

resources that would be considered significant over time.

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

This notice is provided pursuant to section 10(c) of the ESA and the regulations of NEPA (40 CFR 1505.6). We will evaluate the permit application, the proposed HCP, and comments submitted thereon to determine whether the application meets the requirements of section 10(a) of the ESA. If the requirements are met, we will issue a permit to the applicant.

Dated: July 15, 2005.

Kenneth McDermond,

Deputy Manager, California/Nevada Operations Office, Sacramento, California.
[FR Doc. 05-14374 Filed 7-20-05; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability of a Technical Agency Draft Recovery Plan for the Endangered Vermilion Darter for Review and Comment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of documents availability and opening of public comment period.

SUMMARY: We, the Fish and Wildlife Service, announce the availability of the technical agency draft recovery plan for the vermilion darter (*Etheostoma chermocki*). The vermilion darter is found only in Turkey Creek, a tributary of the Locust Fork of the Black Warrior River, Jefferson County, Alabama. The species is threatened by degradation of water quality and substrate components of its habitat due to sedimentation and other pollutants. The technical agency draft recovery plan includes specific recovery objectives and criteria to be met in order to delist the vermilion darter under the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1533 *et seq.*). We solicit review and comment on this technical agency draft recovery plan from local, State, and Federal agencies, and the public.

DATES: In order to be considered, we must receive comments on the technical agency draft recovery plan on or before September 19, 2005.

ADDRESSES: If you wish to review this technical agency draft recovery plan, you may obtain a copy by contacting the

Jackson, Mississippi Field Office, U.S. Fish and Wildlife Service, 6578 Dogwood View Parkway, Jackson, Mississippi 39213 (telephone (601) 965-4900), or by visiting our recovery plan Web site at <http://endangered.fws.gov/recovery/index.html#plans>. If you wish to comment, you may submit your comments by any one of several methods:

1. You may submit written comments and materials to the Field Supervisor, at the above address.

2. You may hand-deliver written comments to our Jackson, Mississippi Field Office, at the above address, or fax your comments to (601) 965-4340.

3. You may send comments by e-mail to daniel_drennen@fws.gov. For directions on how to submit electronic filing of comments, see the "Public Comments Solicited" section.

Comments and materials received are available for public inspection on request, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT:

Daniel J. Drennen at the above address (telephone (601) 321-1127).

SUPPLEMENTARY INFORMATION:

Background

We listed the vermilion darter (*Etheostoma chermocki* (Teleostei: Percidae)) as endangered under the Act on November 28, 2001 (66 FR 59367). The vermilion darter was officially described in 1992 from Turkey Creek, which is a tributary of the Locust Fork of the Black Warrior River, Jefferson County, Alabama.

The vermilion darter is a medium-sized darter that is only known from a 11.6-kilometer (7.2-mile) section of the Turkey Creek drainage. The greatest threat to this species is degradation of water quality and substrate components of its habitat due to sedimentation and other pollutants (both point and non-point sources). Urbanization has contributed significantly to sedimentation within the Turkey Creek watershed.

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 endangered species program. To help guide the recovery effort, we are preparing recovery plans for most listed species. Recovery plans describe actions considered necessary for conservation of the species, establish criteria for downlisting or delisting, and estimate time and cost for implementing recovery measures.

The Act 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 requires us to provide a public notice and an opportunity for public review and comment during recovery plan development. We will consider all information presented during a public comment period prior to approval of each new or revised recovery plan. We and other Federal agencies will take these comments into account in the course of implementing approved recovery plans.

The objective of this technical agency draft recovery plan is to provide a framework for the recovery of the vermilion darter so that protection under the Act is no longer necessary. The status of the species will be reviewed, and the species will be considered for removal from the Federal List of Endangered and Threatened Wildlife and Plants (50 CFR part 17) when recovery criteria are met.

Public Comments Solicited

We solicit written comments on the recovery plan described. We will consider all comments received by the date specified above prior to final approval of the draft recovery plan.

Please submit electronic comments as an ASCII file format and avoid the use of special characters and encryption. Please also include your name and return address in your e-mail message. If you do not receive a confirmation from the system that we have received your e-mail message, contact us directly by calling our Mississippi Field Office (see **ADDRESSES** section).

Our practice is to make all 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 addresses from the record, which we will honor to the extent allowable by law. In some circumstances, we would withhold also from the rulemaking record a respondent's identity, as allowable by law. If you wish for us to withhold your name and/or address, you must state this prominently at the beginning of your comments. However, we will not 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.

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

Dated: July 15, 2005.

Jacquelyn Parrish,

Acting Regional Director.

[FR Doc. 05-14372 Filed 7-20-05; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of an Environmental Assessment and Receipt of an Application for an Incidental Take Permit for the Hillcrest Travel Plaza in Fresno County, CA

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability and receipt of application.

SUMMARY: The Hillcrest Travel Plaza (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 (Act). The Service is considering the issuance of a 10-year permit to the applicant that would authorize take of the endangered San Joaquin kit fox (*Vulpes macrotis mutica*) incidental to otherwise lawful activities. Such take would occur during the construction and operation of the applicant's proposed travel plaza in Fresno County, California. Construction of the proposed travel plaza would result in the loss of up to 9.27 acres of foraging and migration habitat for the San Joaquin kit fox.

We request comments from the public on the permit application and an Environmental Assessment, both of which are available for review. The permit application includes the proposed Habitat Conservation Plan (Plan) and an accompanying Implementing Agreement. The Plan describes the proposed project and the measures that the applicant would undertake to minimize and mitigate take of the San Joaquin kit fox.

DATES: We must receive your written comments on or before September 19, 2005.

ADDRESSES: Please address written comments to Lori Rinek, Chief, Conservation Planning and Recovery Division, U.S. Fish and Wildlife Service, Sacramento Fish and Wildlife Office, 2800 Cottage Way, W-2605, Sacramento, California 95825. You also may send comments by facsimile to (916) 414-6713.

FOR FURTHER INFORMATION CONTACT: Jesse Wild, Fish and Wildlife Biologist, or Lori Rinek, Chief, Conservation Planning and Recovery Division,

Sacramento Fish and Wildlife Office, at (916) 414-6600.

SUPPLEMENTARY INFORMATION:

Availability of Documents

You may obtain copies of these documents for review by contacting the individuals named above [see **FOR FURTHER INFORMATION CONTACT.**] Documents also will be available for public inspection, by appointment, during normal business hours at the Sacramento Fish and Wildlife Office [see **ADDRESSES.**]

Background

Section 9 of the Act and Federal regulations prohibit the take of fish and wildlife species listed as endangered or threatened (16 U.S.C. 1538). Take of federally listed fish and wildlife is defined under the Act to include the following activities: harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct (16 U.S.C. 1532). The Service may, under limited circumstances, issue permits to authorize incidental take (*i.e.*, take that is incidental to, and not for the purpose of, the carrying out of an otherwise lawful activity). Regulations governing incidental take permits for endangered species are found in 50 CFR 17.22.

The applicant proposes to construct and operate a travel plaza and freeway rest stop on a portion of a 38-acre parcel on the southwest side of the intersection of State Route 269 and Interstate 5 near the town of Avenal in Fresno County, California. The construction of the proposed plaza would result in the loss of 9.27 acres of suitable foraging and migration habitat for the San Joaquin kit fox.

Although no San Joaquin kit foxes were observed, or evidence found of their denning, at the time of biological surveys, they may range through and periodically use the site for foraging and/or denning. The construction and operation of the facilities is unlikely to result in direct mortality or injury of San Joaquin kit foxes, but may result in take in the form of harassment.

The applicant proposes to implement specific on-site measures to avoid and minimize take and associated adverse project impacts to San Joaquin kit fox. The applicant also proposes to mitigate for take by purchasing 9.27 acres of compensation credits at the Wildlands, Inc., Kreyenhagen Hills Conservation Bank, in Fresno County. These lands are occupied by the San Joaquin kit fox. The compensation includes funds supporting a management endowment to ensure the permanent management and monitoring of sensitive species and

habitats within the area protected by the Conservation Bank.

The Service's Environmental Assessment considers the environmental consequences of three alternatives. The Proposed Project Alternative (described above) consists of the issuance of the incidental take permit and implementation of the Plan and Implementing Agreement for the applicant's proposed project. The No Action Alternative consists of no permit issuance and no construction of the travel plaza at this time. Compared to the proposed project, the No Action Alternative would result in no take in an important migration corridor area, but less long-term conservation for the San Joaquin kit fox within Fresno County, and the applicant would not be able to develop the property. Under the 38-Acre Development Alternative, the entire project site would be developed with permanent structures, parking and access areas, and appurtenances. The project would result in the loss of 38 acres of San Joaquin kit fox foraging and migration habitat, and the applicant would purchase 38 acres of off-site preservation habitat in a conservation bank. Compared to the proposed project, the 38-Acre Development Alternative would result in greater loss of habitat in an important migration corridor area, but more long-term conservation for the San Joaquin kit fox. This alternative would be more costly to the applicant than the proposed project.

This notice is provided pursuant to section 10(a) of the Act and the regulations of the National Environmental Policy Act (NEPA) of 1969 (40 CFR 1506.6). All comments that we receive, including names and addresses, will become part of the official administrative record and may be made available to the public. We will evaluate the application, associated documents, and comments submitted thereon to determine whether the application meets the requirements of NEPA regulations and section 10(a) of the Act. If we determine that those requirements are met, we will issue a permit to the Applicant for the incidental take of the San Joaquin kit fox. We will make our final permit decision no sooner than 60 days from the date of this notice.

Dated: July 15, 2005.

Ken McDermond,

Deputy Manager, California/Nevada Operations Office, Sacramento, California.

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