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 HCP, 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 HCP 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 to 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 coastal California gnatcatcher during the life of the permit.

The applicant proposes to repair a landslide within a 16.33-acre project site that occurred on a slope adjacent to Via Bellota in the City of San Clemente, California. The proposed landslide remediation would involve remedial grading and construction of a landslide buttress at the westerly end of the canyon to stabilize the slide area. The slope would be graded and stabilized with shear pins every 10 feet. A collapsed underground stormdrain pipe that currently extends through the canyon bottom would be replaced to minimize the risk of pipe failures that could result in soil saturation and additional slope instability. An additional slope failure at the southwest end of the proposed landslide repair would be graded, excavated, filled, compacted and have hydroaugers (horizontal drains) installed which would outlet to the stormdrain being constructed for the landslide repair. Construction of a gunite terrace and down drains, which would outlet at the bottom of the slope, would occur on the surface of the finished slope. The repair of this slope failure would be concurrent with the stabilization of the landslide. Additionally, the proposed project would include the construction and sale of 20 graded lots within the Shorecliffs Mobile Home Park.

The applicant proposes to minimize and mitigate the effects to the gnatcatcher associated with the covered activities by fully implementing the HCP. The purpose of the proposed HCP's conservation program is to promote the biological conservation of the gnatcatcher. The HCP includes measures to minimize impacts to gnatcatcher by scheduling vegetation removal outside of the breeding season (February 15 to August 15). The project may result in take of one (1) pair of gnatcatchers and will permanently impact 5.36 acres of coastal sage scrub (CSS) and temporarily impact 6.71 acres of CSS. The applicant proposes to mitigate impacts to the gnatcatcher by revegetating 8.01 acres of the disturbed CSS onsite and restoring 9.42 acres of CSS offsite.

The Proposed Action consists of the issuance of an incidental take permit and implementation of the proposed HCP, which includes measures to minimize and mitigate impacts of the project on the gnatcatcher. Three alternatives to the taking of the listed species under the Proposed Action are considered in the proposed HCP. Under the No Action Alternative, no permit would be issued, and no construction or conservation would occur. This alternative would not comply with the settlement agreement to repair the landslide. The Offsite Alternative is not feasible because the proposed project involves an existing landslide which occurs within the proposed project site. A Reduce Project Alternative is also not feasible because the proposed project represents the minimum grading and construction footprint necessary to reconstruct the slope and permanently stabilize the slide.

The Service has made a preliminary determination that approval of the proposed HCP qualifies as a categorical exclusion under NEPA, as provided by the Department of the Interior Manual (516 DM8) 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 HCP would result in minor or negligible effects on federally listed, proposed, and candidate species and their habitats; (2) Implementation of the proposed HCP would result in minor or negligible effects on other environmental values or resources; and (3) Impacts of the proposed HCP, 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.

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

This notice is provided pursuant to section 10(c) of the Act. We will evaluate the permit application, the proposed HCP, 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 Seaview Repair LLC for the incidental take of the coastal California gnatcatcher from landslide remediation in the City of San Clemente, Orange County, California.

Dated: August 30, 2007.

Jim A. Bartel,

Field Supervisor, Carlsbad Fish and Wildlife Office, Carlsbad, California.

[FR Doc. E7–17592 Filed 9–5–07; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Restoration of Habitat for Utah Prairie Dogs on Private Land in Utah

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability: Safe harbor agreement and receipt of application for an enhancement of survival permit.

SUMMARY: The Panoramaland Resources Conservation and Development Council (applicant) has applied to the Fish and Wildlife Service (Service, us) for an

enhancement of survival permit (permit) for the Utah prairie dog within the species' range in Utah under the Endangered Species Act of 1973, as amended (Act). This permit application includes a safe harbor agreement (SHA) between the applicant and us, with the ability for the applicant to issue certificates of inclusion to private landowners. We request information, views, and opinions from the public via this notice. Further, we are soliciting information regarding the adequacy of the SHA as measured against our Safe Harbor Policy and the regulations that implement it.

DATES: We must receive any written comments on the permit application and SHA on or before October 9, 2007.

ADDRESSES:

- *Mail:* Utah Field Office, 2369 West Orton Circle, West Valley City, Utah 84119.
- *Internet: http://mountain-prairie.fws.gov/species/mammals/utprairiedog/.*
- *E-mail: utahprairiedogSHA@fws.gov.*

FOR FURTHER INFORMATION CONTACT: Larry Crist, Utah Field Supervisor (see **ADDRESSES**), telephone (801) 975–3330.

SUPPLEMENTARY INFORMATION: The Utah prairie dog is the westernmost member of the genus *Cynomys.* The species' range, which is limited to the southwestern quarter of Utah, is the most restricted of all prairie dog species in the United States. Distribution of the Utah prairie dog has been greatly reduced due to disease (plague), poisoning, drought, and human-related habitat alteration. Protection of this species and enhancement of its habitat on private land will benefit recovery efforts.

The primary objective of this SHA is to promote conservation of a threatened species through voluntary conservation, enhancement, and management of the species on private land throughout the range of the species. Through this SHA, the applicant receives the ability to oversee a safe harbor program working under a permit. We will authorize the applicant to enroll willing individual landowners (cooperators) into the program, which will require that each cooperator enter a cooperative agreement with the Panoramaland Resource Conservation and Development Council, with associated management activities, in exchange for a certificate of inclusion under the permit. This certificate will provide relief from any additional section 9 liabilities under the Act beyond those which exist at the time the cooperative agreement is signed (''regulatory baseline'').

All cooperative agreements shall include the following: (1) Use of pesticides within 100 feet (31 meters) of an active Utah prairie dog colony must be limited to only those approved for this purpose by the Service; (2) All applied practices (see below) must be planned and applied in a manner that will not adversely affect other wildlife, including threatened or endangered species; (3) Monitoring of habitat restoration activities (see below) must occur to assess the general condition of the habitat, use of the habitat by the Utah prairie dog, progress of ongoing management activities, and satisfaction of the cooperator with the project.

In addition to the above management activities, at least two of the following activities must be included in all cooperative agreements: (1) Brush management to restore plant community balance, increase visual surveillance, and increase forage quantity and quality; (2) Prescribed grazing to increase visual surveillance, increase forage quantity and quality and deferment to create vegetative varies to limit expansion to undesirable locations; (3) Seeding to restore degraded rangelands or pasturelands and bare ground and increase forage quantity and quality; (4) Prescribed burning to increase forage quantity and quality; or (5) Noxious weed control to facilitate restoration of rangelands or pasturelands, increase visual surveillance, and increase forage quantity and quality. The habitat improvements will be maintained throughout the term of the cooperative agreement. The cooperator will receive a certificate of inclusion that authorizes implementation of the conservation actions and other provisions of the cooperative agreement and authorizes incidental take and limited control of the covered species above the cooperator's baseline responsibilities, as defined in the cooperative agreement. The SHA and permit would become effective upon signature of the SHA, and issuance of the permit and would remain in effect for 50 years.

We have evaluated the impacts of this action under the National Environmental Policy Act (NEPA) and determined that it warrants categorical exclusion as described in 516 DM 8.5, and/or 516 DM 2, Appendix 1. This notice is provided pursuant to NEPA, section 10 of the Act, and our Safe Harbor Policy (64 FR 32717, June 17, 1999). We will evaluate whether the issuance of the permit complies with section 7 of the Act by conducting an intra-Service section 7 consultation. We will use the result of the biological opinion, in combination with our finding that will take into consideration any public comments, in the final analysis to determine whether or not to issue the requested permit, pursuant to the regulations that guide permit issuance.

Public Review of Documents

Persons wishing to review the SHA and the application may obtain a copy by writing our Utah Field Office (see **ADDRESSES**) or by visiting during normal business hours. The SHA also will be posted on the Internet at *http://mountain-prairie.fws.gov/species/mammals/utprairiedog/.*

Public Comments

Send any written data or comments concerning the SHA or application to the Utah Field Office (see **ADDRESSES**). Comments must be submitted in writing to be adequately considered in the Service's decisionmaking process. Please reference permit number TE–155376 in your comments, or in the request for the documents discussed herein.

Public Availability of Comments

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: August 8, 2007.

James J. Slack,

Deputy Regional Director, Denver, Colorado.

[FR Doc. E7–17590 Filed 9–5–07; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Tidal Restoration of the Cullinan Ranch Unit of San Pablo Bay National Wildlife Refuge

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of intent to prepare an environmental impact statement; request for public comment.