

recovery purposes to conduct presence/absence surveys for humpback chub (*Gila cypha*) and razorback sucker (*Xyrauchen texanus*) within Arizona.

**Permit TE-160521**

*Applicant:* Tetra Tech, Salt Lake City, Utah.

Applicant requests an amendment to a current permit for research and recovery purposes to conduct presence/absence surveys for southwestern willow flycatcher (*Empidonax taillii extimus*) within Arizona, Colorado, and Utah.

**Authority:** 16 U.S.C. 1531 *et seq.*

Dated: April 8, 2010.

**Thomas L Bauer,**

*Acting Regional Director, Southwest Region, Fish and Wildlife Service.*

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**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

[FWS-R4-R-2010-N022; 40136-1265-0000-S3]

**Watercress Darter National Wildlife Refuge, Jefferson County, AL**

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

**ACTION:** Notice of availability: draft comprehensive conservation plan and environmental assessment; request for comments.

**SUMMARY:** We, the Fish and Wildlife Service (Service), announce the availability of a draft comprehensive conservation plan and environmental assessment (Draft CCP/EA) for Watercress Darter National Wildlife Refuge (NWR) for public review and comment. In this Draft CCP/EA, we describe the alternative we propose to use to manage this refuge for the 15 years following approval of the final CCP.

**DATES:** To ensure consideration, we must receive your written comments by May 17, 2010.

**ADDRESSES:** You may obtain a copy of the Draft CCP/EA by writing to: Mr. Stephen A. Miller, Mountain Longleaf National Wildlife Refuge, P.O. Box 5087, Anniston, AL 36205; telephone: 256/848-6833. The Draft CCP/EA is available on compact disk or in hard copy. You may also access and download the document from the Service's Internet Web site: <http://southeast.fws.gov/planning/under> "Draft Documents." Comments on the Draft CCP/EA may be submitted to the above

address or via electronic mail to: [stephen\\_a\\_miller@fws.gov](mailto:stephen_a_miller@fws.gov).

**FOR FURTHER INFORMATION CONTACT:** Mr. Mike Dawson, Refuge Planner, Jackson, MS; 601/965-4903, extension 20.

**SUPPLEMENTARY INFORMATION:**

**Introduction**

With this notice, we continue the CCP process for Watercress Darter NWR. We started the process through a notice in the **Federal Register** on March 12, 2007 (72 FR 11048).

**Background**

*The CCP Process*

The National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd-668ee), as amended by the National Wildlife Refuge System Improvement Act of 1997, requires us to develop a CCP for each national wildlife refuge. The purpose for developing a CCP is to provide refuge managers with a 15-year strategy for achieving refuge purposes and contributing toward the mission of the National Wildlife Refuge System, consistent with sound principles of fish and wildlife management, conservation, legal mandates, and our policies. In addition to outlining broad management direction on conserving wildlife and their habitats, CCPs identify wildlife-dependent recreational opportunities available to the public, including opportunities for hunting, fishing, wildlife observation, wildlife photography, and environmental education and interpretation. We will review and update the CCP at least every 15 years in accordance with the Administration Act.

**CCP Alternatives, Including Our Proposed Alternative**

We developed three alternatives for managing the refuge and chose "Alternative C" as the proposed alternative. A full description of each alternative is in the Draft CCP/EA. We summarize each alternative below.

*Alternative A—Current Management (No Action)*

The current management of Watercress Darter NWR recognizes the importance of looking beyond the refuge boundary. We continue to seek partnerships with adjacent landowners to protect and enhance the habitat for the endangered watercress darter. Upland management emphasizes the maintenance and restoration of native vegetative communities. Environmental parameters are monitored, adding additional parameters as issues arise. We currently monitor long-term trends

for exotic invasive species. Other institutions are sought to investigate topics in detail. Wildlife observation is incorporated in the current public use program. Some outreach avenues have been established at both the State and local level. Watercress Darter NWR is currently managed by the staff of the Mountain Longleaf NWR, which is located 90 miles to the north.

*Alternative B—Refuge Focused Management*

Under this alternative, we would focus on activities within the jurisdictional boundaries of Watercress Darter NWR. We would rely on interest groups to collect information on outside threats. We would emphasize protection of the endangered watercress darter, restoration of native communities, and the health of resident wildlife species. Environmental monitoring would demonstrate long-term trends, environmental changes, or the results of management practices on refuge lands. Research, management, protection, education, and public use would be conducted to maximize benefits to Watercress Darter NWR. Land acquisition would be emphasized on high-priority areas within the approved acquisition boundary. The staff needed to fully implement this alternative would include four positions to be shared with Cahaba River NWR.

*Alternative C—Integrated Landscape Management (Proposed Alternative)*

Threats to the refuge are becoming more prominent as development activities occur in the city of Bessemer, Alabama. Watercress Darter NWR is a small system that can be greatly compromised by activities a distance away from its boundary. Under Alternative C, we fully recognize the impact these activities may have on the integrity of the refuge. We would continue the activities as stated under Alternative A and extend beyond the immediate neighbors to address issues associated with the aquifer and spring recharge area, watershed, and biota exchange pathways. Extensive resource sharing and networking with other protected areas, State and local government agencies, non-governmental organizations, specialists, researchers, and private citizens would expand the knowledge base and develop cooperation among interest groups. Restoration of natural systems, native communities, and healthy environments would be emphasized, thus promoting regionally a high quality of life. Monitoring environmental parameters and flora and fauna would be incorporated into an integrated study to

gain knowledge on the health of the refuge ecosystem. Education and outreach would be expanded, with an emphasis on cultural and historical resources including groundwater springs. An increase in staff would occur under this alternative in order to place greater emphasis on landscape management. Additional staff members needed to fully implement this alternative would include one position stationed at Watercress Darter NWR and four positions to be shared between Cahaba River NWR and Watercress Darter NWR.

#### Next Step

After the comment period ends, we will analyze the comments and address them.

#### Public Availability of Comments

Before including your address, phone number, e-mail 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 can 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

This notice is published under the authority of the National Wildlife Refuge System Improvement Act of 1997, Public Law 105-57.

Dated: February 25, 2010.

**Jeffrey M. Fleming,**

*Acting Regional Director.*

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## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### Final Environmental Impact Statement for Drought Management Planning at the Kerr Hydroelectric Project, Flathead Lake, MT

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice of availability.

**SUMMARY:** In accordance with the National Environmental Policy Act (NEPA), the Bureau of Indian Affairs (BIA) provides this notice that the Final Environmental Impact Statement (FEIS) for Drought Management Planning at the Kerr Hydroelectric Project, Flathead Lake, Montana, is now available for public review and comment.

**DATES:** The BIA will issue a final decision on drought management planning at the Kerr Hydroelectric Project no sooner than 30 days following the publication date of this notice. Thus, any comments on the FEIS must arrive by May 17, 2010.

**ADDRESSES:** You may mail or hand-carry written comments to: Mr. Bob Dach, Hydropower Program Manager, Bureau of Indian Affairs, 911 NE 11th Avenue, Portland, OR 97232. You may e-mail written comments to:

*robert.dach@bia.gov*. See the

**SUPPLEMENTARY INFORMATION** section of this notice for locations where the FEIS will be available for review and instructions for submitting comments.

**FOR FURTHER INFORMATION CONTACT:** Mr. Bob Dach, Hydropower Program Manager, Bureau of Indian Affairs, telephone: (503) 231-6711; e-mail: *robert.dach@bia.gov*.

**SUPPLEMENTARY INFORMATION:** This FEIS finalizes the draft document, titled Drought Management Plan and Environmental Impact Statement, for which notice was provided in the **Federal Register** on July 26, 2006 (71 FR 42415).

The Kerr Hydroelectric Project (Project) is located at river mile 72.0 on the Flathead River, just downstream from Flathead Lake. The Project is within the Flathead Indian Reservation and is operated pursuant to a July 17, 1985, license order issued jointly to PPL Montana, LLC (successor-in-interest to the Montana Power Company) and the Confederated Salish and Kootenai Tribes (Tribes).

The license contains specific operating requirements governing, among other things, lake levels (Article 43) and minimum stream flows (Article 56). Minimum stream flows were required by the Secretary of the Interior (Secretary) pursuant to his authority under section 4(e) of the Federal Power Act (16 U.S.C. 797(e)) to protect natural resources important to the Tribes.

During drought years, the available water supply may not be sufficient to provide minimum stream flows while maintaining Flathead Lake levels. As such, the Secretary also required the licensees to develop a Drought Management Plan (DMP) (Article 60) in an effort both to avoid and resolve potential water use conflicts that may arise under drought conditions. PPL Montana submitted a proposed DMP to the Secretary on March 4, 2002. Under Article 60, the Secretary has the sole authority to reject, modify, or otherwise alter the proposed DMP.

Issues addressed in the DEIS included, but were not limited to,

effects on hydroelectric power production, recreation, tourism, irrigation, flooding, treaty-protected fisheries, biological resources, wildlife habitat, and Indian traditional and cultural properties and resources. Alternatives to the licensees' proposed DMP were also evaluated in the DEIS. The FEIS refines the environmental analyses based on comments received on the DEIS from State and Federal agencies, other project stakeholders, and the public.

A final decision regarding the framework and requirements of a DMP will be included in a Record of Decision (ROD), expected to be complete by Spring 2010. The ROD will identify the specific actions and procedures that must be included in the final DMP and will state specifically the next steps required by PPL Montana and the Tribes in finalizing the plan. Neither this EIS nor the ROD will include a "stand alone" DMP as required by the license (Article 60), although the ROD will have all of the fundamental components required to be included in the final plan specifically identified. Finalizing the DMP in this manner should facilitate integration of DMP requirements with Kerr Project operational requirements that are best addressed by the licensees. We anticipate that the final DMP will be developed by PPL Montana and the Tribes in consultation with the U.S. Army Corps of Engineers, Bureau of Reclamation, and BIA, and filed with the Federal Energy Regulatory Commission by Fall 2010.

**Directions for Submitting Comments:** To submit comments on the FEIS, please include your name, return address and the caption "FEIS Comments, Drought Management Planning at the Kerr Hydroelectric Project" on the first page of your written comments.

**Directions for Obtaining Review of the FEIS:** Copies of the FEIS will be mailed to individuals, agencies, organizations, and companies identified in the Draft EIS. Electronic copies of the FEIS are available upon request by contacting the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice. The document is available electronically at: <http://www.flatheadlake-eis.com/>. Copies of the FEIS will also be available for review at the following locations in Montana:

- Polson City Library, 21st Avenue East, Polson, MT 59860.
- Flathead County Library, 247 1st Avenue East, Kalispell, MT 59901.

**Public Availability of Comments:** Before including your address, phone number, e-mail address, or other