

**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****Emergency Exemption: Issuance****Endangered Species**

On December 27, 2001, the U.S. Fish and Wildlife Service (Service) issued a permit (PRT-051290) to Conservation International/IUCN Turtle Survival Alliance, Aiken, South Carolina, to import five river terrapin (*Batagur baska*) from Kadoorie Farms and Botanic Gardens, Tai Po, New Territories, Hong Kong. The 30-day comment period required by Section 10(c) of the Endangered Species Act was waived. The Service determined that an emergency affecting the health and life of these terrapins existed, and that no reasonable alternative was available to the applicant for several reasons.

The terrapins were part of a seizure by the Agriculture, Fisheries and Conservation Department in Hong Kong, which took place on December 11, 2001. The seizure which included 12 different Asian species totaling 10,000 live turtles, were concealed in four 20-foot containers. The confiscated turtles were smuggled to Macau by air from Singapore, and then shipped to China. The shipment was destined for the illegal food trade. The river terrapin was the only species listed as Appendix I under the Convention on International Trade in Endangered Species (CITES) and classified as endangered under the U.S. Endangered Species Act (ESA). The balance of the shipment was comprised of three species that were listed as Appendix II under CITES, and the remaining eight species that were not CITES or ESA listed.

Because the exact origin of these specimens was not known, and based on information showing an increasing market demand for turtles in South China that poses a severe threat to wild turtle populations in Asian, returning these specimens to their natal country of origin and/or their possible release back into the wild was not an option. The terrapins were shipped in very poor conditions which also put their immediate health in question. The IUCN Turtle Survival Alliance is planning to establish viable assurance colonies of this species to allow the opportunity for later repatriation of the species to protected areas within the range states, once these areas become established.

The U.S. Fish and Wildlife Service has information collection approval from OMB through March 31, 2004, OMB Control Number 1018-0093. Federal Agencies may not conduct or sponsor and a person is not required to

respond to a collection of information unless it displays a current valid OMB control number.

Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents within 30 days of the date of publication of this notice to: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203, telephone 703/358-2104 or fax 703/358-2281.

Dated: January 11, 2002.

**Timothy J. Van Norman,**

Chief, Branch of Permits (International),  
Division of Management Authority.

[FR Doc. 02-1877 Filed 1-24-02; 8:45 am]

**BILLING CODE 4310-55-P**

**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****Notice of Receipt of Applications for Permit****Endangered Species**

The public is invited to comment on the following application(s) for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*). Written data, comments, or requests for copies of these complete applications should be submitted to the Director (address below) and must be received within 30 days of the date of this notice.

**PRT-051952**

*Applicant:* Samuel M. Dollyhigh,  
Newport News, VA.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa for the purpose of enhancement of the survival of the species.

**PRT-051994**

*Applicant:* Thomas Henry Baird,  
Bowling Green, KY.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa,

for the purpose of enhancement of the survival of the species.

**PRT-050691**

*Applicant:* Underwater World Guam,  
Tumon, Guam.

The applicant requests a permit to import 0.0.2 captive held Hawksbill sea turtle (*Eretmochelys imbricata*) as well as 0.0.2 captive held green sea turtle (*Chelonia mydas*) currently at Underwater World Singapore, Sentosa, Singapore for the purpose of enhancement of the species through conservation education and support of on-going scientific research.

**PRT-724540**

*Applicant:* Archie Carr Center for Sea Turtle Research, University of Florida,  
Gainesville, FL.

The applicant requests re-issuance of a permit to import biological samples collected from wild, captive held, and/or captive hatched leatherback sea turtle (*Dermochelys coriacea*), hawksbill sea turtle (*Eretmochelys imbricata*), green sea turtle (*Chelonia mydas*), kemp's ridley sea turtle (*Lepidochelys kempii*), and olive ridley sea turtle (*L. olivacea*) for the purpose of scientific research. Samples are to be collected from live or salvaged specimens. This notification covers activities conducted by the applicant over a five year period.

**PRT-051712**

*Applicant:* Melanie Culver, Virginia Polytechnic Institute & State University, Blacksburg, VA.

The applicant requests a permit to import biological samples from wild specimens of Madagascar fish eagle (*Haliaeetus vociferoides*) from Ruth Tingay, University of Nottingham, United Kingdom, for scientific research.

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Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents within 30 days of the date of publication of this notice to: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203, telephone 703/358-2104 or fax 703/358-2281.

Dated: January 11, 2002.

**Michael S. Moore,**

Senior Permit Biologist, Branch of Permits,  
Division of Management Authority.

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BILLING CODE 4310-55-P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Moorpark Highlands Habitat Conservation Plan, Ventura County, CA

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

**ACTION:** Notice of availability.

**SUMMARY:** Morrison-Fountainwood-Agoura (Applicant) has applied to the Fish and Wildlife Service (Service) for an incidental take permit (Permit) pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended. The Service proposes to issue a Permit to the applicant for a period of 10 years that would authorize take of the coastal California gnatcatcher (*Poliophtila californica californica*) incidental to otherwise lawful activities at the northern terminus of Spring Road, Moorpark, California. Activities covered by the requested Permit and addressed by the proposed Plan include the construction and occupation of 570 residential units and appurtenant infrastructure on a 445-acre site north of the City of Moorpark, Ventura County, California.

The Service requests comment from the public on the application and Environmental Assessment which are available for review. The application includes the proposed Habitat Conservation Plan (HCP) and an accompanying Implementing Agreement (legal contract). The HCP describes the proposed project and the measures that the Applicant would undertake to minimize and mitigate take of the coastal California gnatcatcher.

This notice is provided pursuant to section 10(a) of the Endangered Species Act and National Environmental Policy Act regulations (40 CFR 1506.6). All comments received, including names and addresses, will become part of the administrative record and may be made available to the public.

**DATES:** Written comments must be received no later than March 26, 2002.

**ADDRESSES:** Written comments should be addressed to Diane Noda, Field Supervisor, Ventura Fish and Wildlife Office, 2493 Portola Road, Ventura, California 93003. Comments may also be sent by facsimile to (805) 644-3958.

**FOR FURTHER INFORMATION CONTACT:** Rick Farris, Fish and Wildlife Biologist, at the above address or by calling (805) 644-1766.

#### SUPPLEMENTARY INFORMATION:

##### Document Availability

You may obtain copies of these documents by contacting the Ventura Fish and Wildlife Office at the above address and telephone number. Documents also will be available for public inspection, by appointment, during normal business hours at the Ventura Fish and Wildlife Office.

##### Background Information

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 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 Applicant has proposed to construct 570 residential units and appurtenant infrastructure on a 445-acre site. The project site is located at the northern terminus of Spring Road, north of the city of Moorpark, Ventura County, California. Typical land uses in the area surrounding the project site include agriculture, residential development, commercial buildings, and undeveloped shrublands. Biologists surveyed the project site for special-status plants and wildlife in 1996, 1997, and periodically between 1998 and 2001. Based on these surveys, the Service concluded that the project may result in the take of two pairs of the threatened coastal California gnatcatcher.

The Applicant proposes to implement numerous measures to minimize and mitigate take of the coastal California gnatcatchers. These measures include: (1) Purchase of mitigation credits equivalent to the territories of two pairs at a mitigation bank; (2) placement into permanent open space 94 acres of the site as the Habitat Conservation Plan Conservation Area; (3) creation and implementation of a habitat enhancement program to preserve and improve habitat values within the conservation area; (4) establishment of a non-wasting endowment for funding of the habitat maintenance program; (5)

controlling human access into the conservation area; (6) construction of the Spring Road extension to minimize impacts to habitat and the coastal California gnatcatcher; and (7) revegetation of disturbed areas with coastal sage scrub plant species. Other measures are defined in the Plan and implementing agreement.

The Environmental Assessment considers the environmental consequences of three alternatives in addition to the Proposed Project Alternative. The Proposed Project Alternative consists of the issuance of an incidental take permit and implementation of the Plan and its Implementing Agreement, which include measures to minimize and mitigate impacts of the project to the coastal California gnatcatcher. Under the No Action Project Alternative, the Permit would not be issued and no take of the coastal California gnatcatcher would occur. The Reduced Intensity Alternative would decrease the total number of dwelling units; however impacts to the coastal California gnatcatcher would be the same and the project would become economically infeasible. The No Development Alternative would still involve the construction of the Spring Road extension by the City of Moorpark and the loss of one pair of coastal California gnatcatchers; however, the second pair would not be taken because the residential development would not be built. Because the applicant would not be involved, it would suffer economic loss, and the City of Moorpark would have to apply for the Permit. In a single alternative, the EA also examines several variations on the proposed Spring Road alignment. All but the preferred alignment are deemed infeasible due to topography, circulation needs, fire department regulations, and impacts to the coastal California gnatcatcher.

This notice is provided pursuant to section 10(a) of the Act and regulations implementing the National Environmental Policy Act of 1969 (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 the National Environmental Policy Act regulations and section 10(a) of the Act. If it is determined that the requirements are met, a permit will be issued to the Applicant for the incidental take of the coastal California gnatcatcher. The final permit decision will be made no sooner than 60 days from the date of this notice.