

10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*).

**DATES:** Submit comments on or before December 30, 2002.

**ADDRESSES:** Written data or comments should be submitted to the Regional Director, U.S. Fish and Wildlife Service, Ecological Services, 1 Federal Drive, Fort Snelling, Minnesota 55111-4056. Comments must be received within 30 days of the date of this publication.

**FOR FURTHER INFORMATION CONTACT:** Mr. Peter Fasbender at (612) 713-5343, or by Fax at (612) 713-5292, e-mail: [peter\\_fasbender@fws.gov](mailto:peter_fasbender@fws.gov).

**SUPPLEMENTARY INFORMATION:**

**Permit Number PRT-697830**

*Applicant:* Assistant Regional Director, Ecological Services, Region 3, U.S. Fish and Wildlife Service, Fort Snelling, Minnesota.

The applicant requests an amendment to his permit for scientific take activities of listed species in Region 3 to add the following species for scientific purposes and the enhancement of propagation or survival of the species in the wild, in accordance with listing, recovery outlines, recovery plans and/or other Service work for the species: Canada lynx (*Lynx canadensis*), Whooping crane (*Grus americana*), Lake Erie water snake (*Nerodia sipedon insularum*), Tumbling Creek cavesnail (*Anstrobia culveri*), Scaleshell (*Leptodea leptodon*), Short's goldenrod (*Solidago shortii*), and Virginia sneezeweed (*Helenium virginicum*).

Documents and other information submitted with this application are available for review by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: Mr. Peter Fasbender, U.S. Fish and Wildlife Service, Ecological Services, 1 Federal Drive, Fort Snelling, Minnesota 55111-4056. Telephone: (612) 713-5343; Fax: (612) 713-5292; e-mail: [peter\\_fasbender@fws.gov](mailto:peter_fasbender@fws.gov).

Dated: November 12, 2002.

**TJ Miller,**

*Acting Assistant Regional Director, Ecological Services, Region 3, Fort Snelling, Minnesota.*

[FR Doc. 02-30161 Filed 11-27-02; 8:45 am]

**BILLING CODE 4310-55-P**

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**Endangered and Threatened Wildlife and Plants: Notice of Receipt of an Application for an Incidental Take Permit and Availability and Opening of Comment Period for an Environmental Assessment/Habitat Conservation Plan (EA/HCP) for the West Virginia Northern Flying Squirrel in Association With Camp Wilderness Development Project at Snowshoe Mountain Resort, Pocahontas County, WV**

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

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

**SUMMARY:** This notice advises the public that Intrawest Resorts, Inc. (IRI) and Snowshoe Mountain, Inc. (SMI), an affiliate of IRI have applied to the U.S. Fish and Wildlife Service (Service) for an incidental take permit (ITP) pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973 (Act), as amended. The application has been assigned permit number TE-065121. The proposed permit would authorize the incidental take of a federally endangered species, the West Virginia northern flying squirrel (WVNFS) (*Glaucomys sabrinus fuscus*), known to occur on property owned by the Applicants at Snowshoe Mountain Resort, Pocahontas County, West Virginia. The proposed taking is incidental to the planned construction of approximately 55 buildings, access road, shuttle terminal, ski trail and associated infrastructure of Camp Wilderness Development on approximately 51 acres owned by IRI. The permit would be in effect for up to 24 years depending on completion of final build out.

The Service announces the receipt of the IRI/SMI ITP application and the availability of the proposed Camp Wilderness Development HCP which accompanies the ITP application, for public comment. In addition, the Service also announces the availability of a draft EA for the proposed issuance of the ITP. This notice is provided pursuant to section 10(c) of the Act and National Environmental Policy Act of 1969 (NEPA) regulations (40 CFR 1506.6).

The Service 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 it is determined that the requirements

are met, a permit will be issued for the incidental take of the WVNFS. The final NEPA and permit determinations will not be completed until after the end of the 60-day comment period and will fully consider all public comments received during the comment period.

**DATES:** Written comments on the permit application, HCP, and EA should be sent to the West Virginia Field Office (see **ADDRESSES**) and should be received on or before January 28, 2003.

**ADDRESSES:** Persons wishing to review the permit application, HCP, and draft EA may obtain a copy by writing the Service's West Virginia Field Office, 694 Beverly Pike, Elkins, West Virginia 26241. Requests for the documentation must be in writing to be processed.

Written data or comments concerning the permit application, draft EA, and/or HCP should also be addressed to the Field Supervisor, U.S. Fish and Wildlife Service, West Virginia Field Office, Elkins, West Virginia. Please refer to permit TE-0651212 when submitting comments. Documents will also be available for public inspection by written request, by appointment only, during normal business hours (8 to 4:30).

**FOR FURTHER INFORMATION CONTACT:** Mr. Jeffrey Towner or Shane Jones, West Virginia Field Office (see **ADDRESSES** above), 304-636-6586.

**SUPPLEMENTARY INFORMATION:** Section 9 of the Act and Federal regulation prohibits the "taking" of a species listed as endangered or threatened. Under the Act, the term "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect listed wildlife, or to attempt to engage in any such conduct. The Service may, under limited circumstances, issue permits to "incidentally take" listed species, if such taking is incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for endangered species are promulgated in 50 CFR 17.22.

**Background**

IRI/SMI have applied to the Service for an incidental take permit pursuant to section 10(a) of the Act. The Applicants propose to implement an HCP for the WVNFS that will allow development construction and subsequent occupancy activities in WVNFS habitat. The Applicant's proposed development may result in take, as defined in the Act and its implementing regulations, of listed species. Authorized take would only affect WVNFS; take of other federally listed species is specifically excluded from the proposed action. This permit would authorize the incidental take of

WVNFs at Camp Wilderness Development through otherwise lawful activities, specifically the construction of the planned development, occurring in WVNFs habitat. The HCP and permit would be in effect for a maximum of 24 years upon issuance.

The Applicant proposes the construction and subsequent occupancy of Camp Wilderness at Snowshoe Mountain. The proposed development consists of approximately 55 buildings containing privately owned residential units, a community building, other community facilities, a shuttle terminal, and a ski trail. Associated amenities (e.g., playground, a man-made pond and artificial stream, recreational trails) and infrastructure (e.g., streets and parking lots) are also planned. The proposed construction boundaries of Camp Wilderness encompass approximately 51 acres and are adjacent to and north of several existing condominium developments, and are located about 400 feet north of the Snowshoe Mountain ski slopes.

The anticipated incidental take will be limited to harm through habitat loss as the result of the permanent loss of habitat on 22.5 acres, and temporary loss of habitat on 17.3 acres. Other impacts to the WVNFs associated with the Camp Wilderness development do not rise to the level of take. IRI/SMI propose to implement measures to minimize, mitigate and monitor impacts to the WVNFs and include seasonal clearing restrictions, minimizing indirect effects on WVNFs by occupants of Camp Wilderness, minimizing the Camp Wilderness construction footprint, allowing natural forest regeneration in the Temporary Construction Zone, and establishing a permanent conservation area to provide refuge for the WVNFs.

The draft EA considers the environmental consequences of five alternatives, including a no-action alternative, the proposed action, a high density alternative, a reduced impact alternative and an off-site development alternative.

The Service provides this notice pursuant to section 10(c) of the Act. The Service will evaluate whether the issuance of a section 10(a)(1)(B) ITP complies with section 7 of the Act by conducting an intra-Service section 7 consultation. The results of the biological opinion, in combination with the evaluation of the permit application, the HCP, EA and comments submitted thereon, will be used in the final analysis to determine whether the application meets the requirements of section 10(a) of the Act. If the requirements are met, the Service will

issue a permit to IRI/SMI for the incidental take of WVNFs during the proposed construction of Camp Wilderness. We will make the final permit decision no sooner than 60 days from the date of this notice.

**Authority:** The authority for this section is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*)

Dated: November 18, 2002.

**Richard O. Bennett,**

*Acting Regional Director, Region 5.*

[FR Doc. 02-30170 Filed 11-27-02; 8:45 am]

**BILLING CODE 4310-55-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Notice of Availability of Final Environmental Impact Statement and Final Roosevelt Habitat Conservation Plan for Incidental Take by the Salt River Project

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

**ACTION:** Notice of availability.

**SUMMARY:** The Salt River Project (SRP) has submitted an application for an incidental take permit (ITP) for the following federally listed and candidate species: southwestern willow flycatcher (*Empidonax traillii extimus*, flycatcher), Yuma clapper rail (*Rallus longirostris yumanensis*, clapper rail), bald eagle (*Haliaeetus leucocephalus*), and the yellow-billed cuckoo (*Coccyzus americanus*, cuckoo). The proposed take would occur in Gila and Maricopa counties, Arizona, as a result of management actions allowing Roosevelt Lake to fill, causing inundation of occupied habitat. The U.S. Fish and Wildlife Service (Service) has issued a final Environmental Impact Statement (EIS) that evaluates the impacts of and alternatives for the possible issuance of an incidental take permit (ITP). SRP completed the final Roosevelt Habitat Conservation Plan (RHCP) as part of the application package submitted to the Service as required by the Endangered Species Act of 1973, as amended (Act) for consideration of issuance of an ITP. The RHCP provides measures to minimize and mitigate the effects of the proposed taking of listed and candidate species and the habitats upon which they depend.

The final EIS includes (in attached volume 3) all comments received on the draft EIS, and responses to those comments. No decision will be made on the proposed action until at least 30 days after publication of this notice of availability of the final EIS in the

**Federal Register.** After the 30-day waiting period, the U.S. Fish and Wildlife Service will complete a Record of Decision (ROD) that states whether the action will be implemented and discusses all factors leading to the decision.

**ADDRESSES:** Persons wishing to review the final EIS and RHCP may obtain a copy by writing to the Field Supervisor, U.S. Fish and Wildlife Service, 2321 West Royal Palm Road, Suite 103, Phoenix, AZ 85021.

**FOR FURTHER INFORMATION CONTACT:** On the EIS, Contact: Ms. Sherry Barrett, Assistant Field Supervisor, Tucson Suboffice, U.S. Fish and Wildlife Service, 110 S. Church, Suite 3450, Tucson, AZ 85701 at 520/670-4617, or Mr. Jim Rorabaugh, Arizona State Office, U.S. Fish and Wildlife Service, 2321 West Royal Palm Road, Suite 103, Phoenix, AZ 85021 at 602/242-0210. For further information on the RHCP, Contact: Mr. John Keane, Executive Environmental Policy Analyst, Salt River Project, P.O. Box 52025, PAB355, Phoenix, AZ 85072-2025 at 602/236-5087, or Mr. Craig Sommers, President, ERO Resources Corporation, 1842 Clarkson Street, Denver, CO 80218 at 303/830-1188.

Read-only downloadable copies of the final EIS and Application documents are available on the Internet at <http://arizonaes.fws.gov>. A printed or CD copy of the documents is available upon request to Virginia Kasper, Salt River Project, P.O. Box 52025, Phoenix, AZ 85072-2025; (602) 236-3416; [vckasper@srpnet.com](mailto:vckasper@srpnet.com). Copies of the final EIS and final RHCP are also available for public inspection and review at the locations listed below under **SUPPLEMENTARY INFORMATION**.

**SUPPLEMENTARY INFORMATION:** Pursuant to the National Environmental Policy Act (NEPA), this notice advises the public that the Service has gathered the information necessary to (1) determine impacts and formulate alternatives for the EIS, related to the potential issuance of an ITP to SRP; and (2) develop and implement the RHCP, which provides measures to minimize and mitigate the effects of the incidental take of federally listed species to the maximum extent practicable, pursuant to section 10(a)(1)(B) of the Act.

Section 9 of the Act prohibits the "taking" of threatened and endangered species. However, the Service, under limited circumstances, may issue permits to take threatened or endangered wildlife species incidental to, and not the purpose of, otherwise lawful activities. Regulations governing