

### Finding of No Significant Impact for Incidental Take Permit for the Construction of a Single Family Residence Travis County, TX

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

**ACTION:** Notice.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service) has prepared an Environmental Assessment for issuance of a Section 10(a)(1)(B) permit for the incidental take of the Federally endangered golden-cheeked warbler (*Dendroica chrysoparia*) during the construction and operation of a single-family residence in Travis County, Texas.

#### Proposed Action

The proposed action is the issuance of a permit under Section 10(a)(1)(B) of the Endangered Species Act to authorize the incidental take of the golden-cheeked warbler.

The Applicant (Richard S. Baggett) plans to construct a single-family residence at the specific site indicated as Lot 2, Block L, Long Canyon, Phase IIB, aka 9611 Bell Mountain Drive, Austin, Travis County, Texas, (PRT-800131).

The proposed construction and operation of the single-family residence will comply with all local, State, and Federal environmental regulations addressing environmental impacts associated with this type of development. Details of the mitigation are provided in the Environmental Assessment/Habitat Conservation Plan. The conservation plan actions ensure that the criteria established for issuance of an incidental take permit will be fully satisfied.

#### Alternatives Considered

1. Proposed action,
2. Alternate site locations,
3. Alternative site designs,
4. Wait for issuance of a regional Section 10(a)(1)(B) permit,
5. No action.

#### Determination

Based upon information contained in the Environmental Assessment/Habitat Conservation Plan, the Service has determined that this action is not a major Federal action which would significantly affect the quality of the human environment with the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1969. Accordingly, the preparation of an Environmental Impact Statement on the proposed action is not warranted.

It is my decision to issue the Section 10(a)(1)(B) permit for the construction

and operation of the single-family residence at the site specified above in Travis County, Texas.

**Lynn B. Starnes,**

*Acting Regional Director, Region 2, Albuquerque, New Mexico.*

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### Bureau of Reclamation

#### Tongue River Basin Project

**AGENCY:** Bureau of Reclamation, Interior.

**ACTION:** Notice of availability and notice of public hearings on draft environmental impact statement INT-DES-95-26.

**SUMMARY:** Pursuant to the National Environmental Policy Act of 1969, as amended, the Department of the Interior, Bureau of Reclamation (Reclamation), in conjunction with the Northern Cheyenne Tribe (NCT) and the Montana Department of Natural Resources and Conservation (DNRC), has prepared a draft environmental impact statement (DEIS) on the proposed Tongue River Basin Project. The DEIS describes and presents the environmental effects of three alternatives, including no action, for a dam repair and enlargement project that would provide additional water to the NCT in partial fulfillment of the Northern Cheyenne Indian Reserved Water Rights Settlement Act of 1992 and enhance fish and wildlife habitat in the Tongue River Basin. Public hearings will be held to receive comments from interested organizations and individuals on the environmental impacts of the proposal.

**DATES:** A public review period commences with the publication of this notice and ends August 4, 1995. The public hearings are scheduled as follows:

Date	Time	City and state
July 17, 1995.	12:30 p.m.	Busby, MT.
July 17, 1995.	5:30 p.m. ..	Lame Deer, MT.
July 18, 1995.	12:30 p.m.	NCT Reservation.
July 18, 1995.	5:30 p.m. ..	Ashland, MT.
July 19, 1995.	12:30 p.m.	Birney Village, MT.
July 19, 1995.	5:30 p.m. ..	Sheridan, WY
July 20, 1995.	5:30 p.m. ..	Miles City, MT.
July 21, 1995.	5:30 p.m. ..	Billings, MT.

**ADDRESSES:** Addresses for public hearings are as follows:

- Busby, MT, Busby School Auditorium.
- Lame Deer, MT, Dull Knife Auditorium.
- NCT Reservation, Muddy Community Center.
- Ashland, MT, St. Labre Mission Auditorium.
- Birney Village, MT, Catholic Church.
- Sheridan, WY, Holiday Inn Conference Room.
- Miles City, MT, Miles City Community College.
- Billings, MT, Fireside Inn Conference Room.

Requests for copies of the DEIS should be addressed to:

- Area Manager, Bureau of Reclamation, Attention: MT-422, P.O. Box 30137, Billings, MT 59107-0137; telephone: (406) 247-2312.
- Director, Northern Cheyenne Natural Resources Department, P.O. Box 128, Lame Deer, MT 59043; telephone: (406) 477-6503.
- Director, Montana Department of Natural Resources and Conservation, 1520 East Sixth Avenue, Helena, MT 59620-2301; telephone: (406) 444-6701.

Copies of the DEIS will be available for inspection at the above addresses and libraries in the project vicinity.

**FOR FURTHER INFORMATION CONTACT:** Mark Albers, Tongue River Basin Project Coordinator, Montana Area Office; telephone (406) 247-7312.

**SUPPLEMENTARY INFORMATION:** The Tongue River Basin Project, which includes the repair and enlargement of the Tongue River Dam and the partial fulfillment of the Northern Cheyenne Indian Reserved Water Rights Settlement Act of 1992 (Pub. L. 102-374, 106 Stat. 1186) (Settlement Act), is being undertaken to alleviate dam safety concerns and protect downstream lives and property, to protect all existing water use contracts held in the Tongue River Reservoir, and to provide up to an additional 20,000 acre-feet of water to the Northern Cheyenne Tribe. An additional requirement of the project is to enhance fish and wildlife habitat throughout the Tongue River Basin. All project goals are components of the Settlement Act, which ratified the Water Rights Compact entered into on June 11, 1991, by the Northern Cheyenne Tribe and the State of Montana.

Three alternatives, including no action, are considered in the draft statement. The two action alternatives are: (1) Labyrinth Weir Spillway Design, and (2) Roller Compacted Concrete (RCC) Spillway Design. Both action

alternatives would rehabilitate the inadequate Tongue River Dam spillway and raise its crest elevation 4 feet. The resultant increased in Tongue River Reservoir capacity would provide additional water to the NCT and thus partially fulfill the provisions of the Settlement Act. A fundamental component of both action alternatives provides for the enhancement of fish and wildlife habitat in the Tongue River Basin. In addition to the two action plans and the No Action Plan, the DEIS also evaluates in less detail several nonviable alternatives.

The principle environmental consequences that would result from the two action plans include:

- **Hydrology.** Increased reservoir capacity and contents following construction; short-term reductions in downstream flows during construction; increased upstream ice formation due to increased reservoir contents; short-term reductions in downstream water quality during construction; increased peak outflow from the spillway following construction (Alternative 1 only).

- **Aquatics/Fisheries.** Short-term drawdown and reduced reservoir capacity during construction; increased reservoir capacity and contents following construction; more stable downstream releases following construction.

- **Vegetation.** Inundation of approximately 400 acres of vegetation due to increased reservoir capacity and contents following construction; short-term disturbances and reduced productivity to vegetation due to staging area activities, county road realignment, and aggregate mining activities.

- **Biodiversity.** Potential short-term reductions in biodiversity during construction; increased biodiversity following completion of fish and wildlife habitat enhancement component of project.

- **Economic Environment.** Increased employment due to project construction; cost to public sector for project construction and operation.

- **Transportation.** Short-term impacts to local roads from project construction; potential short-term impacts to streets in Sheridan, WY during construction (only if the Sheridan rail load-out facility is used to transport construction-related materials).

- **Recreation.** Short-term reductions in Tongue River State Park access during construction; short-term reductions in project area recreational experience during construction; short-term increases in exposure to navigational hazards in the reservoir due to construction-related drawdowns; short-term limitations in access to

boating facilities due to construction-related drawdowns; short-term limitations in access to boating facilities due to construction-related drawdowns.

- **Appearance.** Permanent alterations in dam and spillway appearance following construction (Alternative 1 would differ in appearance from the existing spillway due to its labyrinth (zigzag) crest, and Alternative 2 would have a different dam embankment profile as compared to the existing embankment due to the RCC secondary and emergency spillways).

- **Project Cost.** Alternative 1 is estimated to have a cost 50 percent greater than Alternative 2.

#### *Hearing Process Information:*

Organizations and individuals wishing to present statements at the hearings should contact the Bureau of Reclamation, Great Plains Region, at the above address. Requests for scheduled presentations will be accepted through 4 p.m. on June 30, 1995.

Oral comments at the hearings will be limited to 10 minutes. The hearing officer may allow any speaker to provide additional oral comments after all persons wishing to comment have been heard. Whenever possible, speakers will be scheduled according to the time preference mentioned in their letter or telephone requests. Speakers not present when called will lose their privilege in the scheduled order and will be recalled at the end of the scheduled speakers.

Written comments from those unable to attend or those wishing to supplement their oral presentations at the hearing should be received by Reclamation's Montana Area Office at the address above by August 4, 1995, for inclusion in the hearing record.

Dated: May 30, 1995.

**Katherine Jabs,**

*Area Manager.*

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#### **Bay-Delta Advisory Council Meeting**

**AGENCY:** Bureau of Reclamation, Interior.

**ACTION:** Notice of meeting.

**SUMMARY:** The Bay-Delta Advisory Council (BDAC) will meet to discuss several issues including: Council by-laws and procedural matters; overview of the CALFED Bay-Delta Program; function and objectives of BDAC; and other items. The meeting is open to the public. Interested persons may make oral statements to the BDAC or may file written statements for consideration.

**DATES:** The Bay-Delta Advisory Council will meet from 10:00 am to 4:00 pm on Thursday, June 29, 1995.

**ADDRESSES:** The Bay-Delta Advisory Council will meet at the Beverly Garland Hotel, 1780 Tribute Road (at Exposition Boulevard/West), Sacramento, CA.

#### **CONTACT PERSON FOR MORE INFORMATION:**

Sharon Gross, CALFED Bay-Delta Program, at (916) 657-2666.

**SUPPLEMENTARY INFORMATION:** The San Francisco Bay/Sacramento-San Joaquin Delta Estuary is a critically important part of California's natural environment and economy. In recognition of the serious problems facing the region and the complex resource management decisions that must be made, the State of California and the Federal Government are working together to stabilize, protect, restore, and enhance the Bay-Delta Estuary. The State and Federal agencies with management and regulatory responsibilities in the Bay-Delta Estuary are working together as CALFED to provide policy direction and oversight for the process.

One area of Bay-Delta management includes the establishment of a joint State-Federal process to develop long-term solutions to problems in the Bay-Delta Estuary related to fish and wildlife, water supply reliability, natural disasters, and water quality. The intent is to develop a comprehensive and balanced plan which addresses all of the resource problems. This effort will be carried out under the policy direction of CALFED. A group of citizen advisors representing California's agricultural, environmental, urban, business, fishing, and other interests who have a stake in finding long-term solutions for the problems affecting the Bay-Delta Estuary has been chartered under the Federal Advisory Committee Act (FACA) as the Bay-Delta Advisory Council (BDAC) to advise CALFED on the program mission, problems to be addressed, and objectives for the CALFED Bay-Delta Program. BDAC will provide a forum to help ensure public participation, and will review reports and other materials prepared by CALFED staff. Minutes of the meeting will be maintained by the CALFED Bay-Delta Program, Suite 1155, 1416 Ninth Street, Sacramento, CA 95814, and will be available for public inspection during regular business hours, Monday through Friday, within 30 days following the meeting.