

defines the term “take” as: to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect listed species, or to attempt to engage in such conduct (16 U.S.C. 1532). Harm includes significant habitat modification or degradation that actually kills or injures listed wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, and sheltering [50 CFR 17.3(c)]. Pursuant to section 10(a)(1)(B) of the Act, the Service may issue permits to authorize “incidental take” of listed animal 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 permits for threatened species and endangered species, respectively, are at 50 CFR 17.32 and 50 CFR 17.22. All species included on an incidental take permit would receive assurances under the Service’s “No Surprises” regulation [50 CFR 17.22(b)(5) and 17.32(b)(5)].

Species proposed for coverage in the HCP are species that are currently listed as federally threatened or endangered or have the potential to become listed during the life of this MSHCP and have some likelihood to occur within the project area. Should any of the unlisted covered wildlife species become listed under the Act during the term of the permit, take authorization for those species would become effective upon listing. Six plant species and 28 animal species are known to occur within the area and are proposed to be covered by the MSHCP. Species may be added to or deleted from the list of proposed covered species during the course of the development of the MSHCP based on further analysis, new information, agency consultation, and public comment. Currently, the MSHCP would include the following federally listed animal species: California condor (*Gymnogyps californianus*), least Bell’s vireo (*Vireo bellii pusillus*), southwestern willow flycatcher (*Empidonax traillii extimus*), Valley elderberry longhorn beetle (*Democerus californicus dimorphus*), and Western yellow-billed cuckoo (*Coccyzus americanus occidentalis*). The MSHCP would also include the following State listed and unlisted species: Tehachapi slender salamander (*Batrachoseps stebbinsi*), bald eagle (*Haliaeetus leucocephalus*), American peregrine falcon (*Falco peregrines anatum*), little willow flycatcher (*Empidonax traillii brewsteri*), golden eagle (*Aquila chrysaetos*), white-tailed kite (*Elanus leucorox*), ringtail (*Bassariscus astutus*), tricolored blackbird (*Agelaius tricolor*), California spotted owl (*Strix*

*occidentalis occidentalis*), Tehachapi pocket mouse (*Perognathus alticolus inexpectatus*), burrowing owl (*Athene cunicularia*), yellow-blotched salamander (*Ensatina eschscholtzi croceater*), western spadefoot (*Spea hammondi*), purple martin (*Progne subis*), northern goshawk (*Accipiter gentilis*), coast horned lizard (frontale and blainvilli populations) (*Phrynosoma coronatum*), Cooper’s hawk (*Accipiter cooperii*), yellow-breasted chat (*Icteria virens*), prairie falcon (*Falco mexicanus*), northern harrier (*Circus cyaneus*), long-eared owl (*Asio otus*), two-striped garter snake (*Thamnophis hammondi*), round-leaved filaree (*Erodium macrophyllum*), Fort Tejon woolly sunflower (*Eriophyllum lanatum* var. *hallii*), Kusche’s sandwort (*Amenaria macradenia* var. *kuschei*), Tehachapi buckwheat (*Eriogonum callistum*), American badger (*Taxidea taxus*), striped adobe lily (*Fritillaria striata*), and Tejon poppy (*Eschscholzia lemmonii* ssp. *Kernensis*).

Activities proposed to be covered by the MSHCP include limited private development; livestock grazing and range management; film production; maintenance and construction of underground utilities; recreation with the exception of hunting; existing commercial and residential improvements; farming and irrigation systems; repair, maintenance, and use of roads; and existing mineral extraction facilities. The MSHCP would not cover hunting, nor would it cover the lethal take of California condors. The MSHCP will propose a conservation strategy to minimize and mitigate to the maximum extent possible any impacts that would occur to covered species as the result of the covered activities.

#### Environmental Impact Statement

The EIS will consider the proposed action (i.e., the issuance of a section 10(a)(1)(B) permit under the Act), no action (no section 10 permit), and a reasonable range of alternatives. A detailed description of the proposed action and alternatives will be included in the EIS. The EIS will also identify potentially significant impacts on biological resources, land use, air quality, water resources, transportation, and other environmental resource issues that could occur directly or indirectly with implementation of the proposed action and alternatives. Different strategies for avoiding, minimizing, and mitigating the impacts of incidental take may also be considered.

Environmental review of the EIS will be conducted in accordance with the requirements of NEPA (42 U.S.C. 4321 et seq.), its implementing regulations

(40 CFR parts 1500–1508), other applicable regulations, and Service procedures for compliance with those regulations. This notice is being furnished in accordance with 40 CFR Section 1501.7 and 1508.22 to obtain suggestions and information from other agencies and the public on the scope of issues and alternatives to be addressed in the EIS. The primary purpose of the scoping process is to identify important issues raised by the public related to the proposed action. Written comments from interested parties are invited to ensure that the full range of issues related to the permit application is identified. Comments will only be accepted in written form. All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public.

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: May 29, 2008.

#### Ken McDermond,

Deputy Regional Director, California Nevada Region, Sacramento, California.

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS–R9–IRTM–2008–N0095; 90250–1660–6050–9Z]

#### Privacy Act of 1974; Amendments to Existing Systems of Records

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

**ACTION:** Proposed amendment of existing Privacy Act systems of records.

**SUMMARY:** In accordance with the Privacy Act of 1974 (5 U.S.C. 552a), the U.S. Fish and Wildlife Service of the Department of the Interior is issuing public notice of its intent to amend 19 existing Privacy Act systems of records notices to add a new routine use to authorize the disclosure of records to individuals involved in responding to a breach of Federal data.

**DATES:** Comments must be received by July 14, 2008. The notice will be

effective as proposed at the end of the comment period unless comments are received which would require a contrary determination. The Department will publish a revised notice if changes are made based upon a review of comments received.

**ADDRESSES:** Any persons interested in commenting on these proposed amendments may do so by submitting comments in writing to the U.S. Fish and Wildlife Service Privacy Act Officer, Johnny R. Hunt, 4401 North Fairfax Drive, Division of Information and Resources Technology Management, MS-380, Arlington Square Building, 4401 North Fairfax Drive, Arlington, VA 22203, or by e-mail to [Johnny\\_Hunt@fws.gov](mailto:Johnny_Hunt@fws.gov).

**FOR FURTHER INFORMATION CONTACT:** U.S. Fish and Wildlife Service Privacy Act Officer, Johnny R. Hunt, 4401 North Fairfax Drive, Division of Information and Resources Technology Management, MS-380, Arlington Square Building, 4401 North Fairfax Drive, Arlington, VA 22203, or by e-mail to [Johnny\\_Hunt@fws.gov](mailto:Johnny_Hunt@fws.gov).

**SUPPLEMENTARY INFORMATION:** On May 22, 2007, in a memorandum for the heads of Executive Departments and Agencies entitled "Safeguarding Against and Responding to the Breach of Personally Identifiable Information," the Office of Management and Budget directed agencies to develop and publish a routine use for disclosure of information in connection with response and remedial efforts in the event of a data breach. This routine use will serve to protect the interests of the individuals, whose information is at issue by allowing agencies to take appropriate steps to facilitate a timely and effective response to the breach, thereby improving the agency's ability to prevent, minimize, or remedy any harm resulting from a compromise of data maintained in its systems of records. Accordingly, the Fish and Wildlife Service of the Department of the Interior is proposing to add a new routine use to authorize disclosure to appropriate agencies, entities, and persons of information maintained in the following systems in the event of a data breach. These amendments will be effective as proposed at the end of the comment period unless comments are received that would require a contrary determination. We will publish a

revised notice if changes are made based upon a review of comments received.

**Johnny R. Hunt,**  
*U.S. Fish and Wildlife Service Privacy Act Officer.*

**SYSTEM NAMES:**

Interior, FWS-3: "Security File", (Published March 24, 1981, 46 FR 18368).

Interior, FWS-4: "Tort Claim Records", (Published December 6, 1983, 48 FR 54715).

Interior, FWS-5: "National Wildlife Special Use Permits", (Published December 6, 1983, 48 FR 54716).

Interior, FWS-6: "Hunting and Fishing Survey Records", (Published March 24, 1981, 46 FR 18370).

Interior, FWS-7: "Water Development Project and/or Effluent Discharge Permit Application", (Published March 24, 1981, 46 FR 18370-18371).

Interior, FWS-10: "National Fish Hatchery Special Use Permits", (Published December 6, 1983, 48 FR 54717).

Interior, FWS-11: "Real Property Records", (Published December 6, 1983, 48 FR 54717).

Interior, FWS-13: "North American Breeding Bird Survey", (Published April 11, 1977, 42 FR 19086).

Interior, FWS-17: "Diagnostic—Extension Service Records", (Published April 11, 1977, 42 FR 19088).

Interior, FWS-19: "Endangered Species License System", (Published December 6, 1983, 48 FR 54718).

Interior, FWS-20: "Investigative Case File System", (Published December 6, 1983, 48 FR 54719).

Interior, FWS 21: "Permits System", (Published September 4, 2003, 68 FR 52610-52612).

Interior, FWS 22: "U.S. Deputy Game Warden", (Published March 24, 1981, 46 FR 18375).

Interior, FWS 23: "Motor Vehicle Permit Log", (Published March 24, 1981, 46 FR 18376).

Interior, FWS 25: "Contract and Procurement Records", (Published December 6, 1983, 48 FR 54721).

Interior, FWS 26: "Migratory Bird Population and Harvest Systems", (Published March 24, 1981, 46 FR 18378).

Interior, FWS 27: "Correspondence Control System", (Published April 11, 1977, 42 FR 19092).

Interior, FWS 30: "Marine Mammals Management, Marking, Tagging and Reporting Program", (Published August 5, 1993, 58 FR 41803).

Interior, FWS 34: "National Conservation Training Center Training Server System", (Published April 11, 2002, 67 FR 17711).

**NEW ROUTINE USE:**

Disclosures outside the Department of the Interior may be made:

To appropriate agencies, entities, and persons when:

(a) It is suspected or confirmed that the security or confidentiality of information in the system of records has been compromised; and

(b) The Department has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Department or another agency or entity) that rely upon the compromised information; and

(c) The disclosure is made to such agencies, entities, and persons who are reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

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**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**[FWS-R6-ES-2008-N0097; 60120-1113-0000-D2]**

**Receipt of Application of Endangered Species Recovery Permits**

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

**ACTION:** Notice of availability and receipt of applications.

**SUMMARY:** We announce our receipt of applications to conduct certain activities pertaining to enhancement of survival of endangered species.

**DATES:** Written comments on this request for a permit must be received by July 7, 2008.

**ADDRESSES:** Written data or comments should be submitted to the Assistant Regional Director, Fisheries—Ecological Services, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225-0486; facsimile 303-236-0027. Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act [5 U.S.C. 552A] and Freedom of Information Act [5 U.S.C. 552], by any party who submits a request for a copy of such documents within 30 days of the date of publication of this notice to Kris Olsen, by mail or by telephone at 303-236-4256. All