

DEPARTMENT OF HOMELAND SECURITY**Federal Emergency Management Agency****[FEMA-1780-DR]****Texas; Amendment No. 2 to Notice of a Major Disaster Declaration****AGENCY:** Federal Emergency Management Agency, DHS.**ACTION:** Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Texas (FEMA-1780-DR), dated July 24, 2008, and related determinations.

DATES: *Effective Date:* August 1, 2008.

FOR FURTHER INFORMATION CONTACT: Peggy Miller, Disaster Assistance Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-3886.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective August 1, 2008.

(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; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

R. David Paulison,

Administrator, Federal Emergency Management Agency.

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environmental assessment; request for comments.

SUMMARY: This notice advises that the U.S. Fish and Wildlife Service (Service) intends to gather information necessary to prepare a Comprehensive Conservation Plan (CCP) and associated environmental documents for the Benton Lake National Wildlife Refuge Complex (Complex) in Montana, which includes the Benton Lake National Wildlife Refuge (NWR), Lost Trail NWR, Blackfoot Valley Wildlife Management Area, Rocky Mountain Front Conservation Area, Benton Lake Wetland Management District (WMD), Swan River NWR, and the Northwest Montana Flathead County WMD.

The Service is furnishing this notice in compliance with Service CCP policy to advise other agencies and the public of its intentions, and to obtain suggestions and information on the scope of issues to be considered in the planning process.

DATES: Written comments must be received by September 17, 2008.

ADDRESSES: Comments and requests for more information regarding the Benton Lake NWR Complex should be sent to Toni Griffin, Planning Team Leader, Division of Refuge Planning, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225.

FOR FURTHER INFORMATION CONTACT: Toni Griffin, 303-236-4378, or John Esperance, Chief, Branch of Comprehensive Conservation Planning at 303-236-4369.

SUPPLEMENTARY INFORMATION: The Service has initiated the CCP for the Benton Lake NWR Complex with headquarters in Great Falls, Montana.

Each unit of the National Wildlife Refuge System has specific purposes for which it was established and for which legislation was enacted. Those purposes are used to develop and prioritize management goals and objectives within the National Wildlife Refuge System mission, and to guide which public uses will occur on the Complex. The planning process is a way for the Service and the public to evaluate management goals and objectives for the best possible conservation efforts of this important wildlife habitat, while providing for wildlife-dependent recreation opportunities that are compatible with the Complex's establishing purposes and the mission of the National Wildlife Refuge System.

The Service will conduct a comprehensive conservation planning process that will provide opportunity for Federal, Tribal, State, and local governments; agencies; organizations;

and the public to participate in issue scoping and public comment. The Service is requesting input for issues, concerns, ideas, and suggestions for the future management of the Complex. Anyone interested in providing input is invited to respond to the following two questions.

(1) What problems or issues do you want to see addressed in the CCP?

(2) What improvements would you recommend for the Benton Lake NWR Complex?

The Service has provided the above questions for your optional use; you are not required to provide information to the Service. The Planning Team developed these questions to facilitate finding out more information about individual issues and ideas concerning the Complex. Comments received by the Planning Team will be used as part of the planning process; individual comments will not be referenced in our reports or directly responded to.

An opportunity will be given to the public to provide input at a public meeting to scope issues and concerns (schedule can be obtained from the Planning Team Leader at the above address). Comments may also be submitted anytime during the planning process by writing to the above address. All information provided voluntarily by mail, phone, or at public meetings becomes part of the official public record (i.e., names, addresses, letters of comment, input recorded during meetings). If requested under the Freedom of Information Act by a private citizen or organization, the Service may provide informational copies.

The environmental review of this project will be conducted in accordance with the requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*); NEPA Regulations (40 CFR 1500-1508); other appropriate Federal laws and regulations; and Service policies and procedures for compliance with those regulations. All comments received from individuals on Service Environmental Assessments and Environmental Impact Statements become part of the official public record. Requests for such comments will be handled in accordance with the Freedom of Information Act, NEPA (40 CFR 1506.6(f)), and other Departmental and Service policies and procedures. When requested, the Service generally will provide comment letters with the names and addresses of the individuals who wrote the comments. However, the telephone number of the commenting individual will not be provided in response to such requests to the extent permissible by law. Additionally, public

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****[FWS-R6-R-2008-N0113; 60138-1265-6CCP-S3]****Benton Lake National Wildlife Refuge Complex, MT****AGENCY:** Fish and Wildlife Service, Interior.**ACTION:** Notice of intent to prepare a comprehensive conservation plan and

comment letters are not required to contain the commentator's name, address, or any other identifying information. Such comments may be submitted anonymously to the Service.

Date: May 15, 2008.

Gary G. Mowad,
Acting Regional Director.

Editorial Note: This document was received in the Office of the Federal Register on August 13, 2008.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS-R8-ES-2008-N0193; 1112-0000-81440-F2]

Receipt of an Application for an Incidental Take Permit for the Santa Cruz Gardens Low-Effect Habitat Conservation Plan, Santa Cruz County, CA

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: Porter-Livingston Development, Inc., a California-based corporation, and O'Hara-Balfour LP, a California Limited Partnership, (Applicants), have applied to the U.S. Fish and Wildlife Service (Service or "we") for an incidental take permit (permit) pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). We are considering issuing a 10-year permit to the Applicants that would authorize take of the federally endangered Ohlone tiger beetle (*Cicindela ohlone*) incidental to otherwise lawful activities associated with the construction of nine new single-family residences on 2.96 acres of a 58.5-acre property in Aptos, Santa Cruz County, California. Effects from covered activities on, and conservation measures for, the federally threatened Santa Cruz tarplant (*Holocarpha macradenia*) and the non-listed Gairdner's yampah (*Perideridia gairdneri* ssp. *gairdneri*) are also being considered.

We are requesting comments on the permit application and on our preliminary determination that the proposed Habitat Conservation Plan (HCP) qualifies as a "low-effect" HCP, eligible for a categorical exclusion under the National Environmental Policy Act of 1969, as amended. We explain the basis for this possible determination in a draft Environmental Action Statement (EAS) and associated Low Effect

Screening Form. The Applicants' low effect HCP describes the mitigation and minimization measures they would implement, as required in section 10(a)(2)(B) of the Act, to address the effects of the project on the Ohlone tiger beetle, Santa Cruz tarplant, and Gairdner's yampah. These measures are outlined in the **SUPPLEMENTARY INFORMATION** section below. The draft HCP and EAS are available for public review.

DATES: Written comments should be received on or before September 17, 2008.

ADDRESSES: Please address written comments to Diane Noda, Field Supervisor, Ventura Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2493 Portola Road, Ventura, California 93003. You may also send comments by facsimile to (805) 644-3958. To obtain copies of draft documents, see "Availability of Documents" under **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Douglass Cooper, Fish and Wildlife Biologist, (see **ADDRESSES**) telephone: (805) 644-1766, extension 272.

SUPPLEMENTARY INFORMATION:

Availability of Documents

You may obtain copies of the application, HCP, and EAS by contacting the Fish and Wildlife Biologist (see **FOR FURTHER INFORMATION CONTACT**). Documents will also be available for review by appointment, during normal business hours, at the Ventura Fish and Wildlife Office (see **ADDRESSES**) or via the Internet at: <http://www.fws.gov/ventura>.

Background

Section 9 of the Act and Federal regulation prohibit the "take" of fish or wildlife species listed as endangered or threatened, respectively. Take of listed fish or wildlife is defined under the Act to mean to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. However, the Service, under limited circumstances, may 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 threatened and endangered species are found at 50 CFR 17.32 and 17.22, respectively. The taking prohibitions of the Act do not apply to federally listed plants on private lands unless such take would violate State law. Among other criteria, issuance of such permits must not jeopardize the existence of federally listed fish, wildlife, or plants.

The Applicant owns 58.5 acres of property (Santa Cruz Gardens) that includes coastal terrace prairie, mixed grassland, non-native grassland, coastal scrub, coast live oak woodland, and riparian habitats. The project site is located in the Live Oak Planning Area, an unincorporated part of Santa Cruz County, north of the town of Soquel. Santa Cruz Gardens is situated approximately one-third of a mile north of Soquel Avenue and west of Rodeo Gulch Road. The property is bounded (approximately) by the terminus of Benson Avenue, Tiffany Court, and residential areas to the south; Thurber Lane to the west; Winkle Avenue and undeveloped lands to the north; and Rodeo Gulch Road to the east. Currently, the project site is undeveloped, but ranching, including grazing horses and/or livestock, previously occurred there. Existing surrounding land uses include single-family homes to the north and south, and commercial and higher-density multi-family housing to the south along Soquel Drive. Lower-density residential is located east of the site along Rodeo Gulch and across Thurber Lane to the west. The Applicant proposes to construct nine single-family residences, which include the footprints of the homes and associated access roads, driveways, sidewalks, and underground utilities on 2.96 acres of land. Development of this portion of the project site will result in the loss of approximately 1.24 acres of coastal prairie, 0.87 acre of mixed grassland-scrub mosaic, 0.65 acre of coast live oak woodland and eucalyptus groves, and 0.2 acre of an existing emergency access road.

The Applicant proposes to implement the following measures to minimize and mitigate take of the Ohlone tiger beetle and effects to the Santa Cruz tarplant and Gairdner's yampah, including: Preserve (under a conservation easement), manage, and monitor a 9.3-acre coastal prairie/grassland management area for the benefit of the Ohlone tiger beetle, Santa Cruz tarplant, and Gairdner's yampah; hire a Service-approved monitor and biologist; implement a construction worker education program; ensure monitoring of all grading, clearing, and other ground disturbing activities; mark construction area boundaries; construct drift fencing around the construction area; control trash accumulation and install covered trash receptacles; remove invasive, nonnative plant species; construct signs; use best management practices; and implement other minimization measures. The