

23478, allowing for a 60-day public comment period. USCIS did not receive any comments for this information collection.

The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until August 7, 2008. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Department of Homeland Security (DHS), and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), USCIS Desk Officer. Comments may be submitted to: USCIS, Chief, Regulatory Management Division, Clearance Office, 111 Massachusetts Avenue, Suite 3008, Washington, DC 20529. Comments may also be submitted to DHS via facsimile to 202-272-8352 or via e-mail at [rfs.regs@dhs.gov](mailto:rfs.regs@dhs.gov), and to the OMB USCIS Desk Officer via facsimile at 202-395-6974 or via e-mail at [oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov).

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology, e.g., permitting electronic submission of responses.

#### Overview of This Information Collection

(1) *Type of Information Collection:* Extension of an existing information collection.

(2) *Title of the Form/Collection:* Special Immigrant Visas for Fourth Preference Employment-Based Broadcasters.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security*

*sponsoring the collection:* No Agency Form Number (File No. OMB-25). U.S. Citizenship and Immigration Services.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals and households. The information collected via the submitted supplemental documentation (as contained in 8 CFR 204.13(d)) will be used by the USCIS to determine eligibility for the requested classification as fourth preference employment-based immigrant broadcasters.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 100 responses at 2 hours per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 200 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please visit the USCIS Web site at: <http://www.regulations.gov/search/index.jsp>.

If additional information is required contact: USCIS, Regulatory Management Division, 111 Massachusetts Avenue, Suite 3008, Washington, DC 20529, (202) 272-8377.

Dated: July 1, 2008.

#### Stephen Tarragon,

*Acting Chief, Regulatory Management Division, U.S. Citizenship and Immigration Services, Department of Homeland Security.*  
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BILLING CODE 9111-97-P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS-R2-ES-2008-N0140; 20124-1113-0000-F2]

#### Balmorhea State Park Management Plan Habitat Conservation Plan, Reeves County, TX

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

**ACTION:** Notice of availability: Draft low effect habitat conservation plan and permit application.

**SUMMARY:** The Texas Parks and Wildlife Department (Applicant) has applied for an incidental take permit (Permit) under Section 10(a)(1)(B) of the Endangered Species Act of 1973 as amended (ESA) for the incidental take of the endangered Comanche Springs pupfish (*Cyprinodon elegans*) and Pecos gambusia (*Gambusia nobilis*), as well as the following

candidate species: Phantom springsnail (*Tryonia cheatumi*), diminutive amphipod (*Gammarus hyalleloides*), and Phantom Lake Cave Snail (*Cochliopa texana*). The potential take would occur incidental to normal management activities at Balmorhea State Park (Park), Reeves County, Texas.

**DATES:** To ensure consideration, we must receive written comments on or before August 7, 2008.

**ADDRESSES:** Persons wishing to review the application may obtain a copy by writing to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Room 4102, Albuquerque, NM 87103. Persons wishing to review the EA/HCP may obtain a copy by written or telephone request to William Amy, Ecological Services Office, U.S. Fish and Wildlife Service, 10711 Burnet Road, Suite 200, Austin, TX 78758 (512/490-0057, ext. 234). Documents will be available for public inspection by written request, or by appointment only during normal business hours (8 a.m. to 4:30 p.m.), at the above Austin address.

#### FOR FURTHER INFORMATION CONTACT:

William Amy, Ecological Services Office, U.S. Fish and Wildlife Service, 10711 Burnet Road, Suite 200, Austin, TX 78758 (512/490-0057, ext. 234).

*Applicant:* The Texas Parks and Wildlife Department (Applicant) has applied for an incidental take permit (Permit) pursuant to Section 10(a)(1)(B) of the Endangered Species Act of 1973 as amended (16 U.S.C. 153101544, 87 Stat. 884) (ESA), from the U.S. Fish & Wildlife Service (Service) for incidental take of the endangered Comanche Springs pupfish (*Cyprinodon elegans*) and Pecos gambusia (*Gambusia nobilis*), as well as the following species, which are candidates to be listed: Phantom springsnail (*Tryonia cheatumi*), diminutive amphipod (*Gammarus hyalleloides*), and Phantom Lake Cave Snail (*Cochliopa texana*). The potential take is incidental to management activities at Balmorhea State Park.

**SUPPLEMENTARY INFORMATION:** Section 9 of the Act prohibits the "taking" of endangered species such as the Comanche Springs pupfish and Pecos gambusia. However, the Service, under limited circumstances, may issue permits to take endangered wildlife species incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for endangered species are at 50 CFR 17.22.

The Balmorhea State Park Management Plan HCP qualifies as a "Low Effect" HCP as defined in the Service Habitat Conservation Planning Handbook (November 1996). Low Effect HCPs have relatively minor or negligible

impacts. Therefore, this action is a categorical exclusion as provided by 516 DM 2 Appendix 1 and 516 DM 6 Appendix 1 and no further NEPA documentation is required. A determination of jeopardy or non-jeopardy to the species will not be made until at least 30 days after the date of publication of this notice. We provide this notice under Section 10(c) of the ESA and National Environmental Policy Act regulations (40 CFR 1506.6).

#### Public 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. Data or comments concerning the application and HCP should be submitted in writing to the Field Supervisor, U.S. Fish and Wildlife Service, Ecological Services Office, Austin, Texas at the above address. Please refer to permit number TE-183172-0 when submitting comments.

**Christopher T. Jones,**

*Acting Regional Director, Region 2,  
Albuquerque, New Mexico.*

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**BILLING CODE 4310-55-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS-R1-ES-2008-N0121; 10120-1112-0000-F2]

#### Incidental Take Permit Application for Construction and Operation of Seven Meteorological Towers on Lanai, Hawaii

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

**ACTION:** Notice of availability; draft environmental assessment and habitat conservation plan; and receipt of application for an incidental take permit.

**SUMMARY:** Castle and Cooke Resorts, LLC (Applicant), has submitted an application to the U.S. Fish and Wildlife Service (Service) for an incidental take permit (permit) pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (ESA). The Applicant is requesting a permit because incidental take of four species listed under the ESA may occur as a

result of construction and operation of seven meteorological towers on the island of Lanai, Hawaii: The endangered Hawaiian petrel (*Pterodroma sandwichensis*), endangered Hawaiian stilt (*Himantopus mexicanus knudseni*), endangered Hawaiian hoary bat (*Lasiurus cinereus semotus*), and the threatened Newell's (Townsend's) shearwater (*Puffinus auricularis newelli*). Six of the seven towers have already been constructed. If approved, the permit would authorize take, incidental to otherwise lawful activities. The permit application includes a draft Habitat Conservation Plan (HCP) that describes the Applicant's actions and the measures the Applicant will implement to minimize, mitigate, and monitor take of listed species. The Service also announces the availability of a draft Environmental Assessment (EA) that has been prepared in response to the permit application in accordance with requirements of the National Environmental Policy Act (NEPA). We are making the permit application package available for public review and comment.

**DATES:** All comments from interested parties must be received on or before August 7, 2008.

**ADDRESSES:** Please address written comments to Patrick Leonard, Project Leader, Pacific Islands Fish and Wildlife Office, U.S. Fish and Wildlife Service, 300 Ala Moana Boulevard, Room #3-122, Honolulu, HI 96850. You may also send comments by facsimile at (808) 792-9580.

**FOR FURTHER INFORMATION CONTACT:** Bill Standley, Fish and Wildlife Biologist, U.S. Fish and Wildlife Service (see **ADDRESSES** above), telephone (808) 792-9400.

#### SUPPLEMENTARY INFORMATION:

##### Availability of Documents

The permit application, which includes a draft HCP and a draft EA, are available for public inspection, by appointment between the hours of 8 a.m. and 5 p.m. at the Pacific Islands Fish and Wildlife Office (see **ADDRESSES** above). You may also request copies of the documents by contacting the Service's Pacific Islands Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT** above).

We specifically request information, views, and opinions from the public on the proposed Federal action of issuing a permit, including the identification of any aspects of the human environment not already analyzed in our draft EA. Further, we specifically solicit information regarding the adequacy of the HCP relative to minimizing,

mitigating, and monitoring the impacts of taking each of the covered listed species and relative adaptive management, as evaluated against our permit issuance criteria found in 50 CFR 13.21, 17.22, and 17.32. Pursuant to section 10(c) of the ESA, the Service is making the permit application package available for public review and comment for 30 days for the purposes of the Federal action (see **DATES** section above).

All comments received will become part of the public record for this proposed action. Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Respondents may request that we withhold their identity from the administrative record. We will honor such requests to the extent allowed by law. If you wish us to withhold your identity (e.g., individual name, home address, and home phone number), you must state this prominently at the beginning of your comments.

#### Background

Section 9 of the ESA (16 U.S.C. 1531 *et seq.*) and Federal regulations prohibit the "take" of fish and wildlife species listed as endangered or threatened. The term "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct (16 U.S.C. 1538). However, under section 10(a) of the ESA, we may issue permits to authorize "incidental take" of listed fish and wildlife 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 incidental take permits for threatened and endangered species are found at 50 CFR 17.32 and 17.22. If issued, the permittee would receive assurances under the Service's "No Surprises" regulation.

The Applicant has applied to the Service for an incidental take permit for the endangered Hawaiian petrel, endangered Hawaiian stilt, endangered Hawaiian hoary bat, and the threatened Newell's (Townsend's) shearwater (covered species), pursuant to section 10(a)(1)(B) of the ESA. The Applicant has constructed six meteorological (met) towers and they are proposing construction of a seventh met tower, on private land that they own. The activities proposed to be covered by the permit are the construction of the seventh met tower and the operation and maintenance of all seven towers. The met towers would be used for up to 2 years to collect data on wind patterns;