

species (9 plant, 26 animal), including 3 proposed species that occur within the NCCP/HCP area. The NCCP/HCP proposes to conserve all 35 species according to standards required for listed species under the Act. Unlisted covered species would be named on the permits with delayed effective dates. Barring unforeseen circumstances, incidental take of the unlisted covered species would be authorized upon their listing under the Act. Concurrent with the proposed issuance of the Federal permits, the California Department of Fish and Game proposes to issue management authorizations for the 42 species under section 2081 of the California Endangered Species Act.

Although the NCCP has focused on coastal sage scrub (CSS) habitat, in keeping with the legislative intent of the California NCCP Act of 1991 to protect multiple habitat types, the applicants propose to protect 4 additional habitat types to the extent that no additional mitigation or compensation would be required of participating landowners should any species dependent on these habitats be listed during the 75-year permit. These habitat types are: oak woodlands, Tecate cypress forest, cliff and rock, and chaparral (coastal subarea only). Should any species dependent on these habitats be listed, the 10(a)(1)(B) permits would become effective as described above.

Federal approval of the NCCP/HCP is required as part of the special 4(d) rule for the coastal California gnatcatcher (58 FR 65088). Incidental take of the gnatcatcher is allowed under section 4(d) of the Act if take results from activities conducted pursuant to the NCCP Act, NCCP Process Guidelines, and NCCP Southern California Coastal Sage Scrub Conservation Guidelines.

An EIS/EIR has been prepared in order for the Service to comply with the National Environmental Policy Act (NEPA) and for the County and cities to comply with the California Environmental Quality Act (CEQA). The EIS/EIR evaluates the effects on the human environment of the proposed action: issuance of incidental take permits and management authorizations, and approval of the NCCP/HCP and IA. This notice is provided pursuant to section 10(c) of the Act and NEPA regulations (40 CFR 1506.6).

Comments are requested on the NCCP/HCP, IA, and EIS/EIR. 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 on the permit application and EIS/EIR should be received on or before January 29, 1996.

ADDRESSES: Comments should be addressed to Mr. Gail C. Kobetich, Field Supervisor, U.S. Fish and Wildlife Service, 2730 Loker Avenue West, Carlsbad, California 92008; facsimile 619-431-9618.

FOR FURTHER INFORMATION CONTACT: Ms. Linda R. Dawes, Ph.D., Fish and Wildlife Biologist, at the above address (619-431-9440), or Mr. Tim Neely, Planning and Zoning Administrator, Orange County Environmental Management Agency (714-834-2252).

SUPPLEMENTARY INFORMATION:

Availability of Documents

Individuals wishing copies of the application and EIS/EIR for review should immediately call Dr. Dawes or Mr. Neely at the above telephone numbers. These documents will be available for public inspection at local libraries and at the above offices, by appointment, during normal business hours. Please call Mr. Neely for a list of libraries housing the documents.

Background

The "take" of threatened and endangered species is prohibited under section 9 of the Act and its implementing regulations. Take is defined, in part, as killing, harming, or harassing listed species, including significant habitat modification that results in death of or injury to listed species. Under limited circumstances, the Service may issue permits to take listed species if such taking is incidental to otherwise lawful activities. Regulations governing permits are found at Title 50 Code of Federal Regulations 17.22 and 17.32.

The NCCP/HCP subregional planning area covers 208,000 acres, with 104,000 acres remaining as natural lands which are subject to intense development pressure. Exclusive of the Cleveland National Forest, the subregion contains 30,833 acres of CSS supporting approximately 600 pairs of California gnatcatchers. The NCCP/HCP proposes the conversion of 7,395 acres (24%) of CSS habitat which could result in incidental take of approximately 109 pairs of California gnatcatchers by participating landowners. This level of take is considered fully mitigated by the NCCP/HCP. Twenty additional pairs of gnatcatchers potentially may be taken by non-participating landowners. These landowners would have the option of paying a mitigation fee, or undertaking an individual HCP or Section 7 consultation under the Act.

As mitigation for the proposed incidental take, the applicants propose the establishment of a 38,738-acre reserve, including 12 of 13 major vegetative communities present within the subregion. The reserve would contain more than 18,800 acres of CSS, 7,300 acres of chaparral, 6,100 acres of grasslands, 1,800 acres of riparian habitat, 950 acres of woodland, and 200 acres of forest. The NCCP/HCP contains a comprehensive management plan including, but not limited to, fire management, grazing management, management of recreation and public access, and habitat restoration. The foregoing actions would be funded through the creation by participating landowners of an endowment in excess of \$10.6 million, and by mitigation fees contributed by non-participating landowners who elect to use this option rather than pursue an individual HCP. Additionally, to supplement the reserve, 3,990 acres would be designated as either special linkage or existing use areas and 3,960 acres would remain as public open space. The application also proposes planning guidelines for the North Ranch area which are protective of the reserve and subregional biodiversity.

Incidental take of other listed species which potentially occur within the subregion would be subject to conditions specific for each species. In general, minor occurrences would be mitigated by habitat enhancement or restoration within the reserve. Occurrences which represent significant conservation value would be handled on a case-by-case basis. No take would be authorized in the North Ranch policy plan area. Specific provisions for the pocket mouse include the creation of a temporary 22-acre reserve on the Dana Point headlands and \$700,000 to study alternative conservation measures.

In compliance with NEPA, the EIS/EIR examines the environmental impacts of issuing the proposed incidental take permit and the effects of implementing the proposed habitat conservation plan and alternative conservation plans. Although dozens of alternative conservation configurations and mechanisms were considered, the EIS/EIR analyzes 4 alternatives in detail, including the proposed action.

All individuals and agencies are urged to comment on the EIS/EIR, NCCP/HCP, and IA. All comments received by the closing date will be considered in finalizing NEPA compliance and permit issuance or denial.