

A joint Supplemental EIS/EIR is being prepared on behalf of the Service and IID to address the impacts associated with permit issuance for the covered activities included in the Habitat Conservation Plan. The consulting firm, CH2M Hill has been selected to prepare the document. Additional information on the previously approved Project may be found in the Bureau of Reclamation's project documents including the amended Notice of Intent published at 65 FR 66557 (November 6, 2000), the Notice of Availability for the Draft Environmental Impact Report/Environmental Impact Statement (67 FR 3732, January 25, 2002), and the Notice of Availability for the Final Environmental Impact Report/Environmental Impact Statement (67 FR 68165, November 8, 2002), and the Draft and Final EIR/EISs themselves.

Section 9 of the ESA and the Service regulations prohibit "take" of threatened or endangered fish and wildlife (16 U.S.C. 1538). Take means 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. 1532). Harm may include significant habitat modification that actually kills or injures fish and/or wildlife by significantly impairing essential behavior patterns including breeding, feeding, and sheltering [50 CFR 17.3(c)]. The Service, however, may issue permits to take endangered and/or threatened species of fish and wildlife incidental to, and not the purpose of, otherwise lawful activities [50 CFR 17.22 and 17.32]. Take authorization addressing water conservation and transfer activities for the federally-listed species only was previously provided through the Service's Biological Opinion on the Bureau of Reclamation's Voluntary Fish and Wildlife Conservation Measures and Associated Conservation Agreements with the California Water Agencies.

Take of listed plant species is not prohibited under the ESA and cannot be authorized under an incidental take permit. We propose to include plant species on the permit in recognition of the conservation benefits provided for them under the plan. All species included on the permit would receive assurances under the Service's "No Surprises" regulation [50 CFR 17.22(b)(5) and 17.32(b)(5)].

We propose to issue a permit to IID authorizing the take of listed species to the otherwise lawful conservation and transference of up to 200,000 acre-feet of Colorado River water per year to the SDCWA, conservation and transference of up to 100,000 acre-feet of Colorado

River water per year to the CVWD, additional conservation necessary to achieve IID's cap of 3.1 million acre-feet per year on their use of Colorado River water, and operations and maintenance activities required to keep the water conveyance and drainage system functioning within the approximately 450,000 acres of agriculture in their Imperial Valley water service area.

The permit application will include a Habitat Conservation Plan and an Implementing Agreement that define the responsibilities of all parties under the Plan. IID's Habitat Conservation Plan will include measures to minimize and mitigate impacts to covered species resulting from the covered activities. These measures are provided in a suite of conservation strategies designed to address the various vegetation communities and aquatic habitats used by covered species in the Plan area. In the Supplemental EIS/EIR we will consider IID's proposed Habitat Conservation Plan (Proposed Action Alternative) and the No Action Alternative (no permit issuance). The Bureau of Reclamation's Draft and Final EIR/EIS previously considered the impacts of a range of water conservation and transfer alternatives on federally listed species. The Supplemental EIS/EIR will address specific changes that have been incorporated since the issuance of the Bureau of Reclamation's Final EIR/EIS and any anticipated changes in environmental impacts on biological resources, land use, air quality, water quality, and other environmental resources that could occur directly or indirectly with the implementation of the Habitat Conservation Plan.

Currently, the IID intends to request a permit authorizing the incidental take of 86 animal species including the following nine federally listed species: desert pupfish (*Cyprinodon macularius*), razorback sucker (*Xyrauchen texanus*), desert tortoise (*Gopherus agassizii*), bald eagle (*Haliaeetus leucocephalis*), southwestern willow flycatcher (*Empidonax traillii extimus*), brown pelican (*Pelecanus occidentalis*), Yuma clapper rail (*Rallus longirostris yumanensis*), California least tern (*Sterna antillarum browni*), and least Bell's vireo (*Vireo bellii pusillus*). The permit also would cover ten plant species including one federally listed species, Peirson's milk-vetch (*Astragalus magdalenae* var. *peirsonii*). We will evaluate the permit application, the Habitat Conservation Plan, Implementing Agreement, Supplemental EIS/EIR, associated documents, and comments submitted

thereon to determine whether the application meets the requirements of section 10(a)(1)(B) of the ESA. If we determine that the requirements have been met, we will issue a permit for the incidental take of covered listed species.

Environmental review of the Supplemental EIS/EIR will be conducted in accordance with the requirements of NEPA (42 U.S.C. 4321 *et seq.*), its implementing regulations (40 CFR parts 1500–1508), other applicable regulations, and Service procedures for compliance with those regulations. We are publishing this notice pursuant to section 10(a) of the ESA and Service regulations for implementing the NEPA (40 CFR 1501.7). The purpose of this notice is to obtain suggestions and information from other agencies, affected tribes, and the public regarding the proposed action. Written comments are invited to ensure that the full range of issues related to the proposed action 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: July 31, 2006.

**Ken McDermond,**

*Deputy Manager, California/Nevada Operations Office, Sacramento, California.*  
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**BILLING CODE 4310–55–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[AZ–420–06–1640–BH–AZZG; 8364]

#### Modification of Closure of Selected Public Lands in Pima County, AZ

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

**ACTION:** Notice.

**SUMMARY:** This order restricts all public use on a year-round basis on approximately 289 acres of public lands in the Saginaw Hill area administered by the Bureau of Land Management (BLM), Tucson Field Office, Arizona. Existing management designations established in the Phoenix Resource Management Plan and Final Environmental Impact Statement, dated September 1989, remain unchanged. This order modifies the restriction order published in the **Federal Register**, Vol. 70, No. 68, Monday, April 11, 2005, page 18420. This order is issued under the authority of 43 CFR 8364.1 and affects the following public lands:

**Gila and Salt River Meridian, Arizona**

T. 15 S., R. 12 E.,

Sec. 11, N<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, N<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, portion of SE<sup>1</sup>/<sub>4</sub> north of the pipeline right-of-way;

Sec. 12, NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, portion of W<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>.

The area described contains approximately 289 acres.

**DATES: Effective Dates:** The use restriction is effective immediately on date of this publication in the **Federal Register**, and shall remain in effect until rescinded or modified by the Authorized Officer. Due to necessity, fencing and signage in the area has been put in place prior to this publication.

**SUPPLEMENTARY INFORMATION:** Current regulations and management designations allow public use of BLM-administered lands in the Saginaw Hill area. The affected lands contain substances that may compromise public health and safety, such as waste piles containing high levels of arsenic and lead that result from historic mining operations, and are naturally occurring. The public uses the affected area for a variety of recreational activities, exposing these visitors to hazardous substances that may potentially have harmful effects. The restriction prohibiting public entry and use within the affected areas will help mitigate public health and safety threats. This order expands the area restricted under the April 11, 2005, notice. Expansion of the restricted area is necessary to secure several sites more recently identified that contain high levels of arsenic and lead, and provide a safety zone while testing and remediation of the area takes place. The Saginaw Hill area described herein will be subject to the following use restrictions:

1. Unless otherwise authorized, no person shall enter or remain in the restricted area.

2. Persons who are exempt from the restriction include:

(a) Any Federal, State, or local officers engaged in fire, emergency or law enforcement activities;

(b) BLM employees engaged in official duties; and

(c) Persons specifically authorized by the BLM to enter the restricted area.

The area affected by this order will be posted with appropriate regulatory signs and/or physical barriers. Additional information is available in the Tucson Field Office at the address given below.

**Penalties:** On all public lands, under section 303(a) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1733(a), 43 CFR 8360.0-7 and 43 CFR 9212.4, any person who violates any of these supplementary rules, closures or restrictions on public lands within the boundaries established in the

rules may be tried before a United States Magistrate and fined no more than \$1,000.00 or imprisoned for no more than 12 months, or both. Such violations may also be subject to the enhanced fines provided for by 18 U.S.C. 3571 (not to exceed \$100,000 and/or imprisonment not to exceed 12 months).

**FOR FURTHER INFORMATION CONTACT:** Field Office Manager at the Tucson Field Office, 12661 East Broadway Boulevard, Tucson, Arizona 85748-7208; telephone (520) 258-7200.

Dated: July 10, 2006.

**Patrick Madigan,**

*Field Office Manager.*

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[CA-190-06-1220-PN]

#### Notice of Seasonal Closure of Public Lands

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

**ACTION:** Notice of seasonal closure of certain public lands referred to as the Serpentine Area of Critical Environmental Concern (ACEC), located in the southern portion of San Benito County and western Fresno County, Central Coast region of California, to motorized and non-motorized recreation use.

**SUMMARY:** Pursuant to 43 Code of Federal Regulations (CFR) subpart 8364, notice is hereby given that the Bureau of Land Management (BLM), Hollister Field Office will seasonally restrict public access to certain BLM-administered public lands during the period of June 1, 2006 through October 15, 2006. This seasonal closure is needed to ensure visitor safety and protect public land users from potential health risks associated with naturally occurring asbestos found within the closure area.

This seasonal closure affects public lands located within the 30,000-acre Serpentine Area of Critical Environmental Concern (ACEC) situated within the Clear Creek Management Area (CCMA). Public access within this area will only be allowed on county roads and the following route segments: R011 to Wright Mountain Gate, R016, T153 from the junction of R011 to San Carlos peak, and R02 to the junction of T107. Limited non-motorized use will be allowed adjacent to the routes

identified above, or by written authorization from the Hollister Field Manager. Personnel of the BLM, California Department of Fish and Game, U.S. Fish & Wildlife Service, and law enforcement, fire, and emergency personnel are exempt from this closure only when performing official duties. Operators of communication facilities may perform maintenance activities; livestock operators may perform permitted activities, and private in-holders may access their private property, as approved.

**DATES:** This seasonal closure will be effective from June 1, 2006 through October 15, 2006.

**FOR FURTHER INFORMATION CONTACT:** Rick Cooper, Field Office Manager, BLM, Hollister Field Office, 20 Hamilton Court, Hollister, California 95023. Telephone: 831-630-5010 Fax: 831-630-5055, during regular business hours, 7:30 a.m. to 4 p.m., Monday through Friday, except holidays.

**SUPPLEMENTARY INFORMATION:** The CCMA is a popular location for off-highway vehicle (OHV) recreation. A variety of other recreation activities also occur within the CCMA, including hunting, rock-hounding, wildlife watching, and hiking. This is a unique geological area with serpentine soils and a suite of rare plants and animals. The type and level of OHV use also must be carefully managed to create an environment that promotes the health and safety of visitors.

BLM will be restricting public access during the dry season within the CCMA, in response to studies being conducted by the U.S. Environmental Protection Agency (EPA), which are analyzing the levels of exposure to naturally occurring asbestos for various recreation activities at the CCMA. Studies conducted by EPA in September and November of 2004 found elevated levels of airborne asbestos fibers present during various recreation activities. This action is also in accordance with the 1995 Final Environmental Impact Statement (FEIS) and Resource Management Plan Amendment for the CCMA.

The soil moisture during the time period of June through October is at the lowest point and therefore the dust generating potential and release of naturally occurring airborne asbestos is greatest. Analysis of airborne asbestos exposure reflected in EPA's Technical Memorandum issued February 5, 2005, titled "Human Health Risk Assessment—Asbestos Air Sampling Clear Creek Management Area, California," based on samples collected September 15, 2004, indicate a higher risk from airborne asbestos exposure in