

site contains habitat (e.g., elderberry shrubs) for the beetle. Construction of the proposed project would result in the removal of 6 elderberry shrubs, with 24 stems greater than 1-inch diameter at ground level, which have been determined to be habitat for the beetle. One beetle exit hole was found in these six shrubs. The project site does not contain any other rare, threatened, or endangered species or habitat. No critical habitat for any listed species occurs on the project site.

The applicant proposes to minimize and mitigate the effects to the covered species associated with the covered activities by fully implementing their Plan. The purpose of the Plan's conservation program is to promote the biological conservation of the covered species, the beetle. The applicant will minimize and mitigate the impacts of taking the beetle by transplanting the six elderberry shrubs that are currently on the construction site, and purchasing between 6 to 20 credits at a Service approved Conservation Bank. Each credit includes an established ratio of elderberry seedlings and native riparian plant seedlings. The number of credits purchased will be based upon the date that the applicant would transplant the six elderberry shrubs to the Conservation Bank. Transplanting outside of the dormant period for elderberry shrubs, November 16th to February 15th, would increase impacts to the beetle. The adult beetles and larvae have a greater likelihood of being killed or injured as a result of the elderberry shrubs increased risk of mortality due to transplanting during the active growing season. Therefore, if the elderberry shrubs are transplanted during the active growing season, the number of credits purchased by the applicant would be toward the higher end of the 6 to 20 credit range.

The Proposed Action consists of the issuance of an incidental take permit and implementation of the Plan, which includes measures to minimize and mitigate impacts of the project on the beetle. Two alternatives to the taking of listed species under the Proposed Action are considered in the Plan. Under the No Action Alternative, no permit would be issued and the office building and parking lot would not be built. Under the Reduced Take Alternative, the office building and parking lot would be built but the size and scope would be reduced and fewer elderberry shrubs would be transplanted.

We have made a preliminary determination that the Plan qualifies as a "low-effect" plan as defined by the Habitat Conservation Planning

Handbook (November 1996). Determination of Low-effect Habitat Conservation Plans is based on the following three criteria: (1) Implementation of the Plan would result in minor or negligible effects on federally listed, proposed, and candidate species and their habitats; (2) implementation of the Plan would result in minor or negligible effects on other environmental values or resources; and (3) impacts of the Plan, considered together with the impacts of other past, present and reasonably foreseeable similarly situated projects would not result, over time, in cumulative effects to environmental values or resources which would be considered significant. As more fully explained in our EAS, the Plan qualifies as a "low-effect" plan for the following reasons:

1. Approval of the Plan will result in minor or negligible effects on the beetle and its habitat. We do not anticipate significant direct or cumulative effects to the beetle resulting from development of the Folsom Professional Centre.

2. Approval of the Plan will not have adverse effects on unique geographic, historic or cultural sites, or involve unique or unknown environmental risks.

3. Approval of the Plan will not result in any cumulative or growth inducing impacts and, therefore, will not result in significant adverse effects on public health or safety.

4. The project does not require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act, nor does it threaten to violate any Federal, State, local or tribal laws or requirement imposed for the protection of the environment.

5. Approval of the Plan will not establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.

We, therefore, have preliminarily determined that approval of the Plan qualifies as a categorical exclusion under the NEPA, as provided by the Department of the Interior Manual (516 DM 2, Appendix 1 and 516 DM 6, Appendix 1). Based upon this preliminary determination, we do not intend to prepare further NEPA documentation. We will consider public comments in making the final determination on whether to prepare such additional documentation.

We are providing this notice pursuant to section 10(c) of the Act. We will evaluate the permit application, the Plan, and comments submitted thereon to determine whether the application

meets the requirements of section 10(a) of the Act. If the requirements are met, we will issue a permit to Catlin Folsom Crossing, L.P. for the incidental take of the beetle from development of the Folsom Professional Centre. We will make the final permit decision no sooner than 30 days from the date of this notice.

Dated: March 14, 2003.

Ken McDermond,

Deputy Manager, Region 1, California/Nevada Operations Office, Sacramento, California.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Intent To Prepare a Comprehensive Conservation Plan and Associated Environmental Document for Kirwin National Wildlife Refuge in North-central Kansas

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of intent.

SUMMARY: The U.S. Fish and Wildlife Service intends to gather information necessary to prepare a Comprehensive Conservation Plan and associated environmental document for Kirwin National Wildlife Refuge near Phillipsburg, Kansas. The Service is issuing this notice in compliance with its policy to advise other organizations 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 should be received by August 31, 2003.

ADDRESSES: Comments and requests for more information should be sent to: Toni Griffin, Planning Team Leader, P.O. Box 25486, Denver Federal Center, Denver, CO 80225-0486; Fax (303) 236-4792; e-mail toni_griffin@fws.gov.

FOR FURTHER INFORMATION CONTACT: Toni Griffin, Planning Team Leader, P.O. Box 25486, Denver Federal Center, Denver, CO 80225-0486; Fax (303) 236-4792; e-mail toni_griffin@fws.gov.

SUPPLEMENTARY INFORMATION: The Service has initiated comprehensive conservation planning for Kirwin National Wildlife Refuge for the conservation and enhancement of its natural resource. This Refuge, consisting of 10,778 acres is located in the rolling hills and narrow valley of the North Fork of the Solomon River in Phillips county, Kansas.

Kirwin National Refuge was established in 1954 as an overlay project