

enhancement of survival of the species in the wild.

*Permit Number:* TE106221.

*Applicant:* Susan Haig, Corvallis, Oregon.

The applicant requests a permit to take the Least tern (*Sterna antillarum*) throughout its range in the United States. The scientific research is aimed at enhancement of survival of the species in the wild.

*Permit Number:* TE106224.

*Applicant:* Ralph Taylor, Barboursville, West Virginia.

The applicant requests a permit to take (collect and hold) all endangered mussel species throughout the Ohio River system in eastern and central United States. The scientific research is aimed at enhancement of survival of the species in the wild.

Dated: June 14, 2005.

**Wendi Weber,**

*Assistant Regional Director, Ecological Services, Region 3, Fort Snelling, Minnesota.*  
[FR Doc. 05-14159 Filed 7-18-05; 8:45 am]

**BILLING CODE 4310-55-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### **Endangered and Threatened Wildlife and Plants; Initiation of a 5-Year Review of Higgins Eye (*Lampsilis higginsii*), Hungerford's Crawling Water Beetle (*Brychius hungerfordi*), Missouri Bladderpod (*Lesquerella filiformis*), and Running Buffalo Clover (*Trifolium stoloniferum*)**

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

**ACTION:** Notice of review.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce a 5-year review of Higgins eye (*Lampsilis higginsii*), Hungerford's crawling water beetle (*Brychius hungerfordi*), Missouri bladderpod (*Lesquerella filiformis*), and Running buffalo clover (*Trifolium stoloniferum*) under section 4(c)(2)(A) of the Endangered Species Act of 1973 (Act) (16 U.S.C. 1531 *et seq.*). We request any information on the aforementioned species since their original listings in 1976 (41 FR 24064), 1994 (59 FR 10584), 1987 (52 FR 682), and 1987 (52 FR 21480), respectively, that has a bearing on the classification of these species as threatened or endangered.

A 5-year review is a periodic process conducted to ensure that the classification of a listed species is appropriate. A 5-year review is based on the best scientific and commercial data

available at the time of the review. Based on the results of these 5-year reviews, we will make a finding of whether these species are properly classified under section 4(c)(2)(B) of the Act.

**DATES:** To allow us adequate time to conduct these 5-year reviews, we must receive your information no later than September 19, 2005. If you do not respond to this request for information, but subsequently possess information on the status of any of these species, we are eager to receive new information regarding federally listed species at any time.

**ADDRESSES:** Submit information to the U.S. Fish and Wildlife Service, Field Supervisor at the following:

1. Higgins eye: Twin Cities Ecological Services Field Office, 4101 East 80th Street, Bloomington, Minnesota 55425-1665.

2. Hungerford's crawling water beetle: East Lansing Ecological Services Field Office, 2651 Coolidge Road, Suite 101, East Lansing, Michigan 48823-5202.

3. Missouri bladderpod: Columbia Ecological Services Field Office, 101 Park DeVille Drive, Suite A, Columbia, Missouri 65203-0057.

4. Running buffalo clover: Reynoldsburg Ecological Services Field Office, 6950-H Americana Parkway, Reynoldsburg, Ohio 43068-4127.

**FOR FURTHER INFORMATION CONTACT:**

1. Higgins eye: Ms. Susan Oetker, Twin Cities Ecological Services Field Office (*see ADDRESSES* section); telephone (612) 725-3548, extension 219; facsimile (612) 725-3609.

2. Hungerford's crawling water beetle: Ms. Carrie Tansy, East Lansing Ecological Services Field Office (*see ADDRESSES* section); telephone (517) 351-2555; facsimile (517) 351-1443.

3. Missouri bladderpod: Dr. Paul McKenzie, Columbia Ecological Services Field Office (*see ADDRESSES* section); telephone (573) 234-2132; facsimile (573) 234-2181.

4. Running buffalo clover: Ms. Sarena Selbo, Reynoldsburg Ecological Services Field Office (*see ADDRESSES* section); telephone (614) 469-6923; facsimile (614) 269-6919.

Individuals who are hearing impaired or speech impaired may call the Federal Relay Service at (800) 877-8337 for TTY assistance.

**SUPPLEMENTARY INFORMATION:** Under the Act, the Service maintains a list of endangered and threatened wildlife and plant species (List) at 50 CFR 17.11 and 17.12. Section 4(c)(2)(A) of the Act requires that we conduct a review of listed species at least once every five years. Section 4(c)(2)(B) requires that we

determine: (1) Whether a species no longer meets the definition of threatened or endangered and should be removed from the List (delisted); (2) whether a species more properly meets the definition of threatened and should be reclassified from endangered to threatened; or (3) whether a species more properly meets the definition of endangered and should be reclassified from threatened to endangered. Using the best scientific and commercial data available, a species will be considered for delisting if the data substantiates that the species is neither endangered nor threatened for one or more of the following reasons: (1) The species is considered extinct; (2) the species is considered to be recovered; and/or (3) the original data available when the species was listed, or the interpretation of such data, were in error. Any change in Federal classification requires a separate rulemaking process. The regulations in 50 CFR 424.21 require that we publish a notice in the **Federal Register** announcing those species currently under active review. This notice announces our active review of the endangered Higgins eye, endangered Hungerford's crawling water beetle, threatened Missouri bladderpod, and endangered Running buffalo clover.

#### **Public Solicitation of New Information**

To ensure that the 5-year reviews are complete and based on the best available scientific and commercial information, we are soliciting new information from the public, concerned governmental agencies, tribes, the scientific community, industry, environmental entities, and any other interested parties concerning the status of Higgins eye, Hungerford's crawling water beetle, Missouri bladderpod, and Running buffalo clover.

A 5-year review considers the best scientific and commercial data and all new information that has become available since the listing determination or most recent status review. Requested information includes (A) species biology, including but not limited to, population trends, distribution, abundance, demographics, and genetics; (B) habitat conditions, including but not limited to, amount, distribution, and suitability; (C) conservation measures that have been implemented that benefit the species; (D) threat status and trends; and (E) other new information, data, or corrections, including but not limited to, taxonomic or nomenclature changes, identification of erroneous information contained in the List, and improved analytical methods.

You may submit your comments and materials to the appropriate Field

Supervisor (see **ADDRESSES** section). Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours.

Respondents may request that we withhold a respondent's identity, as allowable by law. If you wish us to withhold your name or address, you must state this request prominently at the beginning of your comment. We will not, however, consider anonymous comments. To the extent consistent with applicable law, we will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety. Information received in response to this notice and review will be available for public inspection, by appointment, during normal business hours (see **ADDRESSES** section).

**Authority:** This document is published under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: June 16, 2005.

**Wendi Weber,**

*Assistant Regional Director, Ecological Services, Region 3.*

[FR Doc. 05-14161 Filed 7-18-05; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### **Proposed Low Effect Habitat Conservation Plan for Northern Indiana Public Service Company and the Indiana-American Water Company, Inc.**

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

**ACTION:** Notice of availability.

**SUMMARY:** Northern Indiana Public Service Company and the Indiana-American Water Company, Inc. (Applicants) have applied to the U.S. Fish and Wildlife Service (Service) for a joint incidental take permit for one covered species pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The application addresses the potential for "take" of the endangered Karner blue butterfly (*Lycaeides melissa samuelis*) from management activities associated with electric power transmission line, natural gas pipeline, and potable water pipeline right-of-ways in northern Lake and Porter Counties, Indiana. A conservation program to mitigate for the project activities would be implemented

as described in the proposed Low Effect Habitat Conservation Plan (proposed Plan), which would be implemented by the Applicants. We are requesting comments on the permit application and on the preliminary determination that the proposed Plan qualifies as a "Low-Effect" Habitat Conservation Plan, eligible for a categorical exclusion under the National Environmental Policy Act (NEPA) of 1969, as amended.

**DATES:** Written data or comments should be submitted to the Regional Director, U.S. Fish and Wildlife Service, Ecological Services, 1 Federal Drive, Fort Snelling, Minnesota 55111-4056, and must be received on or before August 18, 2005.

**FOR FURTHER INFORMATION CONTACT:** Mr. Peter Fasbender, (612) 713-5343.

#### **SUPPLEMENTARY INFORMATION:**

##### **Availability of Documents**

Individuals requesting copies of the applications and proposed Plan should contact the Service by telephone at (612) 713-5343 or by letter to the U.S. Fish and Wildlife Office (see **DATES**). Copies of the proposed Plan also are available for public inspection during regular business hours at the U.S. Fish and Wildlife Office located at 1000 West Oakhill Road, Porter, Indiana or at the Service's Regional Web site at: <http://www.fws.gov/midwest/NEPA>.

##### **Background**

Section 9 of the Act and its implementing Federal regulations prohibit the take of animal species listed as endangered or threatened. The definition of take under the Act includes the following activities: to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect listed animal species, or attempt to engage in such conduct (16 U.S.C. 1538). However, under section 10(a) of the Act, the Service 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 an otherwise lawful activity. Regulations governing incidental take permits for endangered species are found in the Code of Federal Regulations at 50 CFR 17.22.

The Applicant is seeking a permit for take of the Karner blue butterfly during the 25 years of the permit. The project involves the operation and maintenance of 4 utility corridors encompassing approximately 86 acres, of which 4.2 acres is currently considered habitat for the Karner blue butterfly. Normal maintenance activities that would occur include temporary disturbances

resulting from transmission line maintenance, replacing conductors, gas line construction or replacement, water main maintenance and construction, and vegetation management to control tree growth. All activities will take place within the existing utility right-of-ways and easement. Incidental take will occur within the right-of-ways as a result of temporary disturbance to Karner blue butterfly habitat by truck and heavy equipment traffic, soil disturbances from excavation activities, mowing and hand cutting of brush and woody stems, and application of herbicides. The project site is not known to contain any other rare, threatened, or endangered species or habitat. Critical habitat does not occur for any listed species on the project site.

The Applicant proposes to mitigate the effects to the Karner blue butterfly associated with the covered activities by fully implementing the Plan. The purpose of the proposed Plan's conservation program is to promote the biological conservation of the Karner blue butterfly. The Applicant proposes to mitigate the take by creating an additional 9 acres of habitat by planting wild lupine and other nectar plants.

The Proposed Action consists of the issuance of an incidental take permit and implementation of the proposed Plan, which includes measures to mitigate impacts of the project on the Karner blue butterfly. Two alternatives to the taking of the listed species under the Proposed Action are considered in the proposed Plan. Under the No Action Alternative, no permit would be issued, and no construction would occur. Under the No Change from the historic maintenance plan, no incidental take of the Karner blue butterfly would be authorized, but a reduction in the habitat quality would result since there would be no provision for habitat improvements. By eliminating habitat enhancements of the corridors, the quality and extent of the existing Karner blue butterfly habitat would diminish through normal ecological succession.

The Service has made a preliminary determination that approval of the proposed Plan qualifies as a categorical exclusion under NEPA, as provided by the Department of the Interior Manual (516 DM 6, Appendix 1, Section 1.4C(2)) and 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 proposed Plan would result in minor or negligible effects on federally listed, proposed, and candidate species and their habitats; (2)