Valley grasshopper (*Spaniacris deserticola*), Coachella giant sand-treader cricket (*Macrobaenetes valgum*), Coachella Valley Jerusalem cricket (*Stenopelmatus cahuilensis*), Coachella Valley milk vetch (*Astragalus lentiginosus* var. *coachellae*), triple-ribbed milk vetch (*Astragalus tricarinatus*), and little San Bernardino Mountains gilia (*Linanthus maculatus*).

The Tribe intends for the HCP to serve four main purposes: (1) To set forth a program for protecting natural resources while managing economic development objectives for the Reservation; (2) to streamline compliance with the Act into a comprehensive Reservation-wide approach; and (3) to recognize the Tribe's traditional sovereign land and resource management policies and practices; and (4) to provide a feasible and practicable means for the Tribe to conserve the 24 species, and for the Service to meet the responsibilities of the Act under Secretarial Order 3206 and Executive Order 13175.

The proposed HCP would be a comprehensive plan that seeks to address the 24 covered species within a reserve system. Specifically, the proposed HCP would establish: (1) A Mountains and Canyons Conservation Area in which certain lands are proposed to be dedicated to the reserve system and general and species-specific conservation measures would be imposed on covered projects and/or implemented by the Tribe, and (2) a Valley Floor Conservation Area from which funding would generally be required for acquisition and management of additional reserve lands, certain lands would be dedicated to the reserve system, and additional conservation measures would be required to protect certain covered species. The proposed HCP includes avoidance and minimization measures, the establishment of the reserve system, and adaptive management and monitoring pursuant to the Act. The activities proposed to be covered by the HCP include construction and development activities and covered conservation and maintenance activities

(including operation and maintenance of public facilities and conservation management).

#### Public Comments

With the publication of this notice, the public is encouraged to submit written comments. Comments received shall be used to identify issues and draft alternatives. All comments received from individuals on Environmental Impact Statements become part of the official public record. Requests for such comments will be handled in accordance with the Freedom of Information Act, the Council on Environmental Quality's NEPA regulations [40 CFR 1506.6(f)], and other Service and Departmental policy and procedures.

#### Environmental Impact Statement

The Tribe and the Service have selected Helix Environmental Planning, Inc., to prepare the EIS. The document will be prepared in compliance with the National Environmental Policy Act (42 U.S.C. 4321, *et seq.*). Helix Environmental Planning, Inc., will prepare the EIS under the supervision of the Service, who is responsible for the scope and content of the document.

The EIS will identify potentially significant direct, indirect, and cumulative impacts on biological resources, land use, air quality, water quality, water resources, economics, and other environmental issues that could occur with the implementation of the Service's proposed actions and alternatives. The EIS will consider the proposed action, the issuance of a section 10(a)(1)(B) permit under the Act, and a reasonable range of alternatives. A detailed description of the impacts of the proposed action and each alternative will be included in the EIS. Several alternatives, including a No Action alternative will be considered and analyzed, representing varying levels of conservation, impacts, and permit area configurations. The No Action alternative means that the Service would not issue a section 10(a)(1)(B) permit.

Review of this project will be conducted in accordance with the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*), associated regulations (40 CFR parts 1500–1508) found at (<http://www.legal.gsa.gov>), other appropriate Federal laws, and Service policies and procedures for compliance with those regulations. This notice is being furnished in accordance with 40 CFR 1501.7 of the National Environmental Policy Act to obtain suggestions and information from other agencies and the

public on the scope of issues and alternatives to be addressed in the EIS. The primary purpose of the scoping process is to identify important issues raised by the public, related to the proposed action. Written comments from interested parties are welcome to ensure that the full range of issues related to the permit request is identified. All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public.

Dated: January 4, 2005.

**David G. Paullin,**

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

[FR Doc. 05–406 Filed 1–7–05; 8:45 am]

**BILLING CODE 4310–55–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[ID–957–1420–BJ]

#### Idaho: Filing of Plats of Survey

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of filing of plats of surveys.

**SUMMARY:** The Bureau of Land Management (BLM) has officially filed the plats of survey of the lands described below in the BLM Idaho State Office, Boise, Idaho, effective 9 a.m., on the dates specified.

**FOR FURTHER INFORMATION CONTACT:** Bureau of Land Management, 1387 South Vinnell Way, Boise, Idaho, 83709–1657.

**SUPPLEMENTARY INFORMATION:** These surveys were executed at the request of the Bureau of Land Management to meet certain administrative and management purposes:

The plat constituting the entire survey record of the corrective dependent resurvey of a portion of the subdivisional lines, and the subdivision of section 3, in T. 7 N., R. 39 E., Boise Meridian, Idaho, was accepted October 1, 2004.

The plat representing the dependent resurvey of a portion of the subdivisional lines, and the subdivision of sections 2 and 3, in T. 13 N., R. 28 E., Boise Meridian, Idaho, was accepted October 13, 2004.

The plat representing the dependent resurvey of a portion of the south boundary, and a portion of the subdivisional lines, and the subdivision of sections 35, in T. 14 N., R. 28 E., Boise Meridian, Idaho, was accepted October 13, 2004.

Billing Code: 4310-55-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability of a Draft Environmental Impact Statement and Receipt of an Application for an Incidental Take Permit for the Agua Caliente Tribal Habitat Conservation Plan, Riverside County, California

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

ACTION: Notice of availability and receipt of application.

SUMMARY: The Agua Caliente Band of Cahuilla Indians (Tribe/Applicant) has applied to the U.S. 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 is requesting public comment on the Draft Agua Caliente Tribal Habitat Conservation Plan (THCP), Draft Implementing Agreement, and Draft Environmental Impact Statement (EIS). The Applicant is requesting a permit to incidentally take 21 animal species and seeking assurances for 3 plant species, including 15 unlisted species should any of them become listed under the Act during the proposed 75-year term of the permit. The permit is needed to authorize incidental take of listed animal species (including harm, injury, and harassment) due to development and certain other activities

in the approximately 35,871-acre (56-square mile) Plan Area in the Coachella Valley of Riverside County, California.

The Draft EIS has been prepared jointly by the Service and the Tribe, along with the environmental consultant, to analyze the impacts of the THCP and is also available for public review. The analyses provided in the Draft EIS are intended to inform the public of the proposed action, alternatives, and associated impacts; disclose the direct, indirect, and cumulative environmental effects of the proposed action and each of the alternatives; and, indicate any irreversible commitment of resources that would result from implementation of the proposed action.

**DATES:** Written comments should be received on or before **[INSERT DATE (90 DAY Public Comment Period) AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

**ADDRESSES:** Comments should be sent to Mr. Jim Bartel, Field Supervisor, U.S. Fish and Wildlife Service, Carlsbad Fish and Wildlife Office, 6010 Hidden Valley Road, Carlsbad, California 92011. You may also submit comments by facsimile to 760-431-9624.

**FOR FURTHER INFORMATION CONTACT:** Ms. Therese O'Rourke, Assistant Field Supervisor, at the Carlsbad Fish and Wildlife Office above; telephone 760-431-9440.

## SUPPLEMENTARY INFORMATION:

### Availability of Documents

Documents available for public review include the permit application, the Public Review Draft THCP and Appendices, the accompanying Draft Implementing Agreement, and the Draft EIS.

Individuals wishing to obtain copies of the documents should contact the Service by telephone at 760-431-9440, or by letter to the Carlsbad Fish and Wildlife Office (see FOR FURTHER INFORMATION CONTACT). Copies of the Draft THCP, Draft EIS, and Draft Implementing Agreement also are available for public review, by appointment, during regular business hours, at the Carlsbad Fish and Wildlife Office or at the Tribal Planning & Development Department Office (see ADDRESSES). Copies are also available for viewing on the Internet at <http://www.aguacaliente.org> and in the Palm Springs, Rancho Mirage, Cathedral City branch, and Desert Hot Springs public libraries:

- 1) Palm Springs City Library: 300 South Sunrise Way,  
Palm Springs, CA 92262
- 2) Rancho Mirage Public Library: 71100 Highway 111  
Rancho Mirage, CA 92270
- 3) Cathedral City Branch Library: 33520 Date Palm Drive  
Cathedral City, CA 92234

- 4) Desert Hot Springs Branch Library: 11691 West Drive  
Desert Hot Springs, CA 92240

#### Background Information

Section 9 of the Act and Federal regulation prohibit the “take” of fish and wildlife species federally listed as endangered or threatened. Take of federally listed fish or wildlife is defined under the Act to include kill, harm, or harass. Harm includes significant habitat modification or degradation that actually kills or injures listed wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, and sheltering (50 CFR 17.3(c)). Under limited circumstances, the Service may issue permits to authorize incidental take; that is, take that is incidental to, and not the purpose of, otherwise lawful activity. Although take of plant species is not prohibited under the Act, and therefore cannot be authorized under an incidental take permit, plant species are proposed to be included on the permit in recognition of the conservation benefits provided to them under the THCP. Regulations governing incidental take permits for threatened and endangered species are found in 50 CFR 17.22 and 17.32, respectively.

The Applicant seeks an incidental take permit and assurances for 21 animal species and assurances for 3 plant species. Collectively the 24 listed and unlisted species are referred to as “Covered Species” by the THCP and include 3 plant species (2 endangered, 1 unlisted); 3 insect species (all three unlisted); 2 amphibian species (1 endangered, 1 unlisted); 3 insect species (all three unlisted); 2 amphibian species (1 endangered, 1 threatened); 3 reptile species (2 threatened, 1 unlisted); 9 bird species (2

endangered, 7 unlisted); and 4 mammal species (1 endangered and 3 unlisted). The permit would provide take authorization for species identified by the THCP as “Covered Species.”

The THCP is intended to protect and sustain viable populations of native plant and animal species and their habitats in perpetuity through the creation of a reserve system, while accommodating continued economic development and quality of life for residents in the Plan Area. The most recent U.S. Census conducted in 2000 determined that approximately 21,500 individuals are residents on the Reservation, with approximately 98 percent of those individuals living in the Plan Area’s Valley Floor Conservation Area. An additional approximately 200 residents live within off-Reservation Target Acquisition Areas. Within the Plan Area and the surrounding incorporated areas of Palm Springs, Rancho Mirage, Cathedral City, and Desert Hot Springs as well as the unincorporated County of Riverside, the Southern California Area Government (SCAG) anticipates the growth rate over the next 30-year period (between 2000 and 2030) to average 129 percent between these areas.

The THCP Plan Area encompasses approximately 35,871 acres in the Coachella Valley within the vicinity of the following three incorporated cities: Cathedral City, Palm Springs, and Rancho Mirage. Specifically, the Plan Area encompasses sections of land in a checkerboard pattern with lands included in the Coachella Valley Area Government’s draft Multiple Species Habitat Conservation Plan. The THCP Plan Area encompasses both Reservation (i.e., Tribal Trust Land, Allotted Trust Land, and Fee Land) and other

off-Reservation lands held by the Tribe and is one of three large habitat planning efforts in Riverside County.

As described in the Draft THCP and the Draft EIS, the proposed THCP would provide for the creation of a reserve system that protects and manages up to approximately 19,375 acres of habitat for the Covered Species. The financing plan for the reserve assembly addresses the maximum of 19,375 acres and includes a mitigation fee and other funding sources.

The THCP identifies the proposed reserve system, which will be established from lands within the Plan Area as well as lands outside the current Plan Area (identified as the Action Area in the THCP) within a priority system encompassing 7 conservation areas that are either adjacent or linked by biological corridors. The acquisition program for the reserve system, involving conservation of a maximum of 19,375 acres, is anticipated to occur over the life of the permit. When completed, the reserve system will include core habitat for Covered Species, essential ecological processes, and biological corridors and linkages to provide for the conservation of the proposed Covered Species.

The THCP includes measures to avoid, minimize, and mitigate incidental take of the Covered Species, emphasizing project design modifications to protect both habitats and species' individuals where appropriate. A monitoring and reporting plan would gauge the Plan's success based on achievement of biological goals and objectives and would ensure that conservation keeps pace with development. The THCP also includes a

management program, including adaptive management, which allows for changes in the conservation program if the biological species objectives are not met, or new information becomes available to improve the efficacy of the THCPs conservation strategy. Covered Activities would include public and private development conducted by the Tribe, Tribal members, or non-Federal third parties within the Plan Area that requires certain ministerial and discretionary actions by the Tribe subject to consistency with THCP policies.

The Draft EIS analyzes three other alternatives in addition to the proposed THCP Preferred Project Alternative described above including: a No Action Alternative in which the Tribe and Bureau of Indian Affairs would continue to seek incidental take authorizations on a project-by-project basis, as necessary, resulting in a piece-meal approach to habitat conservation; an alternative that includes implementing the 2002-approved THCP without a Section 10(a) permit resulting in less conservation; and, an expanded conservation alternative that includes additional Peninsular bighorn sheep habitat impact avoidance.

#### Public Comments

The Service and the Tribe invite the public to comment on the Draft THCP, Draft Implementing Agreement, and Draft EIS during a 90-day public comment period beginning the date of this notice. Our practice is to make comments, including names, home addresses, home phone numbers, and email addresses of respondents, available for

public review. Individual respondents may request that we withhold their names and/or homes addresses, etc., but if you wish us to consider withholding this information you must state this prominently at the beginning of your comments. Additionally, you must present a rationale for withholding this information. This rationale must demonstrate that disclosure would constitute a clearly unwarranted invasion of privacy. Unsupported assertions will not meet this burden. In the absence of exceptional, documentable circumstances, this information will be released. We will always make submissions from organization or businesses, and from individuals identifying themselves as representatives of or officials of organizations or businesses, available for public inspection in their entirety.

This notice is provided pursuant to section 10(a) of the Act and Service regulations for implementing the National Environmental Policy Act (NEPA). The Service will evaluate the application, associated documents, and comments submitted thereon to prepare a Final to the draft EIS. A permit decision will be made no sooner than 30 days after the publication of the Final EIS and completion of the Record of Decision.

Date: \_\_\_\_\_  
\_\_\_\_\_

Ken McDermond  
Deputy Manager  
California/Nevada Operations Office  
Sacramento, California

AGUA CALIENTE EIS  
LIST OF RECIPIENTS

ORGANIZATION	CONTACT PERSON
Agua Caliente Band of Cahuilla Indians	
Agua Caliente Development Authority	Fred Razzar
Andreas Canyon Club	Rocky Siegel
Assemblywoman Bonnie Garcia	
Bighorn Institute	Jim DeForge
Building Industry Association	Fred Bell
Bureau of Indian Affairs - PRO	Clay Gregory
Bureau of Indian Affairs - PRO	John Rydzik
Bureau of Indian Affairs - PSA	Kim Snyder
Bureau of Land Management-California Desert District	Steven Borchard
Bureau of Land Management-Palm Springs Field Office	John Kalish
California Department of Forestry	
Caltrans	District 8 Director
Cathedral City	City Manager
City of Cathedral City Library	
City of Palm Springs Library	
City of Rancho Mirage Library	
Coachella Valley Association of Governments	John Wohlmuth
Coachella Valley Mountains Conservancy	Bill Havert
Coachella Valley Water District	Steve Robbins
County of Riverside	Planning Director
County of Riverside	Paul Clark, Principal Planner
County of Riverside	RCFCD
County of Riverside	Sup. Roy Wilson
County of Riverside Library (Desert Hot Springs Branch)	
Department of Interior--Natural Resources Library	
Department of Interior--Office of Environmental Policy and Compliance	Director
Desert Hot Springs	City Manager
Desert Riders	
Desert Water Agency	Dave Luker
Division of Policy and Directives Management	Sue Wilkinson
Environmental Protection Agency-Office of Federal Activities	EIS Filing Section
Fish and Wildlife Service (Carlsbad, CA.)	
Fish and Wildlife Service (Washington, D.C.)	Pat Carter
Mt. San Jacinto State Park	Rick Campbell
Palm Springs	City Manager
Palm Springs Unified School District	
Public Record	
Rancho Mirage	City Manager
Sierra Club	Joan Taylor

AGUA CALIENTE EIS  
LIST OF RECIPIENTS (cont.)

ORGANIZATION	CONTACT PERSON
SoCal Gas Company	
Southern California Edison	Lin Juniper
State Parks & Recreation	
State Senator Jim Battin	
Sunline Transit Agency	Mike Ogelsby
Time-Warner	
Trails Coalition	
U.S. Forest Service-San Bernardino Nat'l Forest	Jeanne Wade Evans
U.S. Forest Service-San Jacinto Ranger District	Laurie Rosenthal
U.S. House of Representatives--Palm Springs, California	Honorable Mary Bono
U.S. House of Representatives--Redlands, California	Honorable Jerry Lewis
U.S. House of Representatives--San Diego, California	Honorable Dianne Feinstein
U.S. House of Representatives--San Diego, California	Honorable Barbara Boxer
Verizon	