

The applicant proposes to replace and extend water pipeline service on 1.7 acres of land located within the Lyle Creek Wash in the City of Rialto and unincorporated San Bernardino County, California. The purposes of the project are to (1) increase water delivery capacity of untreated surface water (State Water Project Water) from the San Gabriel Valley Water District's transmission pipeline system to the West Valley Water District and Fontana Water Company by replacing two 12-inch-diameter pipelines with one 30-inch-diameter pipeline and one 36-inch-diameter pipeline, (2) install a pipeline to deliver water to a CEMEX aggregate mining operation, and (3) install an emergency overflow pipeline that will discharge into existing spreading basins for groundwater recharge. We anticipate that some SBKR may be lost within the 1.7 acres of SBKR occupied habitat. The project is within designated critical habitat for the SBKR.

The applicant proposes to minimize and mitigate the effects to the SBKR 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 SBKR. The HCP includes measures to minimize impacts to SBKR by containing the project footprint, minimizing activities that may directly impact individual SBKR, and promoting recovery of impacted habitat. Impacts to SBKR habitat would be temporary. The applicant proposes to mitigate impacts to the SBKR through purchase of 2 acres of credit within the Cajon Creek Conservation Bank in San Bernardino County, California.

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 SBKR. 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. Under the Reduce Project Alternative, impacts to SBKR and SBKR habitat would be reduced; however, the pipelines would not properly convey water to the final destinations. Under the Different Location Alternative, the pipelines would be relocated to avoid or reduce impacts to SBKR. This Alternative was not chosen because the project vicinity is generally occupied by SBKR and the cost of acquiring appropriate rights-of-way and constructing the larger project that

would be necessary to reduce impacts to SBKR would be prohibitive.

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 DM 2 Appendix 1 and 516 DM 6 Appendix 1) 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 the West Valley Water District for the incidental take of the San Bernardino kangaroo rat from water pipeline improvements in the City of Rialto and unincorporated San Bernardino County, California.

Dated: June 1, 2007.

**Jim A. Bartel,**

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

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**BILLING CODE 4310-55-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### **Proposed Safe Harbor Agreement (SHA) for Northern Idaho Ground Squirrels, Adams County, ID**

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

**ACTION:** Notice of availability; environmental action statement (EAS); receipt of application for a permit to enhancement of survival (EOS) permit/SHA.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce receipt of an application for a 20-year EOS permit pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (Act), from Bob Mack and Carolyn Williams (applicants). The permit application includes a proposed 3-year SHA between the applicants and us. We are accepting comments on the SHA, permit application, and EAS.

**DATES:** Written comments should be received on or before July 9, 2007.

**ADDRESSES:** Address your comments to Carmen Thomas, Project Biologist, Fish and Wildlife Service, 1387 S. Vinnell Way, Room 368, Boise, ID 83709 (telephone: 208-378-5243; facsimile: 208-378-5262).

**FOR FURTHER INFORMATION CONTACT:** Carmen Thomas at the above address or by telephone at 208-378-5243.

#### **SUPPLEMENTARY INFORMATION:**

##### **Document Availability**

You may obtain copies of the documents for review by contacting the individual named above. You also may make an appointment to view the documents at the above address during normal business hours. The documents are also available electronically on the World Wide Web at <http://www.fws.gov/idahoesh>.

##### **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 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.

##### **Background**

Under SHAs, participating property owners voluntarily undertake

management activities on their properties to enhance, restore, or maintain habitat benefitting species listed under the Act (16 U.S.C. 1531 *et seq.*). SHAs encourage private and other non-Federal property owners to implement conservation efforts for listed species by assuring property owners they will not be subjected to increased property use restrictions if their efforts attract listed species to their property or increase the numbers or distribution of listed species already on their property. Application requirements and issuance criteria for EOS permits through SHAs are in 50 CFR 17.22(c).

This proposed SHA would allow for management and conservation of the threatened northern Idaho ground squirrel (*Spermophilus brunneus brunneus*) on approximately 9 acres (ac) (3.6 hectares (ha)) of private land owned by the applicants approximately 5.5 miles (mi) (8.9 kilometers (km)) northwest of New Meadows, Idaho. Northern Idaho ground squirrels currently occupy less than 2 of the 9 ac (3.6 ha). This 2-ac (0.8-ha) protected area would have a baseline greater than zero (0), and no incidental take would be authorized under the permit within this area. The SHA allows us to carry out a variety of conservation measures within the 2-ac (0.8-ha) protected area to benefit conservation of northern Idaho ground squirrels. Within the 7 ac (3.6 ha) outside of the 2-ac (0.8-ha) protected area, the permit would authorize the applicants to return to the existing baseline conditions of zero (0) northern Idaho ground squirrels. This SHA is intended to result in a net conservation benefit by enhancing northern Idaho ground squirrel habitat within the 2-ac (0.8-ha) protected area, and expanding the northern Idaho ground squirrel population to lands outside the protected area. Under the proposed SHA, the applicants would: (1) Protect 2 ac (0.8 ha) of occupied, suitable northern Idaho ground squirrel habitat from land use activities that may result in "take" of ground squirrels; (2) allow Service personnel access to the property to conduct ground squirrel conservation activities such as habitat enhancement, artificial feeding, ground squirrel surveys, and translocation of excess ground squirrels, should the current population expand beyond the 2-ac (0.8-ha) protected area; (3) if appropriate, in cooperation with the Service, develop signs to discourage shooting of ground squirrels; and (4) work cooperatively with the Service on other issues necessary to further the purposes of the SHA.

Threats to the northern Idaho ground squirrel include: habitat loss due to seral forest encroachment into suitable meadow habitats, competition from Columbian ground squirrels (*Spermophilus columbianus*), land use changes, recreational shooting, and naturally occurring events. The SHA is intended to provide a net conservation benefit to northern Idaho ground squirrels by providing measures for ground squirrel habitat protection and enhancement, managing competition from Columbian ground squirrels, and controlling recreational shooting. The biological goal of ground squirrel conservation measures in the SHA is to expand the northern Idaho ground squirrel population at this site beyond the 2-ac (0.8-ha) protected area by reducing threats to the species. The SHA is intended to contribute to recovery of northern Idaho ground squirrels by reducing threats and expanding the ground squirrel population at this site. Recovery of the species is intended to be enhanced by increasing the viability of the population at this site and potentially allowing ground squirrels to be translocated to other sites in need of population supplementation.

Consistent with the Service's Safe Harbor policy, under the SHA, we would issue a permit to the applicants authorizing incidental take of northern Idaho ground squirrels, as a result of activities on 7-ac (3.6-ha) of their property, outside the 2-ac (0.8-ha) protected area. These activities include use and maintenance of the applicants' house and garage; operation and maintenance of a well, underground power and telephone lines, septic system/drainfield, and other required utilities; and operation of cars and trucks on the driveway and all-terrain vehicles on the property outside the protected area. The maximum level of incidental take authorized under the proposed SHA may never be realized. The level of incidental take would be dependent on if, and how rapidly, northern Idaho ground squirrels expand beyond the 2-ac (0.8-ha) protected area.

We have made a preliminary determination that the proposed SHA and permit application are eligible for categorical exclusion under the National Environmental Policy Act of 1969. We explain the basis for this determination in an EAS, which also is available for public review.

We provide this notice pursuant to section 10(c) of the Act and pursuant to implementing regulations for the National Environmental Policy Act (NEPA) (40 CFR 1506.6). We will evaluate the 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. If we determine that the requirements are met, we will sign the proposed SHA and issue an EOS permit under section 10(a)(1)(A) of the Act to the applicants for take of northern Idaho ground squirrels incidental to otherwise lawful activities in accordance with the terms of the SHA. 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.

Dated: June 1, 2007.

**Jeffery L. Foss,**

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

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## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-601]

### In the Matter of Certain 3G Wideband Code Division Multiple Access (WCDMA) Handsets and Components Thereof; Notice of Commission Decision Not to Review an Initial Determination Granting Complainants' Motion To Amend the Complaint and Notice of Investigation

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination ("ID") of the presiding administrative law judge ("ALJ") granting complainants' motion to amend the complaint and notice of investigation in the above-captioned investigation.

**FOR FURTHER INFORMATION CONTACT:** Eric Frahm, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205-3107. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <http://www.usitc.gov>.