



**Billing Code 4333–15**

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**[FWS–R8–ES–2016–N001; FXES1112080000–167–FF08EVEN00]**

**Receipt of Application for Renewal of Incidental Take Permit for Ohlone Tiger Beetle; Low-Effect Habitat Conservation Plan for the Santa Cruz Gardens Unit 12 Project Site; Soquel, Santa Cruz County, California**

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

**ACTION:** Notice of receipt of permit renewal application; request for comments.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), have received an application from HPH Properties, L.P. (applicant), for a renewal of incidental take permit TE189382-1 under the Endangered Species Act of 1973, as amended (Act). The applicant has requested a renewal that will extend permit expiration by 6 years from the date the permit is reissued. The applicant has agreed to follow all of the existing low-effect habitat conservation plan (HCP) conditions. If renewed, no additional take will be authorized. The permit would authorize take of the federally endangered Ohlone tiger beetle

(*Cicindela ohlone*), incidental to otherwise lawful activities associated with the Santa Cruz Gardens Unit 12 residential development.

**DATES:** Written comments should be received on or before **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].**

**ADDRESSES:** *Obtaining Documents:* You may obtain a copy of the permit renewal application and the HCP by writing to the Ventura Fish and Wildlife Ecological Services Office, Attn: Permit number TE189382-1, U.S. Fish and Wildlife Service, 2493 Portola Road, Suite B, Ventura, CA 93003. In addition, we will make the permit renewal application and HCP available for public inspection by appointment during normal business hours at the above address.

*Submitting Comments:* Please address written comments to Steve Henry, Field Supervisor, Ventura Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2493 Portola Road, Suite B, Ventura, CA 93003. Comments may also be sent by facsimile to (805) 644-3958.

**FOR FURTHER INFORMATION CONTACT:** Lena Chang, Fish and Wildlife Biologist, Ventura Fish and Wildlife Office, at the above address or by calling (805) 644-1766.

**SUPPLEMENTARY INFORMATION:** We have received an application from HPH Properties, L.P., for a renewal of incidental take permit TE189382-1 for the endangered

Ohlone tiger beetle under the Act. The applicant has requested a renewal that will extend the permit expiration by 6 years. The applicant has agreed to follow all of the existing HCP conditions. If the permit is renewed, no additional take will be authorized. The permit would authorize take of the federally endangered Ohlone tiger beetle, incidental to otherwise lawful activities associated with the Santa Cruz Gardens Unit 12 residential development. In addition to the Ohlone tiger beetle, the HCP includes two plants: the federally threatened Santa Cruz tarplant (*Holocarpha macradenia*) and Gairdner's yampah (*Perideridia gairdneri* ssp. *gairdneri*), classified as a Rank 4 rare plant by the California Native Plant Society.

## **Background**

The Ohlone tiger beetle was listed by the U.S. Fish and Wildlife Service as endangered on October 3, 2001. Section 9 of the Act (16 U.S.C. 1531 *et seq.*) and its implementing regulations prohibit the “take” of fish or wildlife species listed as endangered or threatened. “Take” is defined under the Act to include the following activities: “[T]o harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct” (16 U.S.C. 1532); however, under section 10(a)(1)(B) 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 of an otherwise lawful activity. Regulations governing incidental take permits for threatened and endangered species are, respectively, in the Code of Federal Regulations at 50 CFR 17.32 and 17.22. Issuance of an incidental take permit also must not jeopardize the existence of federally listed fish, wildlife, or plant species. All species

included in the incidental take permit would receive assurances under our “No Surprises” regulations (50 CFR 17.22(b)(5) and 17.32(b)(5)).

On July 21, 2014, incidental take permit TE189382-0 was transferred from the original permittee, Porter-Livingston Development, Inc. and O’Hara-Balfour LP, to a new permittee, HPH Properties, L.P. Subsequently, a new permit number, TE189382-1, was issued. HPH Properties, L.P. has applied for renewal of a permit for the incidental take of the endangered Ohlone tiger beetle. The potential taking would occur incidental to development of nine new single-family residences at an undeveloped 58.6-acre project site (APNs 025-391-01, 025-401-01, 025-401-02, and 025-491-01) near Soquel, Santa Cruz County, California. This parcel is located approximately 0.33 mile north of Soquel Avenue and west of Rodeo Gulch Road. The property is roughly bounded by the terminus of Benson Avenue, Tiffany Court, and residential areas to the south; Thurber Lane to the west; Winkle Avenue and undeveloped lands to the north; and Rodeo Gulch Road to the east. An incidental take permit was first issued for the project on August 6, 2009. No project activities occurred during the first 6-year term of the incidental take permit, and conditions at the site remain unchanged from the time of original permit issuance.

### **Our Preliminary Determination**

The Service has made a preliminary determination that renewal of the permit is neither a major Federal action that will significantly affect the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act (NEPA), nor will it individually or cumulatively have more than a negligible

effect on the species covered in the HCP. Therefore, the permit renewal qualifies for a categorical exclusion under NEPA as provided by the Department of the Interior Manual (516 DM 2, Appendix 1 and 516 DM 8.5).

### **Public Comments**

If you wish to comment on the permit applications, plans, and associated documents, you may submit comments by any one of the methods in **ADDRESSES**.

### **Public Availability of Comments**

Before including your address, phone number, email 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 can ask us in your comment to withhold your personal identifying information from public view, we cannot guarantee that we will be able to do so.

### **Authority**

We provide this notice under section 10 of the Act (16 U.S.C. 1531 *et seq.*) and NEPA regulations (40 CFR 1506.6).

**Dated:** January 20, 2016.

**Stephen P. Henry, Field Supervisor,**

**Ventura Fish and Wildlife Office,**

**Ventura, California.**

[FR Doc. 2016-01744 Filed: 1/29/2016 8:45 am; Publication Date: 2/1/2016]