

Customs broker license No. 11297 remains valid.

Dated: June 19, 2004.

**Jason P. Ahern,**

*Assistant Commissioner, Office of Field Operations.*

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**DEPARTMENT OF HOMELAND SECURITY**

**Bureau of Customs and Border Protection**

**Notice of Cancellation of Customs Broker Licenses**

**AGENCY:** Bureau of Customs and Border Protection, U.S. Department of Homeland Security.

**ACTION:** General notice.

**SUMMARY:** Pursuant to section 641 of the Tariff Act of 1930, as amended, (19 U.S.C. 1641) and the Customs Regulations (19 CFR 111.51), the following Customs broker licenses are canceled with prejudice.

Name	License #	Issuing port
Steve Scully .....	05672	Los Angeles.
Martin E. Kerner, Jr .....	06013	New York.

Dated: July 1, 2004.

**Jayson P. Ahern,**

*Assistant Commissioner, Office of Field Operations.*

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**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**Environmental Review of Proposed Incidental Take Permit and Habitat Conservation Plan for the Kaua'i Island Utility Cooperative, Hawai'i**

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

**ACTION:** Notice of intent; notice of scoping meeting.

**SUMMARY:** Pursuant to the National Environmental Policy Act the U.S. Fish and Wildlife Service (Service) is advising the public that we intend to gather information necessary to prepare, in coordination with the Hawai'i Department of Land and Natural Resources (DLNR), a joint Federal/State environmental document (Environmental Assessment or Environmental Impact Statement) for a proposed habitat conservation plan (HCP) that is being prepared by the Kaua'i Island Utility Cooperative (KIUC). The proposed HCP is being prepared under section 10(a) of the Federal Endangered Species Act (ESA) and section 195D-21 of the Hawai'i Revised Statutes (HRS). The KIUC intends to apply for an incidental take permit under the ESA and a State section 195D-21 incidental take license to authorize take of the federally endangered Hawaiian petrel (*Pterodroma sandwichensis*), the federally threatened Newell's shearwater (*Puffinus auricularis newelli*), and the band-rumped storm-petrel (*Oceanodroma castro*), a federal

candidate that may become listed under the ESA during the term of the permit. We provide this notice to advise other Federal and State agencies, affected Tribes, and the public of our intentions; to announce the initiation of a 30-day public scoping period; and to request suggestions and information on the scope of issues and alternatives to be addressed in the environmental document. We invite oral or written comments from interested parties to ensure that the full range of issues related to the permit request is identified.

**DATES:** Oral and written comments will be accepted at a public scoping meeting held on Thursday, 16 September 2004 from 7-9 p.m. Written comments from all interested parties must be postmarked by August 16, 2004.

**ADDRESSES:** The public meeting will be held in Lihu'e, Kaua'i, at the Planning Commission Conference Room, Mo'ikeha Building, 4444 Rice Street, Lihue, Hawai'i. Information, written comments, or questions related to the NEPA process, or requests to be added to the mailing list, should be submitted to the Acting Field Supervisor, U.S. Fish and Wildlife Service, Pacific Islands Fish and Wildlife Office, PO Box 50088, Honolulu, Hawai'i 96850 (facsimile: 808-792-9581)

**FOR FURTHER INFORMATION CONTACT:** Arlene Pangelinan, Conservation Planning and Permits Program Leader (see **ADDRESSES**), or at 808-792-9400.

**SUPPLEMENTARY INFORMATION:**

**Reasonable Accommodation**

Persons needing reasonable accommodations in order to attend and participate in the public meeting should contact Jenness McBride, Fish and Wildlife Biologist, as soon as possible (see **ADDRESSES**), or at (808) 792-9400. To allow sufficient time to process requests, please call no later than 1 week before the public meeting.

Information regarding this proposed action is available in alternative formats upon request.

**Background**

Federal agencies are required to conduct National Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et seq.*) analyses of their proposed actions to determine if the actions may affect the human environment. The Service anticipates that the KIUC will request an ESA (16 U.S.C. 1531 *et seq.*) incidental take permit. Therefore, we are seeking public input on the scope of NEPA analysis required, including the range of reasonable alternatives and the associated impacts of those alternatives.

Section 9 of the ESA and its implementing Federal regulations prohibit the "take" of species listed as threatened or endangered. Take is defined under the ESA to include actions that 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). Harm includes significant habitat modification or degradation where it actually kills or injures listed wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, and sheltering (50 CFR 17.3(c)). Under limited circumstances the Service may issue permits to take listed species incidental to, and not the purpose of, carrying out otherwise lawful activities. Section 10(a)(1)(B) of the ESA and regulations governing permits for threatened and endangered species at 50 CFR 17.32 contain provisions for issuing incidental take permits to non-Federal entities for the take of endangered and threatened species, provided the Service determines the following criteria are met: (1) The taking will be incidental; (2) the applicant will, to the maximum extent practicable, minimize and mitigate the impacts of such taking; (3)