

DATES: Written comments on possible conservation alternatives and issues to be addressed in the EIS must be received by October 27, 2003.

ADDRESSES: Written comments should be sent to Mr. Steven L. Spangle, Field Supervisor, U.S. Fish and Wildlife Service, 2321 West Royal Palm Road, Suite 103, Phoenix, AZ, 85021. Oral and written comments will also be accepted at the public scoping meeting to be held at the offices of Pima County Public Works, Room C in the Basement, 201 North Stone Avenue, Tucson, Arizona 85701.

Comments, as well as the names and addresses of commentors, may be disclosed under the Freedom of Information Act unless a commentor gives a privacy or other exemption justification.

FOR FURTHER INFORMATION CONTACT: *On the EIS, Contact:* Ms. Sherry Barrett, Assistant Field Supervisor, Tucson Suboffice, U.S. Fish and Wildlife Service, 110 S. Church, Suite 3450, Tucson, AZ, 85701, at 520/670-4617.

For Further Information on the Pima County MSCP Contact: Mr. Paul Fromer, RECON, 1927 Fifth Avenue, Suite 200, San Diego, California 92101-2358 at 619/308-9333. Information on the purpose, membership, meeting schedules, and documents associated with the Pima County MSCP may be obtained on the Internet at <http://www.co.pima.az.us/cmo/sdcp/index.html>.

SUPPLEMENTARY INFORMATION: This notice advises the public that the Service intends to gather information necessary to determine impacts and alternatives for an EIS related to the issuance of an incidental take permit to Pima County, pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act), and the implementation of the Pima County Multi-Species Conservation Plan (MSCP), which will provide measures to minimize and mitigate the effects of the incidental take of federally listed species.

Background

Pima County, Arizona, is home to over 800,000 residents, and the population is expected to reach 1.2 million by the year 2020. The Pima County Board of Supervisors is responsible for the protection of those lands in Pima County that are of environmental, cultural, or historic importance. Given Pima County's rapid growth rate, the Board of Supervisors has recognized the need to balance economic, environmental, and human interests by implementing a regional,

ecosystem-based multi-species conservation program.

In October of 1998, Pima County developed a draft Sonoran Desert Conservation Concept Plan (SDCP). Pima County adopted the SDCP in concept in March 1999 to frame future regional land-use conservation planning and formed an 84-member Steering Committee and numerous technical teams.

Pima County also agreed to pursue an ecosystem-based approach to developing the SDCP for interim and long-term compliance with applicable endangered species and environmental laws and to implement conservation and protection measures for species and habitat covered in the SDCP. In December 2001, the Pima County Board of Supervisors adopted the Pima County Comprehensive Plan Update, which incorporates aspects of the SDCP.

On June 17, 2003, the recommendations of the Steering Committee were presented to the Pima County Board of Supervisors for formulation of the preferred alternative for the MSCP.

Purpose of and Need for Action

The purpose of and need for the proposed Pima County MSCP are: (1) to ensure the long-term survival of the full spectrum of plants and animals that are indigenous to Pima County, through maintaining or improving the habitat conditions and ecosystems necessary for their survival; and (2) to provide the framework for a combination of actions to protect and enhance the natural environment through comprehensive, long-range planning. This will ensure that the County's natural and urban environments can not only coexist, but can also develop an interdependent relationship with one another. This relationship will guide already approved public bond investments and conservation and preservation actions, define Federal program and funding priorities, and establish a regional preference for the expenditure of State funds to preserve and protect State Trust lands threatened by urbanization.

Section 9 of the Act prohibits the "taking" of threatened and endangered species. The Service may, however, under limited circumstances, issue permits that allow the incidental take of federally listed and candidate species, incidental to, and not the purpose of, the carrying out of otherwise lawful activities. Regulations governing permits for endangered and threatened species are at 50 CFR 17.22 and 17.32, respectively. The term "take" under the Act means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture,

or collect, or attempt to engage in any such conduct. Regulations define "harm" as significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering (50 CFR 17.3). The proposed permit would allow approved incidental take that is consistent with the conservation guidelines of the Pima County MSCP.

Section 10(a)(1)(B) of the Act contains provisions for issuing incidental take permits to non-federal entities for the take of endangered and threatened species, provided the following criteria are met:

1. The taking will be incidental;
2. The applicant will, to the maximum extent practicable, minimize and mitigate the impact of such taking;
3. The applicant will ensure that adequate funding for the Plan will be provided;
4. The taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild; and
5. Any other measures that the Service may require as being necessary or appropriate for the purposes of the Plan.

The Pima County MSCP considers the Act's section 10(a)(1)(B) requirements and is consistent with Pima County's larger conservation and land-use vision.

We anticipate that Pima County will request permit coverage for a period of 20 to 50 years. Implementation of the Pima County MSCP will result in the establishment of a conservation lands system that is expected to provide for the conservation of covered species and their habitats in perpetuity. Research and monitoring in combination with adaptive management will be used to facilitate accomplishment of these goals.

Proposed Action

The proposed action is the issuance of an incidental take permit for listed and sensitive species in Pima County, pursuant to section 10(a)(1)(B) of the Act. Pima County will develop and implement the Pima County MSCP, which will serve as a habitat conservation plan, as required by section 10(a)(2)(A) of the Act. The Pima County MSCP will provide measures to minimize and mitigate the effects of the taking on listed and sensitive species and their habitats. The biological goal of the Pima County MSCP is to ensure the long-term survival of the full spectrum of plants and animals that are indigenous to Pima County through maintaining or improving the habitat conditions and ecosystem functions