

below 1,400 meters (4,600 feet) of the Peninsular Ranges in the Sonoran Desert life zone. The population addressed in this recovery plan extends from the San Jacinto and Santa Rosa Mountain ranges in Riverside County south through numerous smaller mountain ranges in Imperial and San Diego Counties to the United States and Mexico international border. The Service solicits review and comment from local, State, and Federal agencies, and the public on this draft recovery plan.

**DATES:** Comments on the draft recovery plan must be received on or before February 14, 2000 to receive consideration by the Service.

**ADDRESSES:** The draft recovery plan is available for public inspection by appointment during normal business hours at the Service's Carlsbad Fish and Wildlife Office, 2730 Loker Avenue West, Carlsbad, California, 92008. Persons wishing to review the draft recovery plan may obtain a copy by contacting the Field Supervisor (attention Pete Sorenson) at the above address or by calling (760) 431-9440. Comments and materials should be submitted to the above address and are available on request for public inspection by appointment, during normal business hours at the Carlsbad Fish and Wildlife Office.

**FOR FURTHER INFORMATION CONTACT:** Pete Sorenson or Andy Yuen at the above Carlsbad address.

**SUPPLEMENTARY INFORMATION:**

**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. Recovery plans describe actions considered necessary for conservation of the species, establish criteria for the recovery levels for downlisting and delisting species, and estimate time and cost for implementing the recovery measures needed.

The Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*) requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act, as amended in 1988, requires that public notice and an opportunity for public review and comment be provided during recovery plan development. The Service will consider all information presented during a public comment period prior to approval of each new or revised recovery plan. The Service and other

Federal agencies will also take these comments into account in the course of implementing approved recovery plans. Individual responses to comments will not be provided.

Bighorn sheep have been documented in the Peninsular Ranges since the 1700's (Bolton 1930). An examination of past records and current data suggest that the distribution of bighorn sheep has been altered during the past 25 years. There is no documentation of newly formed ewe groups, and in portions of the range, formerly occupied habitat is now unoccupied. Documented population declines of Peninsular bighorn sheep ranged from stable low numbers in ewe groups to 28 percent declines in other groups. Though cause and effect relationships for these population declines have not been well documented among ewe groups, cumulative and synergistic effects of disease, high predation rates, low population recruitment rates, habitat loss, modification, and fragmentation, and human-related disturbance are likely, contributing factors.

The objective of this recovery plan is to secure habitat and alleviate threats to the overall Peninsular bighorn sheep population so that population levels will increase to the point that this species may be downlisted to threatened status, and ultimately delisted.

Recovery of the bighorn sheep in the Peninsular Ranges is contingent upon (1) providing large tracts of habitat that provide a diversity of resources needed to offset seasonal, annual, and longer term cycles of environmental variability and scarcity, (2) establishing habitat continuity between subpopulations to allow long term shifts in distribution, (3) maintaining healthy population levels that are resilient to potential disease outbreaks and high levels of predation, and (4) educating the public on human-related activities that affect habitat use patterns of Peninsular bighorn sheep.

The draft plan was developed by a recovery team composed of representatives of the Agua Caliente Band of Cahuilla Indians, Bureau of Land Management, U.S. Forest Service, California Department of Fish and Game, California Department of Parks and Recreation, Bighorn Institute, University of California at Davis and White Mountain Research Station, and the Zoological Society of San Diego. Short-term recovery objectives proposed are to: (a) Maintain 25 or more ewes in 9 regions of the Peninsular ranges during 1 bighorn sheep generation, and (b) establish regulatory mechanisms and land management commitments to provide for long-term protection of

Peninsular bighorn sheep. Proposed recovery actions include protecting essential habitat, improving habitat management capabilities, and conducting monitoring and research necessary for effective management. The long-term objective is to manage conserved lands to provide for permanent protection needed for continued population viability of bighorn sheep in the Peninsular Ranges. Delisting of the Peninsular bighorn sheep will be achieved when: (1) Greater than or equal to 25 ewes are present in the 9 specified regions of the Peninsular Ranges during 2 bighorn sheep generations, without augmentation, (2) the range-wide population averages 750 individuals in a stable or increasing population, and (3) essential habitat, as described in the recovery plan, is permanently protected through regulatory mechanisms and land management commitments.

**Public Comments Solicited**

The Service solicits written comments on the recovery plan described. All comments received by the date specified above will be considered prior to approval of this plan.

**Authority**

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

Dated: December 9, 1999.

**Thomas Dwyer,**

*Regional Director, Region 1, U.S. Fish and Wildlife Service.*

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**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**Availability of a Draft Environmental Impact Statement and Receipt of an Application for an Incidental Take Permit for the High Desert Power Project, Victorville, San Bernardino County, California**

**AGENCY:** Fish and Wildlife Service, Interior (Lead Agency); Bureau of Land Management, Interior and Corps of Engineers, Army (Cooperating Agencies).

**ACTION:** Notice of availability.

**SUMMARY:** The High Desert Power Project Limited Liability Company (Applicant) has applied to the Fish and Wildlife Service (Service) for an incidental take permit pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended. The

proposed 50-year permit would authorize the incidental take of the threatened desert tortoise (*Gopherus agassizii*) in connection with the development, operation, maintenance, and eventual decommissioning of the High Desert Power Project (Power Project) in San Bernardino County, California. The proposed permit would also authorize the incidental take, in connection with the Power Project, of the Mohave ground squirrel (*Spermophilis mohavensis*), a species listed as threatened by the State of California, in the event that species becomes listed as threatened or endangered under the Endangered Species Act during the term of the requested permit.

The Service, in cooperation with the Bureau of Land Management and the Army Corps of Engineers, has prepared a draft Environmental Impact Statement addressing the potential effects on the human environment that may result from the proposed granting of an incidental take permit and other federal actions associated with the construction and operation of the Power Project.

The permit application, including the Applicant's proposed Habitat Conservation Plan and Implementing Agreement, are available for public review and comment. The Environmental Impact Statement also is available for public review and comment. All comments received, including names and addresses, will become part of the administrative record and may be made available to the public.

**DATES:** Written comments must be received on or before February 23, 2000.

**ADDRESSES:** Comments should be addressed to Ms. Diane Noda, Field Supervisor, Fish and Wildlife Service, 2493 Portola Road, Suite B, Ventura, CA 93003. Written comments may also be sent via facsimile to (805) 644-3958.

**FOR FURTHER INFORMATION CONTACT:** Mr. George Walker, Fish and Wildlife Service Biologist, Barstow, California, at (760) 255-8852.

**SUPPLEMENTARY INFORMATION:**

**Document Availability**

Copies of the incidental take permit application materials and draft Environmental Impact Statement are available for review at the following government offices and libraries:

Government Offices—Fish and Wildlife Service, Ventura Field Office, 2493 Portola Road, Suite B, Ventura, California 93003, (805) 644-1766; and the Bureau of Land Management, Barstow Field Office, 2601 Barstow

Road, Barstow, California 92311, (760) 252-6000.

Libraries—California State Library, Information and Reference Center, 914 Capital Mall, Room 301, Sacramento, California 95814, (916) 654-0261; San Bernardino County Library, Adelanto Branch, 11744 Bartlett Avenue, Adelanto, California 92301, (760) 246-5661, San Bernardino County Library, Victorville Branch, 15011 Circle Drive, Victorville, California 92392, (760) 245-4222.

**Background**

Section 9 of the Endangered Species Act and Federal regulation prohibit the "take" of animal species listed as endangered or threatened. That is, no one may harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect listed animal species, or attempt to engage in such conduct (16 USC 1538). Under limited circumstances, the Service, however, may issue permits to authorize "incidental take" of listed animal species (defined by the Endangered Species Act as take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity). Regulations governing permits for threatened and endangered species, respectively, are at 50 CFR 17.32 and 50 CFR 17.22.

The High Desert Power Project Limited Liability Company seeks an incidental take permit for the threatened desert tortoise, and for the Mohave ground squirrel should it be listed under the Act during the term of the permit. Take of these species would be incidental to the High Desert Power Project. The Applicant proposes to construct, operate and maintain a 680- to 830-megawatt natural gas-fueled electricity generation power plant on a 25-acre site located in the northeast corner of the Southern California Logistics Airport, formerly a part of George Air Force Base, in the City of Victorville, San Bernardino County, California. The Applicant proposes to use an additional 24-acre area for construction staging. The proposed project also includes the construction, operation and maintenance of 7 water injection/extraction wells within the Mojave River watershed; 2 water supply pipelines (one approximately 2.5 miles in length and the other approximately 6.5 miles in length); 2 natural gas supply pipelines (one approximately 3.5 miles in length and the other approximately 32 miles in length); and a 7-mile-long electrical transmission line.

Construction of the Power Project and associated facilities would result in short-term, long-term, and permanent

disturbances to desert tortoise and Mohave ground squirrel habitat. The Power Project would disturb approximately 630.2 acres of habitat, with approximately 244.1 acres of short-term disturbance and 386.1 acres of long-term and/or permanent disturbance.

The Applicant proposes to minimize and/or mitigate for impacts associated with the Power Project, in part, by conducting pre-construction surveys of proposed work areas and construction zones, and by developing an employee and contractor education program that would describe allowable practices when constructing in desert tortoise and Mohave ground squirrel habitat area. The Applicant would revegetate habitat disturbed during construction, operation, maintenance, and/or decommissioning activities in accordance with an approved habitat conservation plan. As compensation for impacts to habitat on private land, the Applicant would ensure the protection in perpetuity of 1,242.8 acres of off-site mitigation lands or habitat credits, having habitat value for both desert tortoises and Mohave ground squirrels that is at least as great as the value of the habitat being impacted. The number of compensation acres was developed based on an agency-approved formula which assesses the categories of previous and potential disturbance, the condition and classification of the impacted habitat, and potential impacts to adjacent habitat.

In addition to issuance of an incidental take permit by the Service, the High Desert Power Project Limited Liability Company has requested other Federal authorizations for the proposed project. The Applicant seeks Nationwide Permit No. 12 authorizations by the Army Corps of Engineers, pursuant to Section 404 of the Clean Water Act, for pipeline crossings of waters of the United States. The Applicant also seeks a right-of-way grant from the Bureau of Land Management pursuant to Section 28 of the Mineral Leasing Act of 1920, to authorize construction, operation and maintenance of the 32-mile natural gas pipeline. To mitigate for impacts to desert tortoise and Mohave ground squirrel associated with construction and operation of this gas pipeline, the Applicant proposes that funding for restoration activities may be provided either in lieu of or in combination with the purchase of compensation lands or habitat credits.

In December 30, 1998, a notice was published in the **Federal Register** (61 FR 71940) announcing that the Service would take the lead in preparing an

Environmental Impact Statement addressing the Federal actions associated with the Power Project. The Bureau of Land Management and Army Corps of Engineers may use this Environmental Impact Statement as the basis for their separate Federal permit decisions. Comments received by the agencies during scoping were considered and are reflected in the draft Environmental Impact Statement made available for comment through this notice.

The draft Environmental Impact Statement analyzes the potential environmental impacts that may result from the Federal actions requested in support of the proposed development of the High Desert Power Project, and identifies various alternatives, including the No Action Alternative (no incidental take permit), the Combined Cycle Power Plant with Dry Cooling Alternative, and various alternatives proposing the power plant be located in different locations. Several of these alternatives would reduce the amount of habitat disturbance and levels of take of threatened and endangered species compared to the Proposed Project Alternative but would have potentially greater adverse effects on other resources such as air quality, land use, views, and geological hazards.

The analysis provided in the draft Environmental Impact Statement is intended to accomplish the following: inform the public of the proposed action and alternatives; address public comment received during the scoping period; disclose the direct, indirect, and cumulative environmental effects of the proposed actions and each of the alternatives; and indicate any irreversible commitment of resources that would result from implementation of the proposed action.

This notice is provided pursuant to section 10(a) of the Endangered Species Act and Fish and Wildlife Service regulations for implementing the National Environmental Policy Act of 1969 (40 CFR 1506.6).

Dated: December 21, 1999.

**Elizabeth H. Stevens,**

*Deputy Manager, Region 1, California/Nevada Operations Office, Sacramento, California.*  
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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### **Availability of an Environmental Assessment and Finding of No Significant Impact, and Receipt of an Application for an Incidental Take Permit for a Proposed Commercial Development Called Mangrove Bay, Palm Beach County, FL**

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

**ACTION:** Notice.

**SUMMARY:** Senior Lifestyle Jupiter Corporation and The Mangrove Bay Master Limited Partnership (Applicants) request an incidental take permit (Permit) pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973 (U.S.C. 1531 *et seq.*), as amended (Act). The Applicants anticipate taking one family of the threatened Florida scrub-jay (*Aphelocoma coerulescens*) incidentally to the clearing of land associated with the development of an assisted-care living facility. The proposed commercial development will occur in section 8, Township 41 South, Range 43 East, in the town of Jupiter, Palm Beach County, Florida.

The clearing of the property for commercial construction will destroy habitat occupied by the Florida scrub-jay (scrub-jay). A more detailed description of the mitigation and minimization measures to address the effects of the Project to the protected species are outlined in the Applicant's Habitat Conservation Plan (Plan), the Service's draft Environmental Assessment (EA), and in the **SUPPLEMENTARY INFORMATION** section below.

The Service also announces the availability of the draft EA and Plan for the incidental take application. Copies of the draft EA and/or Plan may be obtained by making a request to the Regional Office (see **ADDRESSES**). Requests must be in writing to be processed. This notice also advises the public that the Service has made a preliminary determination that issuing the Permit is not a major Federal action significantly affecting the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969, as amended (NEPA). The preliminary Finding of No Significant Impact (FONSI) is based on information contained in the EA and Plan. The final determination will be made no sooner than 30 days from the date of this notice. This notice is provided pursuant to Section 10 of the Act and NEPA regulations (40 CFR 1506.6).

The Service specifically requests information, views, and opinions from the public via this Notice on the Federal action, including the identification of any other aspects of the human environment not already identified in the Service's EA. Further, the Service specifically solicits information regarding the adequacy of the Plan as measured against the Service's Permit issuance criteria found in 50 CFR Parts 13 and 17.

If you wish to comment, you may submit comments by any one of several methods. You may mail comments to the Service's Regional Office (see **ADDRESSES**). You may also comment via the internet to "david\_dell@fws.gov". Please submit comments over the internet as an ASCII file avoiding the use of special characters and any form of encryption. Please also include your name and return address in your internet message. If you do not receive a confirmation from the Service that we have received your internet message, contact us directly at either telephone number listed below (see **FURTHER INFORMATION**). Finally, you may hand deliver comments to either Service office listed below (see **ADDRESSES**). Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the administrative record. We will honor such requests to the extent allowable by law. There may also be other circumstances in which we would withhold from the administrative record a respondent's identity, as allowable by law. If you wish us to withhold your name and address, you must state this prominently at the beginning of your comments. We will not; however, consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety. **DATES:** Written comments on the Permit application, draft EA, and Plan should be sent to the Service's Regional Office (see **ADDRESSES**) and should be received on or before January 28, 2000. **ADDRESSES:** Persons wishing to review the application, Plan, and draft EA may obtain a copy by writing the Service's Southeast Regional Office, Atlanta, GA. Documents will also be available for public inspection by appointment during normal business hours at the Regional Office, 1875 Century Boulevard, Suite 200, Atlanta, Georgia