

The applicant requests a permit to take (survey by pursuit) the Quino checkerspot butterfly (*Euphydryas editha quino*) in conjunction with surveys throughout the range of the species in California for the purpose of enhancing its survival.

**Permit No. TE-096466**

*Applicant:* San Bernardino National Forest, Big Bear City, California

The applicant requests a permit to take (survey by pursuit) the Quino checkerspot butterfly (*Euphydryas editha quino*) in conjunction with surveys in Riverside and San Bernardino Counties, California, for the purpose of enhancing its survival.

**Permit No. TE-096456**

*Applicant:* Garvin Hoefler, Soquel, California

The applicant requests a permit to take (survey by pursuit) the Santa Cruz long-toed salamander (*Ambystoma macrodactylum croceum*) in conjunction with surveys in Santa Cruz, Monterey, Santa Clara, and San Benito Counties, California, for the purpose of enhancing its survival.

**Permit No. TE-086593**

*Applicant:* Arizona Cooperative Fish and Wildlife Research Unit, Tucson, Arizona

The applicant requests a permit to take (capture and collect) the Owens tui chub (*Gila bicolor snyderi*) and the Owens pupfish (*Cyprinodon radiosus*) in conjunction with parasite research in San Bernardino County, California, for the purpose of enhancing their survival.

**Permit No. TE-075112**

*Applicant:* Gregory Chatman, Rialto, California

The applicant requests a permit to take (survey by pursuit) the Quino checkerspot butterfly (*Euphydryas editha quino*) in conjunction with surveys throughout the range of the species in California for the purpose of enhancing its survival.

**Permit No. TE-097516**

*Applicant:* Ryan Thomas, Pasadena, California

The applicant requests a permit to take (harass by survey and monitor nests) the southwestern willow flycatcher (*Empidonax traillii extimus*) and the California least tern (*Sterna autillarum browni*), take (locate and monitor nests) the least Bell's vireo (*Vireo bellii pusillus*), and take (harass by survey) the California clapper rail (*Rallus longirostris obsoletus*) and the light-footed clapper rail (*Rallus*

*longirostris levipes*) in conjunction with surveys throughout the range of each species in California for the purpose of enhancing their survival.

**Permit No. TE-097845**

*Applicant:* SRS Technologies, Lompoc, California

The applicant requests a permit to take (harass by survey and monitor nests) the southwestern willow flycatcher (*Empidonax traillii extimus*) and the California least tern (*Sterna autillarum browni*), take (locate and monitor nests) the least Bell's vireo (*Vireo bellii pusillus*), take (capture, handle, and release) the arroyo toad (*Bufo californicus*), and take (harass by survey, capture, handle, and release) the tidewater goby (*Eucyclogobius newberryi*) and the unarmored threespine stickleback (*Gasterosteus aculeatus williamsoni*) in conjunction with surveys in Santa Barbara County, California, for the purpose of enhancing their survival.

We solicit public review and comment on each of these recovery permit applications.

**Michael B. Fris,**

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

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**BILLING CODE 4310-55-P**

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**Re-Opening of the Comment Period for the Draft Recovery Plan for the Sentry Milk-Vetch**

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

**ACTION:** Notice of re-opening of public comment period.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce the re-opening of the comment period for public review of a draft Recovery Plan for the sentry milk-vetch (*Astragalus cremnophylax* var. *cremnophylax*) for an additional 30 days. The original public comment period was held from September 14, 2004 to October 14, 2004. We are re-opening the public comment period in response to a specific request from the National Park Service, Grand Canyon National Park (Park) to allow additional time for public review of this draft Recovery Plan. All known populations of the species occur on land managed by the Park in Coconino County, Arizona.

**DATES:** Comments on the draft Recovery Plan must be received on or before February 9, 2005, to receive consideration by the Service.

**ADDRESSES:** Persons wishing to review the draft Recovery Plan may obtain a copy by accessing the Service's Arizona Ecological Services Field Office Internet Web page at <http://arizonaes.fws.gov> or by contacting the Field Supervisor, Arizona Ecological Services Field Office, U.S. Fish and Wildlife Service, 2321 West Royal Palm Road, Suite 103, Phoenix, Arizona 85021-4951 (602/242-0210) to obtain a copy via the mail or in person at the address above. Written comments and materials regarding the plan should be addressed to the Field Supervisor at the address provided above. Comments and materials received are available on request for public inspection, by appointment, during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Mima Falk, Arizona Ecological Services Tucson Suboffice, 201 N Bonita Ave., Tucson, Arizona 85745 (520/670-6150 ext. 225).

**SUPPLEMENTARY INFORMATION:**

**Background**

Restoring an endangered or threatened animal or plant species to the point where it is again a secure, self-sustaining member of its ecosystem is a primary goal of the Service's endangered species program. To help guide the recovery effort, the Service is working to prepare recovery plans for most of the listed species native to the United States. Recovery plans describe actions considered necessary for conservation of species, establish criteria for the recovery levels for downlisting or delisting them, and estimate time and cost for implementing the recovery measures needed.

The Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*), requires the development of recovery plans for listed species, unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act, as amended in 1988, 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. We, along with other Federal agencies, will also take these comments into account in the course of implementing approved recovery plans.

The draft Recovery Plan describes the status, current management, recovery

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.*

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## 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*),