

ACTION: Notice of funding availability; correction.

SUMMARY: This notice corrects information that was provided in the notice of funding availability (NOFA) for the Historically Black Colleges and Universities Program for fiscal year 1997, published in the **Federal Register** on May 12, 1997 (62 FR 26180). This notice clarifies that 10 bonus points are available for eligible applicants who work with their jurisdictions to affirmatively further fair housing.

DATES: This notice does not affect the deadline date provided in the May 12, 1997 NOFA. Applications must still be received at HUD Headquarters and field offices before 5 p.m. eastern standard time on July 28, 1997.

ADDRESSES: This notice does not affect the application submission information provided in the May 12, 1997 NOFA. An originally signed application and two copies shall be submitted to the following address: Processing and Control Branch, Office of Community Planning and Development, Department of Housing and Urban Development, 451 7th Street, S.W., Room 7251, Washington, D.C., 20410-3500; ATTN: HBCU Program. In addition, one copy of the application must also be sent to the Community Planning and Development (CPD) Director in the HUD field office serving the State in which the applicant is located. A listing of HUD field offices with HBCUs located in their jurisdiction appeared as Appendix A to the May 12, 1997 NOFA.

FOR FURTHER INFORMATION CONTACT: Ms. Delores Pruden or Mr. John Simmons, Historically Black Colleges and Universities Program, Office of Community Planning and Development, Department of Housing and Urban Development, 451 7th St., S.W., Washington, DC 20410; telephone (202) 708-1590 (this is not a toll-free number). Hearing- and speech-impaired persons may access this number via TTY by calling the Federal Information Relay Service toll-free at 1-800-877-8339. Information may also be obtained from the HUD field office located in the applicant's geographic area. See Appendix A to the May 12, 1997 NOFA for names, addresses and telephone numbers, or for general information, applicants can call Community Connections at 1-800-998-9999.

SUPPLEMENTARY INFORMATION: On May 12, 1997, HUD published in the **Federal Register** the Notice of Funding Availability (NOFA) for the Historically Black Colleges and Universities Program for fiscal year (FY) 1997 (62 FR 26180). The May 12, 1997 NOFA provided that

applicants that receive the minimum number of points (70 points) under the four selection criteria (Addressing the Program Objective; Distress, Need(s) and Impact; Capability; and Feasibility) may earn bonus points for, among other factors, affirmatively furthering fair housing. While the heading for the paragraph describing these bonus points (paragraph d. under the subheading "Bonus Points," in section I.C. of the NOFA) indicates that the applicant may earn 10 bonus points for affirmatively furthering fair housing, the first sentence of that paragraph indicates that applicants may earn only 5 bonus points. HUD is publishing this notice to clarify that 10 bonus points will be awarded to eligible applicants that work with their jurisdictions to affirmatively further fair housing.

Accordingly, FR Doc. 97-12452, the NOFA for the Historically Black Colleges and Universities Program, published in the **Federal Register** on May 12, 1997 (62 FR 26180), is amended on page 26185, column 2, in section I.C., under the subheading "Bonus Points," by correcting the first sentence of paragraph d. ("Affirmatively Furthering Fair Housing, 10 points") to read as follows:

I. Purpose, Objectives, and Substantive Description

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C. Selection Process, Optional Match and Selection Criteria

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Bonus Points (maximum points: 25)

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d. Affirmatively Furthering Fair Housing, 10 points.

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Ten bonus points will be awarded to applicants who work with their jurisdictions to affirmatively further fair housing.

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Dated: May 12, 1997.

Kenneth C. Williams,

Deputy Assistant Secretary for Grant Programs.

[FR Doc. 97-12843 Filed 5-15-97; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of an Environmental Assessment and Receipt of an Application for an Incidental Take Permit for the Kern Water Bank Natural Community Conservation Plan/Habitat Conservation Plan, Kern County, California

AGENCY: Fish and Wildlife Service.

ACTION: Notice of availability.

SUMMARY: This notice advises the public that the Kern Water Bank Authority (Authority) has applied to the Fish and Wildlife Service for two 75-year incidental take permits pursuant to Section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act), relating to the Kern Water Bank's 19,900 acres of land in Kern County, California. The application has been assigned permit number PRT-828086. One permit, the Project Permit, is to allow the incidental take by the Authority for the operation of the proposed project on the Kern Water Bank. The second permit, the Master Permit, is to allow third parties in designated areas of the southern San Joaquin Valley, California, to acquire credits in the conservation bank to be established by the Authority with the prior approval of the Service and to become included parties under the Master Permit. In certain circumstances, the Authority also may be able to use conservation credits on its own behalf for other projects and thereby rely on the incidental take authority of the Master Permit.

The proposed incidental take covered by the Project Permit would occur due to habitat loss resulting from the Authority's proposed project to use the Kern Water Bank to acquire and bank water when available, to utilize the banked water for agricultural and other purposes, to engage in farming activities and to create a conservation bank (collectively, the Project). The proposed incidental take covered by the Master Permit would occur due to habitat loss resulting from projects of third persons, and other projects of the Authority in Kern County, the Allensworth area of Tulare County, and the Kettleman Hills area of Kings County.

The Authority requests coverage of 17 listed species (5 plant, 12 animal) and an additional 28 unlisted species (10 plant, 18 animal) that may be found on the Kern Water Bank and are currently sufficiently rare that they may become listed at some time in the near future. The Authority further requests coverage of an additional 116 species (29 plant,

87 animal) which the Authority believes may become rare over the life of the Permits and which may conceivably come to colonize the Kern Water Bank, but for which the impact of the Project should be negligible or beneficial. The Natural Community Conservation Plan/Habitat Conservation Plan (Plan) proposes to conserve all 161 species according to standards required for listed species under the Act. Unlisted covered species would be named on the permits with delayed effective dates. Barring unforeseen circumstances, incidental take of the unlisted covered species would be authorized upon their listing under the Act. The draft Implementing Agreement contains a No Surprises assurance, whereby no additional mitigation or compensation will be required of the permittee, except under extraordinary circumstances. Concurrently with the proposed issuance of the Federal permits, the California Department of Fish and Game proposes to issue management authorizations for the 161 species under Sections 2081 and 2835 of the California Endangered Species Act.

The Fish and Wildlife Service also announces the availability of an Environmental Assessment for the incidental take permit application, which includes the proposed Plan fully describing the proposed project and mitigation, and the accompanying Implementing Agreement. In addition, the application package includes a draft Conservation Bank Agreement, and a draft Security Agreement. This Notice is provided pursuant to Section 10(a) of the Act and National Environmental Policy Act regulations (40 CFR 1506.6).

Comments are specifically requested on the appropriateness of the No Surprises assurance contained in this application, specifically outlined in section 5 of the Implementation Agreement as it applies to the Authority's permit and the Master permit. All comments received, including names and addresses, will become part of the Administrative Record and may be made available to the public.

DATES: Written comments on the permit application, Environmental Assessment and Implementing Agreement should be received on or before June 30, 1997.

ADDRESSES: Comments regarding the application or adequacy of the Environmental Assessment and Implementing Agreement should be addressed to the Fish and Wildlife Service, Sacramento Field Office, 3310 El Camino Avenue, Suite 130, Sacramento, California 95821-6340. Please refer to permit number PRT-

828086 when submitting comments. The documents will be available for public inspection, by appointment, during normal business hours at the above address. Individuals wishing copies of the application, Environmental Assessment, Implementing Agreement, Conservation Bank Agreement or Security Agreement for review should immediately contact Mr. Kenneth Bonesteel, Project Manager, Kern Water Bank Authority, 33141 E. Lerdo Highway, P.O. Box 80607, Bakersfield, California 93380-0607, telephone (805) 399-8735; fax (805) 399-9751.

FOR FURTHER INFORMATION CONTACT: Mr. Peter A. Cross, San Joaquin Valley Branch Chief, Sacramento Field Office, telephone (916) 979-2710; fax (916) 979-2723.

SUPPLEMENTARY INFORMATION: The "take" of threatened and endangered species is prohibited under Section 9 of the Act and its implementing regulations. "Take" is defined, in part, as killing, harming, or harassing listed species, including significant habitat modification that results in death of or injury to listed species. Under limited circumstances, the Service may issue permits to take listed species if such taking is incidental to otherwise lawful activities. Regulations governing permits are found at Title 50, Code of Federal Regulations, sections 17.22 and 17.32. The proposed Master and Project Permits for Kern Water Bank would authorize the incidental take of 17 species: San Joaquin kit fox (*Vulpes macrotis mutica*), Tipton kangaroo rat (*Dipodomys nitratoideus nitratoideus*), blunt-nosed leopard lizard (*Gambelia silus*), giant kangaroo rat (*Dipodomys ingens*), American peregrine falcon (*Falco peregrinus anatum*), valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*), giant garter snake (*Thamnophis gigas*), Aleutian Canada goose (*Branta canadensis leucopareia*), vernal pool fairy shrimp (*Branchinecta lynchi*), conservancy fairy shrimp (*Branchinecta conservatio*), vernal pool tadpole shrimp (*Lepidurus packardii*), longhorn fairy shrimp (*Branchinecta longiantenna*), San Joaquin woolly-threads (*Lembertia congdonii*), Hoover's woolly-star (*Eriastrum hooveri*), California jewel flower (*Caulanthus californicus*), Kern mallow (*Eremalche parryi kernensis*), and Bakersfield cactus (*Opuntia basilaris* var. *treleasei*).

Background

The Plan documents a plan to accomplish both water conservation and environmental objectives. The primary water conservation objective is the

storage of water in aquifers during times of surplus for later recovery during times of shortage. The primary environmental objective is to set aside large areas of the Kern Water Bank for threatened and endangered species and to implement a program to protect and enhance the habitat.

The basic objectives of the proposed Plan for the Kern Water Bank project are to (1) allow the economical development of water recharge and recovery facilities, (2) preserve compatible upland habitat and other sensitive areas of natural habitat and rare plants, (3) conserve species listed as threatened or endangered pursuant to Federal and State environmental laws (listed species), (4) recreate intermittent wetland/rangeland habitat, (5) provide a conservation bank for third parties, and (6) permit farming.

Of the 19,900 acres that constitute the Kern Water Bank property, 5,900 acres are proposed for basins for routine recharge activities and 481 acres will be used for permanent water banking facilities. Between the basins will be areas that will never be flooded. Some of these areas have existing populations of listed plants. These plants will be preserved in special areas totaling 960 acres. Other areas between basins, totaling 5,592 acres, will revert to habitat. Additionally, 530 acres will be preserved and managed for mitigation of previous Department of Water Resources projects. Of the remaining land, 3,170 acres will be used for farming and 3,267 acres will be used as a conservation bank (to be used as potential mitigation for activities by third parties within designated areas of the Southern San Joaquin Valley). Of the 3,267 acres in the conservation bank, the Authority may use up to 490 acres for commercial development.

The Project incorporates mitigation and compensation for impacts to wildlife habitat and other natural resources resulting from implementation of the Project. Approximately 10,349 acres, or over 52 percent, of the Project area will be set aside and limited to uses that are compatible with the habitat values of the property. These lands will be protected and managed for their wildlife habitat values throughout the life of the Project. Certain lands will be protected from development in perpetuity upon the approval of the Project. Other lands will be protected in perpetuity upon the use of conservation credits established by the Project.

The Master Permit will allow the incidental take of listed species by third persons, and in certain circumstances the Authority, for activities in specified

areas of Kern County, the Allensworth area of Tulare County, and the Kettleman Hills area of Kings County, California. Third persons will have to enter into an agreement with the Fish and Wildlife Service which sets out that person's mitigation obligations, including the number of off-site acres the person must acquire in order to obtain incidental take authority. Once the Authority sells the conservation credits to the third person, the Fish and Wildlife Service will issue a certificate of inclusion to that person establishing that the person has the authority to commit the incidental take of listed species pursuant to the Master Permit. The purpose of the Master Permit is to encourage the use of the conservation bank (thereby insuring protection in perpetuity of bank lands) and to streamline the Fish and Wildlife Service's permitting process for projects with minor impacts.

The Implementing Agreement contains a section which implements the Service's "No Surprises" Policy. Under this section, the Fish and Wildlife Service may not require additional mitigation or compensation, including commitments of additional land or financial compensation, from the Authority unless the Fish and Wildlife Service makes a finding of "extraordinary circumstances," defined as a significant and substantial adverse change in the population of a species covered by the Plan. If the Fish and Wildlife Service makes a finding of extraordinary circumstances which warrants requiring additional mitigation or compensation, the additional mitigation or compensation the Fish and Wildlife Service may require is limited to modifying the management of the Kern Water Bank, excluding that portion of the bank used for recharge basins and that portion used for farming. If additional land or financial compensation is needed, the primary responsibility to provide this compensation rests with the Federal government.

In compliance with National Environmental Policy Act, the Environmental Assessment examines the environmental impacts of issuing the proposed Incidental Take Permits and the effects of implementing the proposed Plan and alternative plans. Although a number of alternative conservation configurations and mechanisms were considered, the Environmental Assessment analyzes four alternatives in detail. The Environmental Assessment considers (1) the proposed action, (2) the proposed action excluding the Master Permit, (3) the proposed action, but reducing the

amount of acreage that could be covered by recharge basins to 3,258 acres, and (4) a no permit alternative.

This notice is provided pursuant to section 10(a) of the Endangered Species Act and the National Environmental Policy Act of 1969 regulations (40 CFR 1506.6). The Fish and Wildlife Service will evaluate the application, associated documents, and comments submitted thereon to determine whether the application meets the requirements of the National Environmental Policy Act regulations and section 10(a) of the Endangered Species Act. If it is determined that the requirements are met, a permit will be issued for the incidental take of the listed species. The final permit decision will be made no sooner than 45 days from the date of this notice.

Dated: May 8, 1997.

Don Weathers,

Acting Regional Director, Region 1, Portland, Oregon.

[FR Doc. 97-12854 Filed 5-15-97; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Notice of Schedule of Regional Consultation Sessions on Tribal Shares

Introduction

The Bureau of Indian Affairs (BIA) is authorized by the Indian Self-Determination and Education Assistance Act, as amended, Public Law 93-638, to implement a process whereby Tribes can contract and compact functions of the BIA. Public Law 103-413 expanded the scope of Public Law 93-638 by providing Tribes the option to take their "share" from BIA administrative and program accounts, based on savings due to contracting and also based on additional administrative functions being assumed by Tribes, without regard to organizational level. This process is known as the "Tribal Shares Process."

The BIA has been working for the past two years to define a "tribal shares determination process" to identify which functions currently performed by the BIA can be assumed by Tribes. A federal workgroup was formed in April 1995 to identify which BIA functions were "inherently federal," and which BIA functions were available for contracting and compacting. The workgroup submitted their work product to the Area Offices for review and tribal consultation.

A majority of tribal leaders did not agree with the BIA's work product, and requested further consultation and establishment of a Tribal Workgroup to conduct a similar review. A small tribal workgroup was formed in July 1996, in consultation with the National Congress of American Indians. The Workgroup reviewed the BIA's work product and issued its findings recommendations for continuation of the effort to define a tribal shares process. This workgroup, however, did not continue in its advisory capacity, due to tribal dissatisfaction with the lack of equal representation of self-governance, self-determination and direct service Tribes.

In response to this dissatisfaction, the Deputy Commissioner formed a more expanded, representative workgroup in September 1996. This tribal workgroup is comprised of 24 tribal representatives; two from each of the twelve BIA Areas. The workgroup has assisted the BIA in reviewing and refining a list of inherently federal functions and non-inherently federal functions of the BIA. This listing will be one of many topics reviewed at the consultation sessions. The schedule for the consultation sessions is listed below.

Summary

The BIA will be holding three regional consultation sessions on the Tribal Shares Process during June and July 1997. The sessions are for tribal consultation on the Tribal Shares Process. Tribes will have the opportunity to review and provide comments on the BIA's identification of inherently federal and non-inherently federal functions of the BIA.

Regional Consultation Sessions: The three regional consultation sessions will accommodate all twelve Areas of the BIA. Billings, Aberdeen, Eastern and Minneapolis Area tribes will attend Session 1, in Bloomington, MN. The Juneau, Portland, and Sacramento Area tribes will attend Session 2, in Seattle, WA. Phoenix, Albuquerque, Navajo, Anadarko, and Muskogee Area tribes will attend Session 3, in Tempe, AZ.

Areas may hold additional Area-wide consultation sessions if needed.

Dates and Locations

Session 1. June 17-18, 1997,
Bloomington, MN. Days Inn
Airport, 1901 Killebrew Drive,
Bloomington, MN 55425.
Telephone (612) 854-8400.

Session 2. June 24-25, 1997, Seattle,
WA. Radisson Hotel Seattle Airport,
17001, Pacific Highway South,
Seattle, WA 98188. Telephone (206)
244-6000.