

petitioner did not include any detailed narrative justification for the delisting or provide information regarding the status of the species over all or a significant portion of its range or include any persuasive supporting documentation for the recommended administrative measure to delist *Tuctoria mucronata*. While we have identified two additional populations since we listed the species, these two populations do not meet the recovery plan criteria for downlisting or delisting; in addition, the original population appears to be extirpated. We have found no evidence or data in our files or in the petition that indicates a data error was committed in listing *T. mucronata* or that otherwise supports the petitioned action.

Threats to *Tuctoria mucronata* include alteration of hydrology, excessive livestock grazing, recreational uses, and competition from non-native plants (California Natural Diversity Database 2002). As of 1999, the status of *T. mucronata* is declining (California Department of Fish and Game 2001). Thus, we do not possess any data that suggest *T. mucronata* was listed in error, and the species has not achieved sufficient recovery objectives to be considered for either downlisting to threatened status or delisting.

### Finding

We have reviewed the petition and its supporting documentation, information in our files, and other available information. We find that there is not substantial information indicating that delisting of *Tuctoria mucronata* may be warranted.

### Information Solicited

When we find that there is not substantial information indicating that the petitioned action may be warranted, initiation of a status review is not required by the ESA. However, we regularly assess the status of species listed as threatened or endangered and welcome any information concerning the status of *Tuctoria mucronata*. Submit any information at any time to the Field Supervisor, Sacramento Fish and Wildlife Office (see **ADDRESSES**).

### References Cited

California Department of Fish and Game. 2001. The Status of Rare, Threatened and Endangered Animals and Plants of California. 226 pp  
California Natural Diversity Database. 2002. An electronic database hosted by the California Department of Fish and Game, Habitat Conservation Division, Sacramento California  
U.S. Fish and Wildlife Service. 1985. Delta Green Ground Beetle and

Solano Grass Recovery Plan. U.S. Fish and Wildlife Service, Portland, Oregon. 68 pp.

### Author

The primary author of this document is Ken Fuller, Botanist, Sacramento Fish and Wildlife Office, U.S. Fish and Wildlife Service (see **ADDRESSES** section).

### Authority

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

Dated: February 5, 2003.

Steve Williams,

Director, Fish and Wildlife Service.

[FR Doc. 03-6793 Filed 3-20-03; 8:45 am]

BILLING CODE 4310-55-P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Draft Low Effect Habitat Conservation Plan for the Folsom Professional Centre, Sacramento County, CA

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

**ACTION:** Notice of availability.

**SUMMARY:** Catlin Folsom Crossing, L.P. (the "applicant") has applied to the Fish and Wildlife Service (Service) for a 3-year incidental take permit for one covered species pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The application addresses the potential for "take" of the threatened valley elderberry longhorn beetle (*Desmoncerus californicus dimorphus*) (beetle) associated with construction of a two-story office condominium building within a 5.59-acre undeveloped parcel located on Blue Ravine Road, in Folsom, Sacramento County, California. This project is known as the Folsom Professional Centre. A conservation program to minimize and mitigate for the project activities would be implemented as described in the Folsom Professional Centre Low Effect Habitat Conservation Plan (Plan), which would be implemented by the applicant.

We are requesting comments on the permit application and on the preliminary determination that the Plan qualifies as a "Low-effect" Habitat Conservation Plan, eligible for a categorical exclusion under the National Environmental Policy Act (NEPA) of 1969, as amended. The basis for this determination is discussed in the Environmental Action Statement (EAS),

which is also available for public review.

**DATES:** Written comments should be received on or before April 21, 2003.

**ADDRESSES:** Comments should be addressed to the Field Supervisor, Fish and Wildlife Service, Sacramento Fish and Wildlife Office, 2800 Cottage Way, W-2605, Sacramento, California 95825. Written comments may be sent by facsimile to (916) 414-6711.

**FOR FURTHER INFORMATION CONTACT:** Ms. Vicki Campbell, Chief, Conservation Planning Division, Sacramento Fish and Wildlife Office; telephone: (916) 414-6600.

### SUPPLEMENTARY INFORMATION

#### Availability of Documents

Individuals wishing copies of the application, Plan, and EAS should immediately contact the Service by telephone at (916) 414-6600 or by letter to the Sacramento Fish and Wildlife Office. Copies of the Plan, and EAS also are available for public inspection, during regular business hours, at the Sacramento Fish and Wildlife Office (see **ADDRESSES**); Catlin Properties, 3620 Fair Oaks Blvd., Suite 150, Sacramento, California 95864; and City of Folsom, Planning, Zoning, and Development Department, 50 Natomas Street, Folsom, California 95630-2696.

#### Background Information

Section 9 of the Act and its implementing Federal regulations prohibit the take of animal species listed as endangered or threatened. Take is defined under the Act as harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect listed animal species, or attempt to engage in such conduct (16 U.S.C. 1538). However, under section 10(a) of the Act, we may issue permits to authorize incidental take of listed species. "Incidental take" is defined by the Act as take that is incidental to, and not the purpose of, carrying out an otherwise lawful activity. Regulations governing incidental take permits for threatened and endangered species, respectively, are found in the Code of Federal Regulations at 50 CFR 17.22 and 50 CFR 17.32.

The applicant is seeking a permit for take of the beetle during the life of the permit. This species is referred to as the "covered species" in the Plan.

The project encompasses construction of a two-story office building and parking lot on the 5.59-acre project site. The building would consist of individual condominium office units. The resident elderberry shrubs would be removed to accommodate the new office building and parking lot. The project