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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**[Docket No. FR-4739-N-43]****Notice of Proposed Information Collection: Comment Request; Multifamily Project Applications and Review of Applications—Lender Processing****AGENCY:** Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.**ACTION:** Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* December 9, 2002.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., L'Enfant Plaza Building, Room 8003, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Michael McCullough, Director, Office of Multifamily Development, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410, telephone (202) 708-1142 (this is not a toll free number) for copies of the proposed forms and other available information.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection 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 proposed collection information; (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 the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Multifamily Project Applications and Review of Applications—Lender Processing.

OMB Control Number, if applicable: 2502-0331.

Description of the need for the information and proposed use: The Multifamily Accelerated Processing (MAP) lender completes and submits these information collections to HUD for multifamily properties needing FHA insurance. These information collections include data that supports the Fair Market and budget Construction Cost.

Agency Form numbers, if applicable: HUD-92264, HUD-92264A, HUD-92264T, HUD-92273, HUD-92274, HUD-92236, HUD-92331, HUD-92485, and HUD-92329.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The estimated total number of hours needed to prepare this information collection is 60,605; the number of respondents is 230 generating approximately 2,415 annual responses; the frequency of response is on occasion; and the estimated time needed to prepare the response varies from one hour to 114 hours.

Status of the proposed information collection: Reinstatement, with change, of a previously approved collection for which approval has expired.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: October 2, 2002.

John C. Weicher,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 02-25732 Filed 10-9-02; 8:45 am]

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DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****Environmental Assessment and Application for an Incidental Take Permit for the Multiple Species Conservation Program, Chula Vista, CA****AGENCY:** Fish and Wildlife Service, Interior.**ACTION:** Notice of availability; notice of receipt.

SUMMARY: The City of Chula Vista, California, has applied to the Fish and Wildlife Service for an incidental take permit pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The proposed 50 year permit would authorize incidental take of 13 threatened or endangered animal species, one animal species proposed to be listed as threatened, and 26 currently unlisted animal species of concern in the event that these species become listed during the term of the permit. The permit would also "cover" 14 listed plant species, the take of which is not prohibited under federal law, in recognition of the conservation benefits provided to these species under the Subarea Plan. The permit application includes the Multiple Species Conservation Program (MSCP) Subarea Plan for the City of Chula Vista, an Implementing Agreement that serves as a legal agreement, Draft Implementing Ordinances, and additional supporting documents.

Pursuant to the National Environmental Policy Act, a draft Environmental Assessment for our proposed action of issuing a permit to the City of Chula Vista is also available for public review. This assessment was combined in one document with a draft Supplemental Environmental Impact Report to satisfy requirements of the California Environmental Quality Act. We request comments on this document and the permit application documents.

DATES: We must receive your written comments on or before December 9, 2002.

ADDRESSES: Send comments to Mr. Jim Bartel, Field Supervisor, U.S. Fish and Wildlife Service, Carlsbad Fish and Wildlife Office, 2730 Loker Avenue West, Carlsbad, California 92008. You may also submit comments by facsimile to (760) 431-9624.

FOR FURTHER INFORMATION CONTACT: Mr. Gjon Hazard, Fish and Wildlife Biologist, at the above address; telephone (760) 431-9440, extension 287.

SUPPLEMENTARY INFORMATION:**Availability of Documents**

You may request copies of the documents by contacting the Carlsbad Fish and Wildlife Office (see **ADDRESSES**). You also may view the documents, by appointment, during normal business hours (8 a.m. to 5 p.m.), Monday through Friday at this same address. Alternatively, you may view the documents at the following

locations within the City of Chula Vista: Chula Vista Planning Department, 276 Fourth Avenue; Chula Vista Main Library, 365 F Street; Eastlake Branch Library, 1120 Eastlake Parkway; and South Chula Vista Library, 389 Orange Avenue.

Background

Section 9 of the 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 U.S.C. 1538). "Harm" is defined by regulation to include significant habitat modification or degradation that actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering (50 CFR 17.3). Under certain circumstances, we may issue permits to authorize "incidental" take of listed animal species (defined by the 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 are at 50 CFR 17.32 and 50 CFR 17.22, respectively.

The City of Chula Vista is seeking a 50-year incidental take permit from us for 86 species on approximately 3,754 acres of habitat within the 33,045-acre Chula Vista Subarea (24,601 acres of which are already developed or non-habitat lands). The proposed permit would authorize incidental take of nine endangered and three threatened animal species: Riverside fairy shrimp (*Streptocephalus woottoni*), San Diego fairy shrimp (*Branchinecta sandiegonensis*), Quino checkerspot butterfly (*Euphydryas editha quino*), arroyo toad (*Bufo californicus*), California brown pelican (*Pelecanus occidentalis californicus*), light-footed clapper rail (*Rallus longirostris levipes*), bald eagle (*Haliaeetus leucocephalus*), California least tern (*Sterna antillarum browni*), western snowy plover (*Charadrius alexandrinus nivosus*), southwestern willow flycatcher (*Empidonax traillii extimus*), least Bell's vireo (*Vireo bellii pusillus*), coastal California gnatcatcher (*Polioptila californica californica*), and California red-legged frog (*Rana aurora draytoni*). The California red-legged frog is not anticipated to occur in the Chula Vista Planning Area and take of the frog is not anticipated under the Chula Vista Subarea Plan, it has the potential to occur in other MSCP participating jurisdictions. While the red-legged frog is primarily addressed through those

jurisdictions' approved Subarea Plans, it may also benefit from the Chula Vista Subarea Plan's contribution to the system of complementary and interlinked preserves created under the MSCP.

The take prohibitions of the Act do not apply to listed plants, although Section 9 of the Act does prohibit certain acts, including the removal or destruction of listed plants in violation of State law. Although take of listed plants is not prohibited under the Act, we propose to name five endangered and three threatened plant species on the permit in recognition of the conservation measures and benefits that would be provided to them under the proposed Subarea Plan exclusively or under the proposed Subarea Plan in conjunction with the approved Subarea plans for other jurisdictions participating in the MSCP. These species are: salt marsh bird's-beak (*Cordylanthus maritimus* ssp. *maritimus*), San Diego button-celery (*Eryngium aristulatum* var. *parishii*), San Diego ambrosia (*Ambrosia pumila*), Otay Mesa mint (*Pogogyne nudiuscula*), California orcutt grass (*Orcuttia californica*), Otay tarplant (*Deinandra conjugens*), San Diego thornmint (*Acanthomintha ilicifolia*), and spreading navaretia (*Navaretia fossilis*). An additional four endangered plants and two threatened plants are not anticipated to be found in the Chula Vista Planning Area, but are included in the Subarea Plan and are named on the permits. These species are primarily conserved through other jurisdictions' MSCP Subarea Plans. The preserve created under the Chula Vista Subarea Plan, which is interlinked and designed to complement the reserve lands created through other approved subarea plans, will indirectly benefit these plant species. These species are: San Diego mesa mint (*Pogogyne abramsii*), Nevin's barberry (*Berberis nevinii*), coastal dune milk vetch (*Astragalus tener* var. *titi*), Del Mar manzanita (*Arctostaphylos glandulosa* ssp. *crassifolia*), thread-leaved brodiaea (*Brodiaea filifolia*), and Encinitas baccharis (*Baccharis vanessae*). Additionally there are 59 unlisted species of concern that are included in the City's MSCP Subarea Plan, including 27 animal species (including one species already proposed to be listed as threatened) for which take authorization under the permit would become effective in the event that these animal species become listed during the term of the permit. Plant species covered by the City of Chula Vista's Plan would be identified on the permit in recognition of the conservation

benefits provided for these species under the plan.

The permit application from the City of Chula Vista includes a Subarea Plan that qualifies as both a Habitat Conservation Plan pursuant to Federal law and a Natural Community Conservation Plan pursuant to State law. On December 10, 1993, we issued a final special rule for the coastal California gnatcatcher pursuant to section 4(d) of the Act (58 FR 65088). The rule allows incidental take of the gnatcatcher if such take results from activities conducted under a plan prepared pursuant to the state of California's Natural Community Conservation Planning Act of 1991, its associated Process Guidelines, and the Southern California Coastal Sage Scrub Conservation Guidelines. Consistent with the Conservation Guidelines, while planning for natural communities is underway, the special rule allows interim loss of no more than five percent of the coastal sage scrub habitat in specified areas (subregions).

To mitigate the impact of urban development over a 50-year period, the City of Chula Vista would require project-level impact avoidance and minimization measures, and would assemble a preserve of approximately 4,993 acres. The majority of the preserve (4,860 acres) consists of "hard-lined" areas designated for 100 percent conservation. Up to 133 acres would be conserved on lands designated as 75 to 100 percent conservation areas. An additional 4,250 acres would be conserved outside of the City of Chula Vista's Subarea for impacts that would occur within the City's Subarea. Total conservation within the MSCP Subregional Preserve as a result of the City of Chula Vista's Subarea Plan is estimated to be 9,243 acres. The preserve within the City's Subarea would contain, at a minimum, the following habitats: Coastal sage scrub (2,418 acres), maritime succulent scrub (190 acres), chaparral (28 acres), grassland (896 acres), oak woodland (2 acres), eucalyptus woodland (18 acres), southern coastal salt marsh (202 acres), freshwater/alkali marsh (14 acres), riparian forest (10 acres), riparian/tamarisk scrub (594 acres), open water/freshwater (24 acres), disturbed wetlands (15 acres), natural flood channel (146 acres), and other non-habitat lands (436 acres).

Should we approve the City of Chula Vista's Subarea Plan and issue an incidental take permit to the City of Chula Vista, the five percent limit on interim loss of coastal sage scrub, imposed as part of the Natural Community Conservation Planning

Program and the special rule for the gnatcatcher, would be replaced by the conditions of the permit and the Implementation Agreement. Chula Vista would then exercise its land-use review and approval powers in accordance with the Permit, Subarea Plan, and Implementation Agreement to implement the City of Chula Vista's Subarea Plan and assemble its preserve. The City would amend its General Plan to include the MSCP Subarea Plan as a new element of the General Plan and would create overlay zones to implement the General Plan land use designations.

Additionally, the City of Chula Vista would use its local regulatory authority to create or modify ordinances to implement the City's MSCP Subarea Plan. A new Habitat Loss and Incidental Take (HLIT) ordinance would be created to establish conservation and development standards for those development areas outside of Covered Projects (*i.e.*, specific projects identified in the Subarea Plan that would be covered for incidental take pursuant to the proposed incidental take permit). The HLIT ordinance would also provide local regulations for narrow endemic species and wetlands. A new Grazing ordinance would codify the management goals of the Otay Ranch Range Management Plan. The City would also amend its existing Grading ordinance to provide regulations for clearing and grubbing of sensitive habitats and require compliance with the City's MSCP Subarea Plan prior to grading of sensitive habitat.

Our Environmental Assessment considers the City of Chula Vista's MSCP Subarea Plan, as revised since the preparation of the Final Environmental Impact Report/Environmental Impact Statement (EIR/EIS), certified in 1997 for the MSCP Subregional Plan and associated implementing Subarea Plans, which included the City of Chula Vista's Subarea Plan. The Final EIR/EIS evaluated a range of alternatives based on the preserve contributions of the City of Chula Vista's Subarea Plan as well as the subarea plans of other participating jurisdictions. The Multiple Habitat Planning Area (MHPA) Alternative was ultimately adopted with the approval of the MSCP Subregional Plan. Because both the City of San Diego and County of San Diego have been implementing the MHPA Alternative through their respective Subarea Plans since 1997 and 1998, respectively, we did not evaluate additional alternatives in the Environmental Assessment. Instead, the Environmental Assessment focuses on the substantive changes that have occurred to the City of Chula Vista's

MSCP Subarea Plan. These include: (1) The addition of Quino checkerspot butterfly to the list of covered species as a result of the Subarea Plan's Quino checkerspot butterfly Recovery Component, (2) the expansion of the preserve as a result of adding lands not previously identified for conservation, and (3) implementation assurances resulting from the Subarea Plan's associated Implementing Agreement and implementing ordinances.

The Environmental Assessment compares these changes to the No Action Alternative. Under the No Action Alternative, the Service would not approve the Chula Vista Subarea Plan and would not issue a permit to Chula Vista. Project proponents would either avoid take of listed animal species within the Chula Vista Subarea Plan boundary or would need to address take of listed animal species on a project-by-project basis. The latter could occur either through an individual incidental take permit, or if there is Federal involvement with the project (for example, a permit or funding), through the formal consultation process. Existing land use and environmental regulations would apply to all projects within the Chula Vista Subarea.

This notice is provided pursuant to section 10(a) of the Endangered Species Act and regulations for implementing the National Environmental Policy Act of 1969 (40 CFR 1506.6). All comments received, including names and addresses, will become part of the administrative record and may be made available to the public. We will evaluate the permit application, Environmental Assessment, associated documents, and comments submitted thereon to determine whether the application meets the requirements of section 10(a) of the Endangered Species Act. If we determine that the requirements are met, we will issue an incidental take permit to the City of Chula Vista. We will make a decision on permit issuance no sooner than 60 days from the date of this notice.

Dated: October 3, 2002.

Richard L. Hadley,

Acting Deputy Manager, Region 1, California/Nevada Operations Office, Sacramento, California.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability, Natural Resource Damage Assessment Plan

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

ACTION: Notice of availability.

SUMMARY: The U.S. Fish and Wildlife Service, on behalf of the U.S. Department of the Interior, as a natural resource trustee, announces the release of the Natural Resource Damage Assessment Plan (Plan) for the Hudson River Superfund Site. The Plan describes the activities that constitute the Trustees' currently proposed approach to conducting the assessment of natural resources exposed to PCBs.

ADDRESSES: Requests for copies of the Natural Resource Damage Assessment Plan, or for any additional information, should be directed to Dr. Fred Caslick, U.S. Fish and Wildlife Service, New York Field Office, 3817 Luker Road, Cortland, New York 13045, telephone 607-753-9334.

SUPPLEMENTARY INFORMATION: The Hudson River is a Federal Superfund Site, and the U.S. Environmental Protection Agency has issued a Record of Decision calling for removal of an estimated 150,000 lbs. of PCBs from selected areas along a 40-mile stretch of the river between Hudson Falls and the Federal Dam at Troy, New York.

The Plan is being released in accordance with the Natural Resource Damage Assessment Regulations found at title 43 of the Code of Federal Regulations part 11. The Plan is the third step in the damage assessment, the goal of which is to restore natural resources injured by PCB contamination. The first step, a pre-assessment screen of the PCB-contamination, was completed in 1997. The second step, a solicitation for ideas on potential restoration projects, began in 2000 and is ongoing, with the Trustees continuing to accept plan proposals.

Author: The primary author of this notice is Dr. Fred Caslick, New York Field Office, U.S. Fish and Wildlife Service, 3817 Luker Road, Cortland, New York 13045.

Authority: The authority for this action is the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C.