

DEPARTMENT OF HOMELAND SECURITY**Federal Emergency Management Agency**

[FEMA-1659-DR]

New Mexico; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of New Mexico (FEMA-1659-DR), dated August 30, 2006, and related determinations.

DATES: *Effective Date:* September 18, 2006.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective September 18, 2006.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund Program; 97.032, Crisis Counseling; 97.033, Disaster Legal Services Program; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance; 97.048, Individuals and Households Housing; 97.049, Individuals and Households Disaster Housing Operations; 97.050 Individuals and Households Program—Other Needs; 97.036, Public Assistance Grants; 97.039, Hazard Mitigation Grant Program.)

R. David Paulison,

Under Secretary for Federal Emergency Management and Director of FEMA.

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DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****Proposed Low-Effect Habitat Conservation Plan for the Offices at Parkshore, Folsom, Sacramento County, CA**

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability and receipt of an application.

SUMMARY: Mark III Engineering Contractors of Sacramento, California (the Applicant), has applied to the Fish and Wildlife Service (Service) for a 5-

year incidental take permit for one covered species pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The application addresses the potential for “take” of the threatened valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*) associated with grading a 6.48-acre project site and construction of the Offices at Parkshore, a 9-building office complex off Parkshore Drive in the Lake Forest Technical Center, Folsom, Sacramento County, California. The Applicant would implement a conservation program to minimize and mitigate for the project activities, as described in the Low-Effect Habitat Conservation Plan for the Offices at Parkshore (Plan).

We request comments on the permit application and Plan, and on the Service’s preliminary determination that the Plan qualifies as a “low-effect” habitat conservation plan, eligible for a Categorical Exclusion under the National Environmental Policy Act of 1969, as amended (NEPA). The basis for the Categorical Exclusion determination is discussed in the Service’s Environmental Action Statement (EAS), which is also available for public review.

DATES: Written comments should be received on or before October 25, 2006.

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

FOR FURTHER INFORMATION CONTACT: Holly Herod, Chief, Sacramento Valley Branch, or Nina Bicknese, Senior Biologist, at the Sacramento Fish and Wildlife Office; telephone: (916) 414-6600.

SUPPLEMENTARY INFORMATION:**Availability of Documents**

Copies of the permit application, Plan, and EAS can be obtained from the individuals named above (see **FOR FURTHER INFORMATION CONTACT**). Copies of these documents are available for public inspection, by appointment, during regular business hours, at the Sacramento Fish and Wildlife Office (see **ADDRESSES**).

Background Information

Section 9 of the Act and its implementing Federal regulations prohibit the “take” of fish or wildlife species listed as endangered or threatened. Take is defined under the

Act to include the following activities: To harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect listed animal species, or to attempt to engage in such conduct. However, under section 10(a)(1)(B) of the Act, the Service may issue permits to authorize incidental take of listed species. “Incidental take” is defined by the Act as take that is incidental to, and not the purpose of, carrying out an otherwise lawful activity. Regulations governing incidental take permits for endangered and threatened species, respectively, are found in the Code of Federal Regulations at 50 CFR 17.22 and 50 CFR 17.32.

The Applicant is seeking a permit for take of one federally listed species, the threatened valley elderberry longhorn beetle, (*Desmocerus californicus dimorphus*), which is referred to as the “covered species” in the Plan. The Applicant would receive “No Surprises” assurances for this species under the Service’s “No Surprises” regulations (50 CFR 17.22(b)(5) and 17.32(b)(5)). No other species are included in the Plan.

The Applicant proposes to construct eight one-story office buildings and a single two-story office building, which would collectively provide 74,435 square feet of new office space. Site improvements would include two vehicular driveways, a 377-space asphalt parking lot, sidewalks, pedestrian walkways, underground utilities, and landscaping. The 6.48-acre project site is the last undeveloped portion of an established office park. The project site supports degraded remnants of scrub and oak woodland vegetation, including habitat (e.g., elderberry shrubs) for the beetle. Elderberry plants are present in three locations in the project site. Thirty-nine of these elderberry plants exhibit stems with basal diameters equal to or greater than one inch, which is a sufficient size to be habitat for the beetle. An inventory identified a single beetle exit-hole, indicating that the species is likely present in the project site. Resident elderberry plants would be permanently removed from the project site to accommodate the proposed project.

The Applicant proposes to avoid and minimize take and associated adverse project impacts to the beetle by fully implementing their Plan. The Applicant will mitigate the impacts of taking the beetle by transplanting the 39 elderberry shrubs from the project site to a Service-approved conservation bank, and by purchasing 11 habitat credits for the beetle at the same conservation bank. Each habitat credit includes an established ratio of elderberry seedlings