

5:30 p.m. Adjourn.

David Valenzuela,  
President.

[FR Doc. 05-1381 Filed 1-21-05; 11:33 am]

BILLING CODE 7025-01-M

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Notice of Availability of a Draft Environmental Assessment/Habitat Conservation Plan and Receipt of a Permit Application (Becker) for Incidental Take of the Houston Toad

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

**ACTION:** Notice of availability.

**SUMMARY:** Robert Becker (Applicant) has applied for an incidental take permit (TE-098535-0) pursuant to Section 10(a) of the Endangered Species Act (Act). The requested permit would authorize incidental take of the endangered Houston toad. The proposed take would occur as a result of the construction and occupation of a single family residence and associated structures on 0.5 acres (0.2 hectare) of a 6.58-acre (2.66 hectare) property located on Barras Road, Bastrop County, Texas.

**DATES:** To ensure consideration, written comments must be received on or before March 28, 2005.

**ADDRESSES:** Persons wishing to review the application may obtain a copy by writing to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Room 4102, Albuquerque, New Mexico 87103. Persons wishing to review the Environmental Assessment/Habitat Conservation Plan (EA/HCP) may obtain a copy by contacting Clayton Napier, U.S. Fish and Wildlife Service, 10711 Burnet Road, Suite 200, Austin, Texas 78758 (512-490-0057). Documents will be available for public inspection by written request, by appointment only, during normal business hours (8 a.m. to 4:30 p.m.) at the U.S. Fish and Wildlife Service, Austin, Texas. Written data or comments concerning the application and EA/HCP should be submitted to the Supervisor, U.S. Fish and Wildlife Service, 10711 Burnet Road, Suite 200, Austin, Texas, at the above address. Please refer to permit number TE-098535-0 when submitting comments.

**FOR FURTHER INFORMATION CONTACT:** Clayton Napier at the U.S. Fish and Wildlife Service, Austin Office, 10711 Burnet Road, Suite 200, (512-490-0057).

**SUPPLEMENTARY INFORMATION:** Section 9 of the Act prohibits the "taking" of endangered species such as the Houston toad. However, the Fish and Wildlife Service (Service), under limited circumstances, may issue permits to take endangered wildlife species incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for endangered species are at 50 CFR 17.22.

The Service has prepared the EA/HCP for the incidental take application. A determination of jeopardy or non-jeopardy to the species and a decision pursuant to the National Environmental Policy Act (NEPA) will not be made until at least 60 days from the date of publication of this notice. This notice is provided pursuant to section 10(c) of the Act and National Environmental Policy Act regulations (40 CFR 1506.6).

**Applicant:** Robert Becker plans to construct a single family residence and associated structures on 0.5 acres of a 6.58-acre property located on Barras Road, Bastrop County, Texas. This action will eliminate 0.5-acres or less of Houston toad habitat and result in indirect impacts within the lot. The Applicant proposes to compensate for this incidental take of the Houston toad by providing \$2,000.00 to the Houston Toad Conservation Fund at the National Fish and Wildlife Foundation for the specific purpose of land acquisition and management within Houston toad habitat.

Joy E. Nicholopoulos,

Acting Regional Director, Southwest Region.

[FR Doc. 05-1296 Filed 1-24-05; 8:45 am]

BILLING CODE 4510-55-P

## 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 Lamont Public Utility District in Kern County, CA

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

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

**SUMMARY:** The Lamont Public Utilities District (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 50-year permit to the Applicant that would authorize take of the endangered Tipton kangaroo rat (*Dipodomys*

*nitratoides nitratoides*), the endangered San Joaquin kit fox (*Vulpes macrotis mutica*), and the western burrowing owl (*Athene cunicularia*), a species of special concern, incidental to otherwise lawful activities. Such take would occur during the proposed construction and operation of the Applicant's effluent disposal site expansion on a 160-acre site south of Lamont, Kern County, California. The proposed expansion includes the construction of two ponds, a series of leaching terraces, and access roads. The proposed project would affect suitable habitat for the San Joaquin kit fox and western burrowing owl, and permanently affect about 19 acres of occupied habitat of the Tipton kangaroo rat.

We request comments from the public on the permit application and 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 action and the measures that the Applicant would undertake to minimize and mitigate take of the covered species.

**DATES:** We must receive your written comments on or before March 28, 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 at the 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 Jesse Wild or Lori Rinek [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. Take of federally listed fish and wildlife is defined under the Act to include the