

## Background

Restoring an endangered or threatened animal or plant 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 the federally listed species native to the United States where a plan will promote the conservation of the species. Recovery plans help guide the recovery effort by describing actions considered necessary for the conservation of the species, establishing criteria for downlisting and delisting listed species, and estimating time and cost for implementing the measures needed for recovery measures.

Section 4(f) of the Act (16 U.S.C. 1531 et seq.) requires that public notice and an opportunity for public review and comment be provided during recovery plan development. In fulfillment of this requirement, we made the draft recovery plan for Holmgren milk-vetch (*Astragalus holmgreniorum*) and Shivwits milk-vetch (*Astragalus ampullarioides*) available for public comment from August 1 through August 31, 2006 (71 FR 43514, August 1, 2006). In our preparation of the final recovery plan, we considered information provided to us during the comment period, and we have summarized this information in an appendix to the recovery plan. We will provide substantive comments regarding recovery plan implementation to appropriate Federal or other entities so that they can take comments into account during the course of implementing recovery actions.

Holmgren milk-vetch and Shivwits milk-vetch are endemic to the Mojave Desert around St. George, Utah. These perennials were listed as endangered in October 2001 (66 FR 49560, September 28, 2001) because of their rarity and declining population trends, as well as the threats of urban development, off-road vehicle use, grazing, displacement by invasive plants, and mineral development. We proposed critical habitat for these species on March 29, 2006 (71 FR 15965). For the purpose of recovery, each species comprises six extant populations located in Washington County, Utah, with one Holmgren milk-vetch population extending into Mohave County, Arizona. This also represents the known historic distribution, although it is probable that both species occupied more habitat in the past.

Holmgren milk-vetch occurs at elevations between 756 and 914 meters

(m) (2,480 and 2,999 feet (ft)) in areas that drain to the Santa Clara and Virgin Rivers. It is typically found on the skirt edges of hill and plateau formations slightly above or at the edge of drainage areas; it occurs on soils characterized by small stone and gravel deposits and where living cover is less than 20 percent of the landscape. Shivwits milk-vetch is found in isolated pockets of Chinle and Moenave soils around St. George. Occupied sites are small, and populations are found between 920 and 1,330 m (3,018 and 4,363 ft) in elevation in sparsely vegetated habitat with an average 12 percent cover. Shivwits milk-vetch is thinly and discontinuously distributed within its habitat, and is found in dense patches. Depending on precipitation, Holmgren milk-vetch has variable seedling output, followed by a low rate of survivorship, limiting the number of reproductive adults within a population; Shivwits milk-vetch is constrained by the isolation of appropriate soil substrate and limited mechanisms for seed dispersal.

Recovery of Holmgren milk-vetch and Shivwits milk-vetch will hinge on conservation of extant populations and establishment of enough additional populations to ensure long-term demographic and genetic viability. This will require the active involvement of experts and the public, as well as a continuing recognition of the role each milk-vetch plays in the ecology of southwestern Utah and, in the case of Holmgren milk-vetch, northwestern Arizona. Because of the biological and historical uncertainties regarding the status and recovery potential of these species, the recovery strategy is necessarily contingent on a growing understanding of both species and their ecological requirements. Consequently, a dynamic and adaptive approach will be key to making effective progress toward full recovery.

The objective of the recovery plan is to provide a framework for the recovery of the Holmgren milk-vetch and Shivwits milk-vetch so that protection by the Act is no longer necessary. We think the following actions are among those necessary to accomplish this objective—(1) Conserve known extant Holmgren milk-vetch and Shivwits milk-vetch populations and their habitat; (2) Locate and conserve additional extant populations, if any; (3) Monitor Holmgren milk-vetch and Shivwits milk-vetch sites for population information and trends; (4) Establish a set of need-based research priorities aimed at abating or reducing threats and increasing population health and numbers; (5) Develop and implement a rangewide strategy for augmentation

and/or establishment of milk-vetch populations; (6) Augment extant populations and/or establish new populations of each species in accordance with the rangewide strategy; (7) Promote effective communications with partners and stakeholders regarding the milk-vetches' recovery needs and progress; (8) Develop and implement educational and outreach programs; (9) Provide oversight and support for implementation of recovery actions; (10) Establish a technical working group to regularly review the status of the species and track the effectiveness of recovery actions; (11) Revise the recovery program when indicated by new information and recovery progress.

**Authority:** The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: September 7, 2006.

**Sharon R. Rose,**

*Acting Deputy Regional Director, Denver, Colorado.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Programmatic Safe Harbor Agreement for Nevada Department of Wildlife, Clark County, NV

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

**ACTION:** Notice of availability, receipt of application.

**SUMMARY:** Nevada Department of Wildlife (Applicant) has applied to the Fish and Wildlife Service (Service) for an enhancement of survival permit pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (Act). The permit application includes a proposed programmatic Safe Harbor Agreement (SHA) between the Applicant and the Service. The SHA provides for voluntary habitat restoration, maintenance, enhancement, or creation activities to enhance the reintroduction and long-recovery of razorback sucker (*Xyrauchen texanus*) and bonytail chub (*Gila elegans*) within Clark County, Nevada. The proposed duration of both the SHA and permit is 50 years.

The Service has made a preliminary determination that the proposed SHA and permit application are eligible for categorical exclusion under the National Environmental Policy Act of 1969 (NEPA). The basis for this determination is contained in an Environmental

Action Statement, which also is available for public review.

**DATES:** Written comments must be received by 5 p.m. on October 30, 2006.

**ADDRESSES:** Comments should be addressed to Robert D. Williams, Field Supervisor, Nevada Fish and Wildlife Office, 1340 Financial Boulevard, Suite 234, Reno, Nevada, facsimile number (775) 861-6301 (see **SUPPLEMENTARY INFORMATION**, Public Review and Comment).

**FOR FURTHER INFORMATION CONTACT:** Jody Brown, Fish and Wildlife Biologist, at the above address or (775) 861-6300.

**SUPPLEMENTARY INFORMATION:**

**Background**

The primary objective of this SHA is to encourage voluntary habitat restoration, maintenance, or enhancement activities to benefit the razorback sucker and bonytail chub by relieving participating landowners, who enter into the provisions of a Cooperative Agreement with the Applicant, from any additional Section 9 liability under the Endangered Species Act beyond that which exists at the time the Cooperative Agreement is signed ("regulatory baseline"). A SHA encourages landowners to conduct voluntary conservation activities and assures them that they will not be subjected to increased listed species restrictions should their beneficial stewardship efforts result in increased listed species populations. Application requirements and issuance criteria for enhancement of survival permits through SHAs are found in 50 CFR 17.22 and 17.32(c). As long as enrolled landowners allow the agreed upon conservation measures to be completed on their property and maintain their baseline responsibilities, they may make any other lawful use of the property during the permit term, even if such use results in the take of individual razorback sucker or bonytail chub or harm to their habitat.

Landowners within Clark County, Nevada, that have suitable aquatic habitat for the rearing and long-term adult maintenance of razorback sucker and bonytail chub may be enrolled with the Applicant under the SHA. The landowner will receive a Certificate of Inclusion when they sign a Cooperative Agreement. The Cooperative Agreement will include: (1) A map of the property and its legal location; (2) a description of the existing biological community including nonnative aquatic species and sensitive or protected species if any; (3) the portion of the property to be enrolled and its acreage; (4) a description of the habitat types that

occur on the portion of the property to be enrolled including an accurate description of ponds or other aquatic habitats and their characteristics; and (5) current land-use practices and existing development, and the characteristics of water supplies to aquatic habitats.

The Applicant, as the Permittee, will be responsible for annual monitoring and reporting related to implementation of the SHA and Cooperative Agreements and fulfillment of their provisions. As specified in the SHA, the Applicant will issue yearly reports to the Service related to implementation of the program.

Each Cooperative Agreement will cover conservation activities to create, maintain, restore, or enhance habitat for razorback sucker and bonytail chub and achieve species' recovery goals. Management activities that are undertaken through Cooperative Agreements will result in additional areas being available for the rearing of razorback sucker and bonytail chub in protected habitats, which will provide additional razorback sucker and bonytail chub of a suitable size for release into the wild, and for the maintenance of adult refuge populations. The overall goal of the Cooperative Agreements entered into under this SHA is to produce conservation measures that are mutually beneficial to the Cooperator and the long-term existence of razorback sucker and bonytail chub.

The Service estimates it will take 2 years of implementing the SHA to fully reach a net conservation benefit, given the probable species response time for razorback sucker and bonytail chub to the planned conservation measures. However, some level of benefits will likely occur within a shorter time period. Each Cooperative Agreement will stipulate that the conservation measures be implemented to provide good habitat and positive stewardship for sites to be used for adult refuges and for the rearing of subadult razorback sucker and bonytail chub prior to their release to the wild.

After maintenance of the restored/created/enhanced razorback sucker and bonytail chub habitat on the property for the agreed-upon term, Cooperators may then conduct otherwise lawful activities on their property that result in the partial or total elimination of the habitat improvements and the incidental taking of Razorback sucker and bonytail chub. However, the restrictions on returning a property to its original baseline condition include: (1) The Cooperator must demonstrate that baseline conditions were

maintained and the conservation measures necessary for achieving a net conservation benefit were carried out; (2) the Applicant and the Service will be notified a minimum of 30 days prior to the activity and given the opportunity to capture, rescue, and/or relocate any Razorback sucker and bonytail chub; and (3) return to baseline conditions must be completed within the 50-year term of the permit issued to the Applicant. Cooperative Agreements may be extended if the Applicant's permit is renewed and that renewal allows for such an extension.

The Service has made a preliminary determination that approval of this SHA qualifies as a categorical exclusion under the NEPA, as provided by the Department of Interior Manual (516 DM 2 Appendix 1 and 516 DM 6 Appendix 1) based on the following criteria: (1) Implementation of the SHA would result in minor or negligible effects on federally listed, proposed, and candidate species and their habitats; (2) implementation of the SHA would result in minor or negligible effects on other environmental values or resources; and (3) impacts of the SHA, 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. This is more fully explained in our Environmental Action Statement.

Based upon this preliminary determination, we do not intend to prepare further NEPA documentation. The Service will consider public comments in making its final determination on whether to prepare such additional documentation.

**Public Review and Comments**

Individuals wishing copies of the permit application, the Environmental Action Statement, or copies of the full text of the SHA, including a map of the proposed permit area, references, and legal descriptions of the proposed permit area, should contact the office and personnel listed in the **ADDRESSES** section or obtain copies from the Web site at (<http://www.fws.gov/nevada>). Documents also will be available for public inspection, by appointment, during normal business hours at this office (see **ADDRESSES**).

The Service provides this notice pursuant to section 10(c) of the Act and pursuant to implementing regulations for NEPA (40 CFR 1506.6). Our practice is to make comments, including names, home addresses, home phone numbers, and e-mail addresses of respondents,

available for public review. Individual respondents may request that we withhold their names and /or homes 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 present a rationale for withholding this information. This rationale must demonstrate that disclosure would constitute a clearly unwarranted invasion of privacy. Unsupported assertions will not meet this burden. In the absence of exceptional, documentable circumstances, this information will be released. We will always make submissions from organization or businesses, and from individuals identifying themselves as representatives of or officials of organizations or businesses, available for public inspection in their entirety.

#### Decision

We will evaluate the permit application, the SHA, and comments submitted thereon to determine whether the application meets the requirements of section 10(a) of the Act and NEPA regulations. If the requirements are met, the Service will sign the proposed SHA and issue an enhancement of survival permit under section 10(a)(1)(A) of the Act to the Applicant for take of the razorback sucker and bonytail chub incidental to otherwise lawful activities of the project. The Service will not make a final decision until after the end of the 30-day comment period and will fully consider all comments received during the comment period.

**Robert D. Williams,**

*Field Supervisor, Nevada Fish and Wildlife Office, Reno, Nevada.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Final Revised Comprehensive Conservation Plan and Environmental Impact Statement for Kodiak National Wildlife Refuge, Alaska

**AGENCY:** U.S. Fish and Wildlife Service, Department of the Interior.

**ACTION:** Notice of availability.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service) announces that a Final Revised Comprehensive Conservation Plan (Conservation Plan) and Environmental Impact Statement for Kodiak National Wildlife Refuge is available for final review and comment

before a Record of Decision (ROD) is signed. This Conservation Plan was prepared pursuant to the Alaska National Interest Lands Conservation Act of 1980, the National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997, and the National Environmental Policy Act of 1969 as amended. It describes how the Service intends to manage Kodiak NWR over the next 15 years.

**DATES:** Please submit comments on the Final Conservation Plan and Environmental Impact Statement on or before 30 days from the date of publication of this Notice. A ROD will then be signed, and a stand-alone Conservation Plan will be published.

**ADDRESSES:** The Conservation Plan is available on compact diskette or over the Internet. You may obtain a copy of the CD by writing: Mikel Haase, Planning Team Leader, U.S. Fish and Wildlife Service, 1011 East Tudor Road, MS 231, Anchorage, Alaska, 99503-6199. You may access or download the Conservation Plan at: [www.r7.fws.gov/nwr/planning/plans.htm](http://www.r7.fws.gov/nwr/planning/plans.htm). Comments may be sent to the above address or e-mailed to [fws\\_kodiak\\_planning@fws.gov](mailto:fws_kodiak_planning@fws.gov).

Copies of the Conservation Plan may be viewed at the Kodiak NWR office, 1390 Buskin River Road, Kodiak, Alaska; local libraries, and the U.S. Fish and Wildlife Service Regional Office in Anchorage, Alaska.

**FOR FURTHER INFORMATION CONTACT:** Mikel Haase, (907) 786-3402.

**SUPPLEMENTARY INFORMATION:** The Alaska National Interest Lands Conservation Act as amended (ANILCA; 16 U.S.C. 140hh-3233, 434 U.S.C. 1602-1784) requires a conservation plan for all national wildlife refuges in Alaska. The Conservation Plan for Kodiak NWR was developed consistent with § 304(g) of ANILCA and the National Wildlife Refuge System Administration Act of 1966 as amended by the National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 668dd-668ee). Conservation plans provide refuge managers with a 15-year management strategy for achieving refuge purposes and contributing toward the mission of the National Wildlife Refuge System, consistent with sound principles of fish and wildlife science, conservation, legal mandates, and Service policies. In addition to outlining broad management direction on conserving fish and wildlife and their habitats, conservation plans identify fish and wildlife-dependent recreational opportunities available to the public, including

opportunities for hunting, fishing, wildlife observation and photography, and environmental education and interpretation. Conservation plans are updated in accordance with planning direction in § 304(g) of ANILCA, the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4370), and Service planning policy.

**Background:** On August 19, 1941, President Franklin D. Roosevelt established Kodiak NWR by Executive Order 8857 “\* \* \* for the purpose of protecting the natural feeding and breeding ranges of the brown bears and other wildlife on Uganik and Kodiak Islands.” The Alaska Native Claims Settlement Act of 1971 allowed the conveyance of about 310,000 acres of Refuge land to Native village corporations.

On December 2, 1980, ANILCA added about 50,000 acres on Afognak and Ban Islands to Kodiak NWR and stated that the Kodiak NWR purposes include: to conserve fish and wildlife populations and habitats in their natural diversity; to fulfill international treaty obligations of the United States with respect to fish and wildlife and their habitats; to provide the opportunity for continued subsistence use by local residents; and to ensure water quality and necessary water quantity within the Refuge.

Since 1994, the Service has purchased fee title to nearly 174,000 acres, and conservation or nondevelopment easements have been acquired on more than 100,000 acres within the Refuge boundaries. Today, Refuge boundaries encompass nearly 1.8 million acres, of which nearly 1.64 million acres (92 percent) are under Service jurisdiction.

The original Kodiak Conservation Plan was completed in 1987 following direction in Section 304(g) of ANILCA. The 1997 Refuge Improvement Act includes additional direction for conservation planning throughout the Refuge System. This direction has been incorporated into national planning policy for the Refuge System, including refuges in Alaska. The Revised Conservation Plan and Environmental Impact Statement (EIS) meets the requirements of both ANILCA and the Refuge Improvement Act. It provides broad general direction for managing Kodiak NWR for the next 15 years and contains the vision, goals, and objectives of the Refuge. Except for alternative ways of addressing the issues, this plan substantially follows the direction of the original plan. Traditional means of access and uses of the Refuge would be maintained under all alternatives.

Issues raised during scoping and addressed in the Conservation Plan are