

DEPARTMENT OF THE INTERIOR

Office of the Assistant Secretary
Water and Science**Central Utah Project Completion Act;
Notice of Availability of the Record of
Decision on the Diamond Fork System
Final Supplement to the Final
Environmental Impact Statement
Documenting the Department of
Interior's Approval for the Central Utah
Water Conservancy District To
Proceed With the Construction of the
Proposed Action Alternative**

AGENCY: Office of the Assistant Secretary—Water and Science, Department of the Interior.

ACTION: Notice of availability of the Record of Decision on the Diamond Fork System Final Supplement to the Final Environmental Impact Statement.

SUMMARY: On September 29, 1999, Mark Schaefer, Deputy Assistant Secretary—Water and Science, Department of the Interior (Interior), signed the Record of Decision (ROD) which documents the selection of the Proposed Action Alternative as presented in the Diamond Fork System Final Supplement to the Final Environmental Impact Statement (FS-FEIS), INT FES 99-25, filed July 1, 1999. The ROD also approves the Central Utah Water Conservancy District (CUWCD) proceeding with construction of the Diamond Fork System, in accordance with statutory and contractual obligations. The following features will be constructed as part of the Proposed Action: (1) Sixth Water Connection, (2) Tanner Ridge Tunnel, (3) Diamond Fork Siphon, (4) Red Mountain Tunnel, (5) Red Hollow Pipeline, (6) Diamond Fork Creek Outlet, (7) Spanish Fork River Outlet, and (8) possible modifications to Spanish Fork River diversion dams. The ROD acknowledged that value engineering studies would be conducted that could result in minor modifications to the physical facilities to further reduce environmental impacts and reduce construction costs.

The Proposed Action specifically fulfills project needs to: (1) Maintain the statutorily mandated minimum flows in Sixth Water Creek and Diamond Fork Creek; (2) implement Interior's environmental commitments on the Diamond Fork Pipeline from the 1995 ROD, which includes but is not limited to removing high flows brought over from Strawberry Reservoir into the Sixth Water and Diamond Fork creek drainages; (3) meet the CUWCD's M&I water contractual commitments to Salt Lake, Utah and Wasatch Counties, by

conveying Bonneville Unit water to Utah Lake for exchange to Jordanelle Reservoir; and (4) provide the Utah Reclamation Mitigation and Conservation Commission (Mitigation Commission) the opportunity and flexibility for future restoration of aquatic and riparian habitat in Sixth Water and Diamond Fork Creeks to protect water quality and threatened species in Diamond Fork Creek.

The FS-FEIS for the Diamond Fork System, considered alternatives to complete the Diamond Fork System as mandated in section 302(a)(6) of the Central Utah Project Completion Act (CUPCA). Interior, the Mitigation Commission, and CUWCD served as the Joint Lead Agencies in the preparation of the NEPA compliance documents.

During preparation of the FEIS, CUWCD consulted formally on listed species with the U.S. Fish and Wildlife Service (USFWS) under § 7 of the Endangered Species Act (16 U.S.C.A. sections 1531 to 1544, as amended). A draft Biological Opinion was issued which evaluated project impacts on the June sucker and Ute ladies' tress. The Opinion concluded the Proposed Action would not affect the bald eagle or peregrine falcon. The Biological Opinion also included a list of recommendations which if agreed to and implemented by the Joint-Lead Agencies, will result in a non-jeopardy Biological Opinion. The Joint-Lead Agencies have included these recommendations as environmental commitments in the ROD. A final Biological Opinion was issued by the USFWS on August 24, 1999.

FOR FURTHER INFORMATION CONTACT: Additional information on matters related to this **Federal Register** notice can be obtained at the address and telephone number set forth below: Mr. Reed Murray, Program Coordinator, CUP Completion Act Office, Department of the Interior, 302 East 1860 South, Provo, UT 84606-6154; Telephone: (801) 379-1237, E-mail: rmurray@uc.usbr.gov.

Dated: September 30, 1999.

Ronald Johnston,

Program Director, Department of the Interior.
[FR Doc. 99-25964 Filed 10-5-99; 8:45 am]

BILLING CODE 4310-RK-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

**Notice of Receipt of Applications for
Permit**

The following applicants have applied for a permit to conduct certain

activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*):

Applicant: Ray Boyd, Lakeland, TN, PRT-017174.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Frank Tosta, Modesto, CA, PRT-018004.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Cincinnati Zoo and Botanical Garden, Cincinnati, OH, PRT-011866.

The applicant requests a permit to import one wild-born male Chinese giant salamander (*Andrias davidianus*) from the Rotterdam Zoo, Netherlands, for the purpose of enhancement of the survival of the species through captive propagation.

Applicant: University of Wisconsin, Madison, WI, PRT-014946.

The applicant requests a permit to export two male and two female captive-born Cotton-top tamarins (*Saguinus oedipus*) to the Crystal Gardens Zoo, Victoria, British Columbia, Canada, for the purpose of enhancement of the survival of the species through zoological display and conservation education.

Applicant: Rare Feline Breeding Center, Center Hill, FL, PRT-012014.

The applicant requests a permit to sell in foreign commerce one male and one female tiger (*Panthera tigris*) to Jinan Zoological Gardens in Shandong Province, China, for the purpose of enhancement of the survival of the species through propagation and conservation education.

The following applicants have applied for a permit to conduct certain activities with marine mammals. The application was submitted to satisfy requirements of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*), and the regulations governing marine mammals (50 CFR 18).

Applicant: Carlton Goldthwaite, Raleigh, NC, PRT-017856

The applicant requests a permit to import a polar bear (*Ursus maritimus*)

sport-hunted from the Lancaster Sound polar bear population, Northwest Territories, Canada for personal use.

Applicant: Dr. Roy A. Schultz, Avoca, IA, PRT-017983

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted from the Southern Beaufort Sea polar bear population, Northwest Territories, Canada for personal use.

Concurrent with the publication of this notice in the **Federal Register**, the Office of Management Authority is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors for their review.

Written data or comments, requests for copies of the complete application, or requests for a public hearing on this application should be sent to the U.S. Fish and Wildlife Service, Office of Management Authority, 4401 N. Fairfax Drive, Room 700, Arlington, Virginia 22203, telephone 703/358-2104 or fax 703/358-2281, and must be received within 30 days of the date of publication of this notice. Anyone requesting a hearing should give specific reasons why a hearing would be appropriate. The holding of such a hearing is at the discretion of the Director.

Documents and other information submitted for these applications are available for review by any party who submits a written request to the U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203. Phone (703) 358-2104 or Fax (703) 358-2281.

Dated: October 1, 1999.

Kristen Nelson,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 99-26064 Filed 10-5-99; 8:45 am]

BILLING CODE 4310-55-P

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 A. Teichert and Son Esparto Mining Project, Yolo County, CA

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability and receipt of application.

SUMMARY: A. Teichert and Son, a subsidiary of Teichert, Inc. (Applicant) has applied for an incidental take

permit from the U.S. Fish and Wildlife Service (Service) pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended. The Service proposes to approve the Applicant's Habitat Conservation Plan and issue an incidental take permit for take of the valley elderberry longhorn beetle (beetle), a federally listed threatened species, as a result of aggregate mining activities on a 98-acre site in Yolo County, California. Mitigation and minimization measures outlined in the Habitat Conservation Plan would offset impacts to a small, isolated stand of beetle habitat, four elderberry shrubs, by transplanting the shrubs to an existing large habitat block that is specifically managed and monitored for the species' long-term survival. This notice advises the public that the Service has opened the comment period on the permit application and the draft Environmental Assessment. The permit application includes the Applicant's Habitat Conservation Plan. The Service will evaluate the application, associated documents, and comments submitted thereon to determine whether the application meets the requirements of National Environmental Policy Act regulations and section 10(a) of Endangered Species Act. If it is determined that the requirements are met, the requested permit will be issued for the incidental take of beetles subject to the provisions of the Applicant's Habitat Conservation Plan. The final National Environmental Policy Act and permit determinations will not be completed until after the end of a 30-day comment period and will fully consider all comments received. The Service will also evaluate whether the issuance of the requested permit complies with section 7 of the Endangered Species Act by conducting an intra-Service section 7 consultation. The resulting section 7 biological opinion, in combination with the above types of evaluation requirements, will be used in the final analysis to determine whether or not to issue the requested permit.

DATES: Written comments should be received on or before November 5, 1999.

ADDRESSES: Comments should be addressed to Wayne White, Field Supervisor, U.S. Fish and Wildlife Service, 2800 Cottage Way, Sacramento, California 95821-6340. Comments may also be sent via facsimile to (916) 414-6714.

FOR FURTHER INFORMATION CONTACT: Ellen Berryman, Fish and Wildlife Biologist, at the above address; telephone (916) 414-6600.

SUPPLEMENTARY INFORMATION:

Availability of Documents

Individuals wishing to obtain copies of the application or Environmental Assessment for review should immediately contact the Sacramento Fish and Wildlife Office at the address above. Documents will also be available for public inspection, by appointment, during normal hours at the above address.

Background

Section 9 of the Endangered Species Act and Federal regulations prohibit the "taking" of a species listed as endangered or threatened. However, the Service may, under limited circumstances, issue permits to take listed species incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for threatened species are promulgated in 50 CFR 17.32; regulations governing permits for endangered species are promulgated in 50 CFR 17.22.

As specified by the Endangered Species Act, permitted take must be "incidental to, and not the purpose of, the carrying out of an otherwise lawful activity." In order to obtain an incidental take permit, the applicant must submit, in part, a conservation plan specifying "the impact which will likely result from such taking; what steps the applicant will take to minimize and mitigate such impacts; and the funding that will be available to implement such steps; what alternative actions to such taking the applicant considered and reasons why such alternatives are not being utilized; and such other measures the Secretary (of the U.S. Department of the Interior) may require as being necessary or appropriate for purposes of the plan." These requirements are addressed in the Habitat Conservation Plan.

The Applicant seeks coverage for take of the federally listed valley elderberry longhorn beetle incidental to mining activity for the Esparto Mining Project in Yolo County, California. The proposed incidental taking would occur on a 98-acre site in Yolo County California. The site supports four blue elderberry shrubs, which constitute beetle habitat, that could potentially be occupied by this species. The proposed take would be incidental to the lawful activities of aggregate extraction and associated activities (e.g., material conveyance, maintenance, and reclamation).

To mitigate for impacts that would result from the removal of the four valley elderberry shrubs, Teichert proposes to transplant the four elderberry shrubs to an existing