

announced on September 30, 1999 (64 FR 52676). On September 13, 2002, NMFS issued regulations to allow transfers of certain incidental take permits and enhancement of survival permits associated with SHAs, and CCAAs.

SHAs provide private landowners that undertake voluntary conservation actions on their land assurances that their future land-use activities will not be restricted further as a result of these proactive conservation efforts. If a landowner voluntarily enters into a SHA to manage his or her lands in a manner that attracts endangered or threatened species or otherwise increases their presence, the Safe Harbor assurances guarantee that no additional regulatory requirements for those lands will be imposed on the landowners as a result of the proactive conservation measures. The purpose of the Safe Harbor approach is to reduce the disincentives (e.g., fear of regulatory restrictions) that often cause landowners to avoid or prevent land use practices that would otherwise benefit endangered species.

CCAAs are intended to help conserve proposed, candidate species, and species likely to become candidates by giving non-Federal landowners incentives to implement conservation measures for declining species. The primary incentive for CCAAs is an assurance that no further land, water, or resource use restrictions would be imposed should the species later become listed under the Act.

The second of these two types of permits is the Incidental Take Permit, which is authorized under section 10(a)(1)(B) of the Act. A proposed Incidental Take Permit must be accompanied by a Habitat Conservation Plan (HCP) that shows: (1) The taking will be incidental; (2) the applicants will, to the maximum extent practicable, minimize and mitigate the impacts of such taking; (3) the applicants will ensure that adequate funding for the conservation plan will be provided; (4) the taking will not appreciably reduce the likelihood of survival and recovery of the species in the wild; and (5) such other measures the Services may require as necessary or appropriate for the purposes of the HCP. HCPs can address both listed and currently unlisted species.

Though the names of these three permitting tools are different, the goals are similar, and the strategies for achieving those goals can overlap. Conservation strategies can, therefore, be developed to fulfill SHA, CCAA, and HCP requirements in a single conservation plan.

The Current Proposal

Tom and Sherry Fox, Gary Davis, and Jim and Tricia Murphy, have applied to the Services for Enhancement of Survival Permits and an Incidental Take Permit under sections 10(a)(1)(A) and 10(a)(1)(B), respectively, of the Act. Currently listed species under FWS jurisdiction are addressed in the SHA portion of the Plan for an Enhancement of Survival Permit and include the threatened northern spotted owl (*Strix occidentalis caurina*), marbled murrelet (*Brachyramphus marmoratus*), and bald eagle (*Haliaeetus leucocephalus*).

Currently unlisted species under FWS jurisdiction are addressed in the CCAA portion of the Plan for an Enhancement of Survival Permit and include one species that is a candidate for Federal listing, the Oregon spotted frog (*Rana pretiosa*). Other CCAA species include the coastal cutthroat trout (*Oncorhynchus clarki clarki*), northern goshawk (*Accipiter gentilis*), olive-sided flycatcher (*Contopus borealis*), long-eared myotis (*Myotis evotis*), long-legged myotis (*Myotis volans*), the Pacific Townsend's big-eared bat (*Corynorhinus townsendii*), Van Dyke's salamander (*Plethodon vandykei*), the northwestern pond turtle (*Clemmys marmorata*), great blue heron (*Ardea herodias*), pileated woodpecker (*Dryocopus pileatus*), and osprey (*Pandion haliaetus*).

Both currently listed and unlisted species under NMFS jurisdiction are addressed in the HCP portion of the plan for an incidental take permit and include the threatened Lower Columbia River steelhead (*Oncorhynchus mykiss*), and a Federal candidate species, the Lower Columbia coho salmon (*Oncorhynchus kisutch*).

The Applicants are proposing to manage their timberlands in Lewis County, WA for a period of 80 years under the Plan. The forest management actions proposed by the applicants will maintain long-term economic viability of the forest management operations. This proposal will also provide better habitat conditions for the covered species than managing under current State Forest Practices Regulations. The conservation provided in this 80-year Plan is intended to improve habitat conditions by maintaining and enhancing habitat, minimize the impacts of forest management activities to species addressed in the plan, contribute to the recovery of the species in the wild and, if undertaken by other property owners similarly situated on the landscape, preclude the need to list the unlisted species in the future. Forest management activities are planned to

enhance the health and vigor of the forest, reduce incidence of insect and disease in the forest, and enhance the structural characteristics of the forests to provide functional fish and wildlife habitat for the species addressed in the Plan, and other wildlife species found on the applicants' parcels.

This action would occur in an environment where the lands surrounding the Tagshinney Tree Farm are increasingly being utilized for non-forest management activities. For example, chicken farms, dairy farms and associated pastureland, and housing developments are located within one-half mile of the applicants' parcels. Landowners in Lewis County near the major highways are often solicited to sell their lands for use in developing housing projects. If issued, the Permits would remove the regulatory disincentives associated with providing habitat for listed and declining species. Thus, the Applicants are more likely to keep their property in a forested condition that functions as fish and wildlife habitat, and would be less likely to convert their forest lands to another use such as a housing development.

Permit Evaluation Process

This notice is provided pursuant to section 10(c) of the Act, and National Environmental Policy Act regulations. The Services will evaluate the application, associated documents, and comments submitted thereon to determine whether the application meets the requirements of the Endangered Species Act and National Environmental Policy Act. The criteria by which our decisions will be made are listed and discussed in the draft Plan at sections II(B) Regulatory Planning Environment, and II(E) Proposed Action and Decisions Needed. We ask that commenters focus their comments on the merits of the Plan, the permit issuance requirements, and the Environmental Action Statement which will assist us in our decision of whether to issue the permits or not. Comments on issues other than these will be considered to be beyond the scope of the decision associated with the Plan.

If the Services ultimately determine that the requirements are met, the requested Enhancement of Survival Permits and Incidental Take Permit will be issued. The final permit decisions will be made no sooner than 30 days from the date of this notice.