

To minimize take of San Diego fairy shrimp by the Main 16, LP, Ramona commercial development project and offset impacts to its habitat, the applicant proposes to mitigate for permanent impacts to approximately 0.01 ac of occupied San Diego fairy shrimp habitat through the purchase of two vernal pool/basin with San Diego fairy shrimp conservation credits at the Bank. The applicant's proposed HCP also contains the following proposed measures to minimize the effects of development activities on the San Diego fairy shrimp:

- Grading limits will be delineated with construction fencing and silt fencing to ensure that impact limits do not extend beyond the allowed limits of development.

- A biologist will monitor grading of the site daily (or as determined necessary by the monitoring biologist) and provide a letter summarizing compliance with the construction limits of the proposed project to the Service within 1 month of completion of project grading.

- The project construction contractor will conduct grading outside the rainy season (October 1 through March 31). If grading is to be done after October 1 and ponding of the basins has not occurred, the applicant will submit a proposed grading strategy for review and approval by the Service that will ensure that indirect impacts are avoided to the existing basins located immediately adjacent to the project site. No grading will occur during this timeframe without written concurrence from the Service.

- Avoidance of long-term indirect impacts to fairy shrimp-occupied basins immediately adjacent to the site will be achieved by ensuring that flows from the project site are directed away from basins immediately off site to the west and have been adequately treated through the use of best management practices (BMPs) during construction and throughout the life of the project. These BMPs include treating all flows on site through the use of a retention/infiltration basin prior to outletting into the storm drain system.

The above described impacts and mitigation will occur within designated critical habitat for the San Diego fairy shrimp. No other listed species or designated critical habitat occurs within the project site.

#### Proposed Action and Alternatives

The Proposed Action consists of the issuance of an incidental take permit and implementation of the proposed HCP, which includes measures to avoid, minimize, and mitigate impacts to the

San Diego fairy shrimp. If we approve the permit, take of San Diego fairy shrimp would be authorized for the applicant's activities associated with the construction of the Main 16, LP. Ramona commercial development project. In the proposed HCP, the applicant considers alternatives to the taking of San Diego fairy shrimp under the proposed action. Because of the small size of the site and the need to avoid both the basins and watershed of the basins, an alternative site plan that would have maintained some of the ponded basins on site (*i.e.*, a reduced footprint alternative) was not feasible. The Applicant also considered the No Action Alternative. Under the No Action Alternative, no San Diego fairy shrimp habitat would be impacted or conserved.

#### Our Preliminary Determination

The Service has made a preliminary determination that approval of the proposed HCP qualifies as a categorical exclusion under NEPA, as provided by the Department of the Interior Manual (516 DM 2 Appendix 1 and 516 DM 6 Appendix 1) and as a "low-effect" plan as defined by the Habitat Conservation Planning Handbook (November 1996).

We base our determination that a HCP qualifies as a low-effect plan on the following three criteria:

- (1) Implementation of the HCP would result in minor or negligible effects on federally listed, proposed, and candidate species and their habitats, including designated critical habitat;

- (2) Implementation of the HCP would result in minor or negligible effects on other environmental values or resources; and

- (3) Impacts of the HCP, considered together with the impacts of other past, present, and reasonably foreseeable similarly situated projects, would not result, over time, in cumulative effects to environmental values or resources that would be considered significant. Based upon this preliminary determination, we do not intend to prepare further NEPA documentation. We will consider public comments in making the final determination on whether to prepare such additional documentation.

#### Next Steps

We will evaluate the proposed HCP and comments we receive to determine whether the permit application meets the requirements and issuance criteria under section 10(a) of the Act (16 U.S.C. 1531 *et seq.*). We will also evaluate whether issuance of a section 10(a)(1)(B) incidental take permit would comply with section 7 of the Act by conducting

an intra-Service consultation. We will use the results of this consultation, in combination with the above findings, in our final analysis to determine whether or not to issue a permit. If the requirements and issuance criteria under section 10(a) are met, we will issue the permit to the applicant for incidental take of San Diego fairy shrimp.

#### Public Comments

If you wish to comment on the permit application, proposed HCP, and associated documents, you may submit comments by any of the methods noted in the **ADDRESSES** section.

#### 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 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.

#### 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).

#### G. Mendel Stewart,

Field Supervisor, Carlsbad Fish and Wildlife Office, Carlsbad, California.

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## INTERNATIONAL TRADE COMMISSION

### Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Electric Skin Care Devices, Brushes and Chargers Therefor, and Kits Containing Same, DN 3067*; the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing under section 210.8(b) of the Commission's Rules of Practice and Procedure (19 CFR § 210.8(b)).

**FOR FURTHER INFORMATION CONTACT:** Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission,

500 E Street SW., Washington, DC 20436, telephone (202) 205-2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *EDIS*,<sup>1</sup> and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205-2000.

General information concerning the Commission may also be obtained by accessing its Internet server at United States International Trade Commission (USITC) at *USITC*.<sup>2</sup> The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *EDIS*,<sup>3</sup> Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** The Commission has received an amended complaint and a submission pursuant to section 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Pacific Bioscience Laboratories, Inc. on May 20, 2015. The amended complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain electric skin care devices, brushes and chargers therefor, and kits containing same. The amended complaint names as respondents Our Family Jewels, Inc. d/b/a Epipür Skincare of Parker, CO; Accord Media, LLC d/b/a Truth in Aging of New York, NY; Xnovi Electronic Co., Ltd. of China; Michael Todd True Organics LP of Port St. Lucie, FL; MTTO LLC of Port St. Lucie, FL; Shanghai Anzikang Electric Co., Ltd. of China; Nutra-Luxe M.D., LLC of Fort Myers, FL; Beauty Tech, Inc. of Coral Gables, FL; Anex Corporation of Korea; RN Ventures Ltd. of United Kingdom; Korean Beauty Co., Ltd. of Korea; H2Pro Beautylife, Inc. of Placentia, CA; Serious Skin Care, Inc. of Carson City, NV; Home Skinovations Inc. of Canada; Home Skinovations Ltd. of Israel; Wenzhou AI ER Electrical Technology Co., Ltd d/b/a Cnaier of China; Coreana Cosmetics Co., Ltd. of Korea; Flageoli Classic Limited of Las Vegas, NV;

Jewlzie of New York, NY; Unicos USA, Inc. of La Habra, CA; and Skincarebyalana of Dana Point, CA. The complainant requests that the Commission issue a permanent general exclusion order, cease and desist orders, and a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. § 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or section 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

- (i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;
- (ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;
- (iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;
- (iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and
- (v) explain how the requested remedial orders would impact United States consumers.

Written submissions must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to section

210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number ("Docket No. 3067") in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, *Electronic Filing Procedures*<sup>4</sup>). Persons with questions regarding filing should contact the Secretary (202-205-2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on *EDIS*.<sup>5</sup>

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of sections 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: May 21, 2015.

**Lisa R. Barton,**

*Secretary to the Commission.*

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## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-923]

### Certain Loom Kits for Creating Linked Articles

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to amend the notice of investigation to reflect a change in corporate form by the complainant, to terminate the investigation with respect to claims 2 and 3 of U.S. Patent No. 8,485,565 ("the '565 patent"), and to enter a general exclusion order barring entry of loom kits that infringe claim 4 of the '565 patent. The Commission's determination is final and the

<sup>1</sup> Electronic Document Information System (EDIS): <http://edis.usitc.gov>.

<sup>2</sup> United States International Trade Commission (USITC): <http://edis.usitc.gov>.

<sup>3</sup> Electronic Document Information System (EDIS): <http://edis.usitc.gov>.

<sup>4</sup> Handbook for Electronic Filing Procedures: [http://www.usitc.gov/secretary/fed\\_reg\\_notices/rules/handbook\\_on\\_electronic\\_filing.pdf](http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf).

<sup>5</sup> Electronic Document Information System (EDIS): <http://edis.usitc.gov>.