

eligibility for HUD/FHA mortgage insurance; closed loans in excess of the maximum allowable amount by failing to consider inducements to purchase in computing the mortgage amount and failing to resolve conflicting information regarding the sales price; and approved a mortgage loan with an excessive debt to income ratio without adequate compensating factors.

**9. Tranah Asset Management Corporation, San Antonio, TX [Docket No. 06-6030-MR]**

*Action:* Settlement Agreement signed April 27, 2007. Without admitting liability or fault, Tranah Asset Management Corporation (Tranah) agreed to pay HUD an administrative payment in the amount of \$45,000.

*Cause:* The Board took this action based on the following violation of HUD/FHA requirements in the origination of HUD/FHA-insured loans where Tranah permitted a debarred mortgagee to participate in the HUD/FHA mortgage insurance program.

**10. Wall Street Financial Corporation, Fairfield, NJ [Docket No. 04-4264-MR]**

*Action:* Settlement Agreement signed May 17, 2007. Without admitting liability or fault, Wall Street Financial Corporation (Wall Street) agreed to pay HUD an administrative payment in the amount of \$19,500. Wall Street also agreed to refund unallowable fees identified in 50 loans to mortgagors within 30 days of the effective date of the Settlement Agreement.

*Cause:* The Board took this action based on the following violations of HUD/FHA requirements in the origination of HUD/FHA-insured loans where Wall Street: Approved mortgages with debt-to-income ratios that exceeded HUD/FHA standards without adequate compensating factors in nine mortgages; failed to adequately document the source of funds used for the downpayment or closing costs in one mortgage; failed to ensure that borrowers whom Wall Street charged a

commitment fee, executed a Commitment Agreement guaranteeing discount points and/or interest rates at least fifteen days prior to closing; and charged unallowable fees for title review by an attorney, and/or overcharged for obtaining credit reports.

Dated: December 6, 2007.

**Brian D. Montgomery,**  
*Assistant Secretary for Housing—Federal,  
Housing Commissioner.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Endangered and Threatened Wildlife and Plants; Permits

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

**ACTION:** Notice of Issuance of Enhancement of Survival and Incidental Take Permits.

**SUMMARY:** Between June 1, 2005, and September 30, 2007, the Pacific Region of the Fish and Wildlife Service (Service) issued 18 permits for enhancement of survival or incidental take of threatened and endangered species. These permits were issued pursuant to sections 10(a)(1)(A) and 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). Copies of the permits and associated decision documents are available upon request.

**ADDRESSES:** Documents are available from the U.S. Fish and Wildlife Service, 911 NE., 11th Avenue, Portland, Oregon 97232; facsimile (503) 231-6243. Charges for copying, shipping and handling may apply.

**FOR FURTHER INFORMATION CONTACT:** Please contact Shelly Sizemore, Administrative Assistant, at the above address and facsimile number or by telephone at (503) 231-2194.

**SUPPLEMENTARY INFORMATION:** Section 9 of the Act (16 U.S.C. 1531 *et seq.*) and

its implementing regulations prohibit the take of wildlife species listed as endangered or threatened. 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. We may, under limited circumstances, issue permits to authorize take that is incidental to, and not the purpose of, carrying out an otherwise lawful activity. Regulations governing permits for threatened and endangered species are found at 50 CFR 17.32 and 17.22.

Although not required by law or regulation, it is our regional policy to notify the public of permits issued for enhancement of survival or incidental take under Habitat Conservation Plans, Safe Harbor Agreements, or Candidate Conservation Agreements with Assurances. Within the Pacific Region of the Service, between June 1, 2005, and September 30, 2007, we issued 15 permits for enhancement of survival and 3 permits for incidental take of threatened and endangered species subject to certain conditions set forth therein, pursuant to sections 10(a)(1)(A) and 10(a)(1)(B) of the Act. The enhancement of survival permits are associated with Safe Harbor Agreements or Candidate Conservation Agreements with Assurances. The incidental take permits are associated with Habitat Conservation Plans. We issued each permit after determining that: (1) The permit application was submitted in good faith; (2) all permit issuance criteria were met, including the requirement that granting the permit will not jeopardize the continued existence of listed species; and (3) the permit was consistent with the purposes and policy set forth in the Act and applicable regulations, including a thorough review of the environmental effects of the action and alternatives pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*).

## HABITAT CONSERVATION PLANS (HCP)

Permit No.	Applicant	Receipt of application <b>Federal Reg- ister</b> notice	Permit issuance date	Name of approved plan or agreement
TE118901-0 ....	Kaheawa Wind Power, LLC .....	70 FR 57888; October 4, 2005 .....	January 30, 2006 .....	HCP for the Kaheawa Wind Generation Facility, Ukumehame, Maui, HI.
TE121202-0 ....	Washington Department of Natural Resources.	70 FR 7245; February 11, 2005 .....	May 26, 2006 .....	Washington Department of Natural Resources Forest Practices HCP.
TE133608-0 ....	Duane and Darlene Schwisow .....	71 FR 61501; October 18, 2006 .....	April 10, 2007 .....	HCP for the Schwisow Development in Adams County, ID.

## SAFE HARBOR AGREEMENTS (SHA)

Permit No.	Applicant	Receipt of application <b>Federal Reg- ister</b> notice	Permit issuance date	Name of approved plan or agreement
TE106219-0 ....	Chevron .....	69 FR 52027; August 24, 2004 .....	September 23, 2005 ...	SHA with Chevron Hawaii Refinery at James Campbell Industrial Park for management of the Hawaiian stilt and Hawaiian coot, Oahu, HI.
TE134317-0 ....	Peter Lancaster .....	71 FR 52816; September 7, 2006 ...	March 9, 2007 .....	Columbia Basin pygmy rabbit template SHA.
TE134335-0 ....	Billingsley Ranch .....	.....do .....	.....do .....	Do.
TE144773-0 ....	Eric E. Long .....	72 FR 20557; April 25, 2007 .....	August 8, 2007 .....	Do.
TE146604-0 ....	Sagebrush Flats Farm .....	.....do .....	.....do .....	Do.
TE146607-0 ....	ABS Farms LLC .....	.....do .....	.....do .....	Do.
TE146612-0 ....	Raymond J. Mayer .....	.....do .....	.....do .....	Do.
TE146616-0 ....	Rimrock Meadows Assoc .....	.....do .....	.....do .....	Do.
TE150086-0 ....	Evans Bothers Inc .....	.....do .....	.....do .....	Do.
TE154037-0 ....	The Nature Conservancy (TNC) .....	71 FR 65830; November 9, 2006 ...	June 18, 2007 .....	Oregon silverspot butterfly central coast programmatic SHA with TNC.
TE162242-0 ....	Big Island Resource Conservation and Development Council.	71 FR 78452; December 29, 2006 ...	September 12, 2007 ...	Programmatic SHA covering Hawaiian goose, Hawaiian duck, Hawaiian moorhen, Hawaiian coot, and Hawaiian stilt for participants of USDA Farm Bill Conservation Programs.
TE162243-0 ....	Oahu Resource Conservation and Development Council.	.....do .....	.....do .....	Do.
TE162244-0 ....	Tri-Isle Resource Conservation and Development Council.	.....do .....	.....do .....	Do.
TE162245-0 ....	Garden Island Resource Conservation and Development Council.	.....do .....	.....do .....	Do.

Symbol used in the three right columns: ".....do..."—(ditto) indicates the entry is the same as the column entry directly above.

## CANDIDATE CONSERVATION AGREEMENTS WITH ASSURANCES (CCAA)

Permit No.	Applicant	Receipt of application <b>Federal Reg- ister</b> notice	Permit issuance date	Name of approved plan or agreement
TE109603-0 ....	State of Idaho Department of Lands .....	71 FR 5358; February 1, 2006 .....	September 29, 2006 ...	CCAA for the Columbia spotted frog at Sam Noble Springs, Owyhee County, ID.

Copies of each permit, the accompanying Habitat Conservation Plan, Safe Harbor Agreement, or Candidate Conservation Agreement with Assurances, and associated documents are available upon request. Decision documents for each permit include a Finding and Recommendation; a Biological Opinion; and either a Record of Decision, Finding of No Significant Impact, or an Environmental Action Statement. Associated documents may also include an Implementing Agreement, Environmental Impact Statement, or Environmental Assessment, as applicable.

Dated: November 14, 2007.

David J. Wesley,

Deputy Regional Director, Portland, Oregon.

[FR Doc. E7-24148 Filed 12-12-07; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### California Aqueduct Operation and Maintenance Project in Kings and Kern County, San Joaquin Valley, CA

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

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

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce that the California Department of Water Resources San Joaquin Field Division (Applicant) has applied for an incidental take permit pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). We are considering the issuance of a 30-year permit to the Applicant that would authorize take of 20 species incidental to the Applicant's proposed operation and maintenance activities on sections of the California Aqueduct and Coastal Branch Phase 1 canal, as well as seven pumping plants and two Operations and Maintenance centers within the San Joaquin Field Divisions jurisdiction in Kern and Kings County, California. These activities within the 11,816-acre project area would result in the loss of up to 360 acres of permanent habitat loss to covered species habitat and 935 acres of temporary impacts to covered species habitat.

We request comments from the public on the permit application and an Environmental Assessment. 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 covered species.

**DATES:** We must receive your written comments on or before February 11, 2008.

**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:** Peter Cross, Chief Endangered Species Division, 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. 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. We may, under limited circumstances, issue permits to authorize incidental take (*i.e.*, take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity). Regulations governing incidental take permits for endangered are found in 50 CFR 17.22.

The Applicant is seeking a permit for take of five federally listed animal species: the endangered San Joaquin kit fox (*Vulpes macrotis mutica*), blunt nosed leopard lizard (*Gambelia sila*), giant kangaroo rat (*Dipodomys ingens*), Tipton kangaroo rat (*dipodomys nitratoideus nitratoideus*), and the Buena Vista Lake shrew (*Sorex ornatus relictus*). The proposed permit would also authorize future incidental take of six currently unlisted animal species should any of these species become listed under the Act during the life of the permit: western burrowing owl (*Athene cunicularia hypugea*),

Swainson's hawk (*buteo swainsoni*), San Joaquin antelope squirrel (*Ammospermophilus nelsoni*), short-nosed kangaroo rat (*Dipodomys nitratoideus brevinasus*), white-tailed kite (*Elanus leucurus*) and western spadefoot (*Spea hammondi*). The following listed and unlisted plant species are also proposed to be included on the permit: the endangered Bakersfield cactus (*Opuntia basilaris var. treleasei*), and the unlisted lesser saltscare (*Atriplex miniscula*), recurved larkspur (*Delphinium recurvatum*), Lost Hills crownscale (*atriplex vallicola*), Kernmallow (*Eremalche kernensis*), San Joaquin woollythreads (*Monolopia congdonii*), oil neststraw (*Stylocline citroleum*), Bakersfield smallscale (*Atriplex tularensis*), Bakersfield cactus (*opuntia basilaris var. treleasei*) should any of these species become listed under the Act during the life of the permit. Take of listed plant species is not prohibited under the Act and cannot be authorized under a section 10 permit. However, plant species may be included on the permit in recognition of the conservation benefits provided for them under the Plan. These species would also receive "No Surprises" assurances under the Service's "No Surprises" regulation (63 FR 8859). Collectively, the 20 listed and unlisted species are referred to as the "covered species" in the Plan.

The Applicant proposes to address potential impacts of the operation, maintenance, and use of the California Aqueduct right-of-way and pumping plants within the San Joaquin Field Division. The Plan would cover the following activities: (1) Operation and maintenance activities (maintenance of embankments, roads, drainage and drainage structures, fences, and buildings and grounds; dredging and spoils removal; installation, monitoring and maintenance of observation wells; maintenance of turnout facilities, utilities and recreational facilities; and minor new construction); and (2) establishment and management of conservation areas to compensate for impacts on covered species habitat. Project activities would result in 360 acres of permanent habitat loss to covered species habitat and 935 acres of temporary impacts to covered species habitat.

The Applicant proposes to implement specific on-site measures to avoid and minimize take and associated adverse project impacts to covered species. Additionally, the Applicant proposes to mitigate for take of covered species by conserving approximately 567 acres of land located at three of their pumping plants within the Plan area.