

conservation easement would be held by the Center for Natural Lands Management, a non-profit conservation organization located in Fallbrook, California.

The impacts from the construction activities and use of the property associated with this residential construction project are considered to be negligible to the three species as a whole because: (1) The amount of habitat being disturbed is small relative to the amount of habitat available within the Applicant's property, Santa Cruz area, and within the range of the species; (2) no individual Santa Cruz tarplants and Gairdner's yampahs have been observed above ground in the project site since 1993; (3) most of the areas that will be disturbed during construction support few if any Ohlone tiger beetles; and (4) construction activities are expected to have negligible effects to the three covered species at the property.

The Service's proposed action is to issue an incidental take permit to the Applicant, who would then implement the HCP. Two alternatives to the taking of listed species under the proposed action are considered in the HCP. Under the No-Action Alternative, no permit would be issued, the proposed project would not occur, and the HCP would not be implemented. This would avoid immediate effects of construction and use of the property on the Ohlone tiger beetle, Santa Cruz tarplant, and Gairdner's yampah. However, under this alternative, the Applicant would not be able to develop the property, and conservation measures for the Ohlone tiger beetle, Santa Cruz tarplant, and Gairdner's yampah would not be implemented. A second alternative would result in a redesigned project with the reduction in the number of homes constructed and/or relocation of the development footprint to another portion of the parcel. However, much of the property is too steep to be developed, and relocation of the footprint elsewhere on the property would result in the removal of coastal terrace prairie that is known to be occupied by, and provides essential habitat for, the Ohlone tiger beetle, Santa Cruz tarplant, and Gairdner's yampah. The Service considers the proposed development footprint as more desirable than development elsewhere on the property because the modification of habitat for the Ohlone tiger beetle, Santa Cruz tarplant, and Gairdner's yampah would be minimal, and establishment of a conservation easement would benefit the three species.

The Service has made a preliminary determination that the HCP qualifies as a "low-effect" habitat conservation plan as defined by its Habitat Conservation Planning Handbook (November 1996). Our determination that a habitat conservation plan qualifies as a low-effect plan is based on the following three criteria: (1) Implementation of the plan would result in minor or negligible effects on federally listed, proposed, and candidate species and their habitats; (2) implementation of the plan would result in minor or negligible effects on other environmental values or resources; and (3) impacts of the plan, 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 that would be considered significant. As more fully explained in our EAS and associated Low Effect Screening Form, the Applicant's proposed HCP qualifies as a "low-effect" plan for the following reasons:

(1) Approval of the HCP would result in minor or negligible effects on the Ohlone tiger beetle, Santa Cruz tarplant, and Gairdner's yampah and their habitats. The Service does not anticipate significant direct or cumulative effects to the Ohlone tiger beetle, Santa Cruz tarplant, or Gairdner's yampah resulting from development and use of the Santa Cruz Gardens site.

(2) Approval of the HCP would not have adverse effects on unique geographic, historic or cultural sites, or involve unique or unknown environmental risks.

(3) Approval of the HCP would not result in any cumulative or growth inducing impacts and, therefore, would not result in significant adverse effects on public health or safety.

(4) The project does not require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act, nor does it threaten to violate a Federal, State, local, or tribal law or requirement imposed for the protection of the environment.

(5) Approval of the HCP would not establish a precedent for future actions or represent a decision in principle about future actions with potentially significant environmental effects.

The Service therefore has made a preliminary determination that approval of the HCP qualifies as a categorical exclusion under the National Environmental Policy Act, as provided by the Department of the Interior Manual (516 DM 2, Appendix 1 and 516 DM 6, Appendix 1). Based upon this

preliminary determination, we do not intend to prepare further National Environmental Policy Act documentation. The Service will consider public comments in making its final determination on whether to prepare such additional documentation.

We will evaluate the permit application, the 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, the Service will issue a permit to the Applicant.

#### Public Review and Comment

If you wish to comment on the permit application, draft Environmental Action Statement or the proposed HCP, you may submit your comments to the address listed in the **ADDRESSES** section of this document. Our practice is to make comments, including names, home addresses, etc., of respondents available for public review. Individual respondents may request that we withhold their names and/or home addresses, etc., but if you wish us to consider withholding this information you must state this prominently at the beginning of your comments. In addition, you must provide a rationale demonstrating and documenting that disclosure would constitute a clearly unwarranted invasion of privacy. In the absence of exceptional, documented circumstances, this information will be released. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, are available for public inspection in their entirety.

The Service provides this notice pursuant to section 10(c) of the Act and pursuant to implementing regulations for NEPA (40 CFR 1506.6).

Dated: August 11, 2008.

**Diane K. Noda,**

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

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[F-14837-A, F-14837-E2; AK-965-1410-KC-P]

#### Alaska Native Claims Selection

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

**ACTION:** Notice of decision approving lands for conveyance.

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**SUMMARY:** As required by 43 CFR 2650.7(d), notice is hereby given that an appealable decision approving the surface and subsurface estates in certain lands for conveyance pursuant to the Alaska Native Claims Settlement Act will be issued to Beaver Kwit'chin Corporation. The lands are in the vicinity of Beaver, Alaska, and are located in:

**Fairbanks Meridian, Alaska**

T. 18 N., R. 1 E.,  
Secs. 1 to 12, inclusive;  
Secs. 16 to 21, inclusive.  
Containing approximately 9,821 acres.

T. 17 N., R. 4 E.,  
Secs. 4 to 9, inclusive;  
Secs. 17, 18, 19, and 30.  
Containing approximately 5,652 acres.  
Total aggregate of approximately 15,473 acres.

Notice of the decision will also be published four times in the Fairbanks Daily News Miner.

**DATES:** The time limits for filing an appeal are:

1. Any party claiming a property interest which is adversely affected by the decision shall have until September 17, 2008 to file an appeal.

2. Parties receiving service of the decision by certified mail shall have 30 days from the date of receipt to file an appeal.

Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E, shall be deemed to have waived their rights.

**ADDRESSES:** A copy of the decision may be obtained from: Bureau of Land Management, Alaska State Office, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513-7504.

**FOR FURTHER INFORMATION CONTACT:** The Bureau of Land Management by phone at 907-271-5960, or by e-mail at [ak.blm.conveyance@ak.blm.gov](mailto:ak.blm.conveyance@ak.blm.gov). Persons who use a telecommunication device (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8330, 24 hours a day, seven days a week, to contact the Bureau of Land Management.

**Robert Childers,**

*Land Law Examiner, Land Transfer Adjudication II.*

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**DEPARTMENT OF THE INTERIOR**

**Bureau of Land Management**

[NV-056-5853-ES; N-82798; 8-08807; TAS:14X5232]

**Notice of Realty Action: Lease/Conveyance for Recreation and Public Purposes of Public Lands in Clark County, NV**

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

**ACTION:** Notice.

**SUMMARY:** Recreation and Public Purposes (R&PP) Act request for lease and subsequent conveyance of approximately 5 acres of public land in the City of Las Vegas, Clark County, Nevada. The City of Las Vegas proposes to use the land for a public park.

**DATES:** Interested parties may submit written comments regarding the proposed lease/conveyance of the lands until October 2, 2008.

**ADDRESSES:** Mail written comments to the BLM Field Manager, Las Vegas Field Office, 4701 N. Torrey Pines Drive, Las Vegas, NV 89130-2301.

**FOR FURTHER INFORMATION CONTACT:** Kimber Liebhauser, (702) 515-5088.

**SUPPLEMENTARY INFORMATION:** The following described land in Clark County, Nevada has been examined and found suitable for lease and subsequent conveyance under the provisions of the R&PP Act, as amended (43 U.S.C. 869 *et seq.*). The parcel of land is located on the northeast corner of Farm Road and Tee Pee Lane, Las Vegas, Nevada, and is legally described as:

**Mount Diablo Meridian, Nevada**

T. 19 S., R. 60 E.,  
Sec. 18, W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ .

The area described contains 5 acres, more or less.

In accordance with the R&PP Act, the City of Las Vegas has filed an R&PP application to develop the above described land as a public park with related facilities to meet the park space needs of this rapidly growing area. Related facilities include picnic shelters, walking paths, open space play areas, restrooms, parking lot, off-site improvements including street grading and paving, street signage and traffic signal construction. Additional detailed information pertaining to this application, plan of development, and site plan is in case file N-82798, which is located in the Bureau of Land Management (BLM) Las Vegas Field Office at the above address.

Cities are a common applicant under the public purposes provision of the

R&PP Act. The City of Las Vegas is a political subdivision of the State of Nevada and is therefore a qualified applicant under the R&PP Act. The land is not required for any Federal purpose. The lease/conveyance is consistent with the BLM Las Vegas Resource Management Plan, dated October 5, 1998, and would be in the public interest. The lease/conveyance, when issued, will be subject to the provisions of the R&PP Act and applicable regulations of the Secretary of the Interior, and will contain the following reservations to the United States:

1. A right-of-way thereon for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.

The lease/conveyance will be subject to:

1. Valid existing rights; and  
2. A right-of-way for natural gas line granted to Southwest Gas Corporation, its successors and assigns, by right-of-way N-76829, pursuant to the Act of February 25, 1920, 041 Stat. 0437, 30 U.S.C. 185, Sec. 28.

Upon publication of this notice in the **Federal Register**, the land described above will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for lease/conveyance under the R&PP Act, leasing under the mineral leasing laws and disposals under the mineral material disposal laws.

Interested parties may submit written comments regarding the specific use proposed in the application and plan of development, whether BLM followed proper administrative procedures in reaching the decision to lease/convey under the R&PP Act, or any other factor not directly related to the suitability of the land for R&PP use. Any adverse comments will be reviewed by the BLM Nevada State Director, who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, this realty action will become the final determination of the Department of the Interior. 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