

Environmental Policy Act of 1969 (NEPA), as amended. It documents the decision of the Service, based on the information contained in the San Diego Bay NWR Final CCP/EIS and the entire Administrative Record. The Service adopted and plans to implement Alternative C (Implement Habitat Enhancement and Restoration and Improve Existing Public Uses) for the Sweetwater Marsh Unit and Alternative D (Expand Habitat Management, Enhance Nesting Opportunities, Maximize Habitat Restoration, and Provide Additional Public Use Opportunities) for the South San Diego Bay Unit. These alternatives have been identified by the Service as the alternatives that would best achieve refuge purposes and contribute toward the mission of the NWRs, consistent with sound principles of fish and wildlife science, conservation, legal mandates, and Service policies.

The selected alternatives recognize the need to provide high quality habitat for the Refuge's federally listed species, while also maintaining, and in some cases enhancing, the habitats needed to support the overall biological diversity of the Refuge. The selected alternatives also include expanded opportunities for compatible public use including wildlife observation, environmental education, and interpretation; provisions to protect cultural resources; recommendations for addressing existing contaminant issues; and proposals for establishing partnerships to address issues such as water quality, the accumulation of discarded fishing line around the bay, and stewardship of Refuge resources.

Alternative C for the Sweetwater Marsh Unit would improve habitat quality and restore intertidal and upland habitats to support six federally listed species, along with the Refuge's other plant and animal resources. The existing trail system on Gunpowder Point would be redesigned and new interpretive elements would be provided to better complement the existing environmental education programs supported by the Refuge.

Alternative D for the South San Diego Bay Unit would enhance nesting opportunities in and around the salt ponds for the California least tern, western snowy plover, and various other colonial seabirds; restore to native coastal habitats the former agricultural lands in the Otay River floodplain; restore 650 acres of commercial solar salt ponds to tidal influence to support intertidal mudflat and coastal salt marsh habitats; and manage the water and salinity levels in an additional 275 acres of salt ponds. Opportunities for wildlife

observation, photography, and environmental interpretation would be expanded; a pedestrian pathway would be constructed along the southern end of the Refuge to improve wildlife observation opportunities for Refuge visitors; and the other public uses (i.e., fishing, environmental education, and boating) currently provided on the Refuge would be maintained.

The Service considered the environmental and relevant concerns presented by agencies, organizations, and individuals and believes that implementing Alternative C for the Sweetwater Marsh Unit and Alternative D for the South San Diego Bay Unit is the best way to achieve the vision and goals for the Refuge. The selected alternatives are also the most consistent with the purposes of the Refuge, the mission of the NWRs, the recovery actions proposed for those federally listed species that are supported by the Refuge, and the bird conservation recommendations relevant to this part of the Pacific Flyway. These alternatives recognize the need to restore habitat essential to the recovery of listed species, while also protecting those habitats and conditions that currently support a diverse and abundant array of migratory birds. The selected alternatives also balance the need to protect habitat with the need to provide the public with the opportunity to experience and enjoy the resources being protected.

Dated: October 18, 2006.

**Steve Thompson,**

*Manager, California/Nevada Operations, Sacramento, California.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### **Final Environmental Impact Statement and Comprehensive Conservation Plan for Upper Mississippi River National Wildlife and Fish Refuge in Illinois, Iowa, Minnesota, and Wisconsin**

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

**ACTION:** Notice of availability of record of decision.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, announce our decision and the availability of the Record of Decision (ROD) for the Final Environmental Impact Statement (EIS) and Comprehensive Conservation Plan (CCP) for Upper Mississippi River National Wildlife and Fish Refuge in

accordance with National Environmental Policy Act requirements (NEPA).

**ADDRESSES:** The ROD and Final EIS/CCP may be viewed at Upper Mississippi River National Wildlife and Fish Refuge Headquarters or at Refuge District Offices in Winona, Minnesota; La Crosse, Wisconsin; McGregor, Iowa; and Savanna, Illinois. You may obtain a copy of the ROD on the planning Web site at <http://www.fws.gov/midwest/planning/uppermiss> or by writing to: U.S. Fish and Wildlife Service, Division of Conservation Planning, Bishop Henry Whipple Federal Building, 1 Federal Drive, Fort Snelling, Minnesota 55111.

**FOR FURTHER INFORMATION CONTACT:** Don Hultman, (507) 452-4232.

**SUPPLEMENTARY INFORMATION:** We, the U.S. Fish and Wildlife Service, announce our decision and the availability of the Record of Decision (ROD) for the Final Environmental Impact Statement (EIS) and Comprehensive Conservation Plan (CCP) for Upper Mississippi River National Wildlife and Fish Refuge in accordance with NEPA requirements (40 CFR 1506.6(b)). We completed a thorough analysis of the environmental, social, and economic considerations, which we included in the Final EIS/CCP. We released the Final EIS/CCP to the public and a published a notice of availability in the **Federal Register** (71 FR 39125, July 11, 2006). The ROD documents the selection of Alternative E, the Preferred Alternative in the Final EIS/CCP, with one modification. The ROD was signed by the Regional Director, U.S. Fish and Wildlife Service, Midwest Region, on August 24, 2006.

The CCP for the Upper Mississippi River National Wildlife and Fish Refuge (Refuge) will guide the management and administration of the Refuge for the next 15 years. Alternative E, as described in the Final EIS, is the foundation for the CCP, with one modification. The modification designates 215 acres west of the Rieck's Lake area of Pool 4, in the area between Highway 35 and the railroad tracks, as a No Hunting Zone to avoid impacts to persons using the Buffalo River Access, access to the main river, and anglers desiring to fish in the area.

Four alternatives and their consequences were developed for the Draft EIS and CCP. A fifth alternative, Alternative E, was developed based on extensive public input and comment, and was released as a Supplement to the Draft EIS (71 FR 2561, January 17, 2006).

*Alternative A—No Action or Current Direction.* Continue current level of

effort on fish and wildlife and habitat management. Public use programs would remain virtually unchanged.

*Alternative B—Wildlife Focus.*

Increase level of effort on fish and wildlife and habitat management. Some public use opportunities and programs would remain the same, others reduced in favor of wildlife and habitat protection.

*Alternative C—Public Use Focus.*

Increase level of effort on public use opportunities and programs. Continue current level of effort on many fish and wildlife and habitat management activities, and decrease effort on others in favor of public use.

*Alternative D—Wildlife and Integrated Public Use Focus.* Increase level of effort on fish and wildlife and habitat management. Take a more proactive approach to public use management to ensure a diversity of opportunities for a broad spectrum of users, both for wildlife-dependent uses and traditional and appropriate non-wildlife-dependent uses.

*Alternative E—Modified Wildlife and Integrated Public Use Focus (Preferred Alternative).* Increase level of effort on fish and wildlife and habitat management. Take a proactive but balanced approach to public use management to ensure a diversity of opportunities for a broad spectrum of users, both for wildlife-dependent uses and traditional and appropriate non-wildlife-dependent uses.

Elements common to all alternatives included interagency coordination, agency access to restricted areas, NEPA compliance for projects (42 U.S.C. 4371 *et seq.* and 40 CFR 1500–1508), protection of threatened and endangered species and cultural resources, fire management, a continuation of general water-based recreation, mosquito management in the event of a health emergency, fish and wildlife disease control, and the fostering of volunteers and friends groups.

*The Service's Basis for Decision:*

Based on a review of the environmental consequences of each alternative, we judged Alternative E to be the environmentally preferable alternative. Although all alternatives have positive physical and biological environmental consequences, Alternatives D and E also address a variety of social, economic, and cultural issues. Alternative E is the most positive in terms of addressing human environmental issues, because it reflects input received during scores of public meetings and workshops, and through several thousand written comments. The Final EIS identified three broad needs: (1) Contribute to the Refuge System mission; (2) fulfill the

purposes of the Refuge; and (3) achieve Refuge goals for landscape conservation, environmental health, wildlife and habitat health, and recreation.

Alternative E meets these needs through the most balanced and integrated approach. Alternative E reflects substantive changes to earlier preferred alternatives. These changes were in response to agency review and comment, 30 public meetings and workshops on the draft documents, and more than 3,000 written comments. Alternative E in the Final EIS is the alternative most responsive to agency and public comment and suggestion. It identifies objectives and strategies for completing land acquisition, habitat improvements, water quality improvements, invasive species control, fish and wildlife monitoring, and forest management, and providing targeted resting and feeding areas for waterfowl and other wildlife. These measures will help ensure the biological health of the Refuge beyond the 15-year scope of the CCP. Alternative E also strikes a balance between the needs of fish and wildlife and needs of people for recreation through reasonable restrictions on a portion of the Refuge. This approach may prove more sustainable, both in terms of resource values and economic values, than the status quo, and help sustain the greatest diversity of opportunity for the greatest number of people. Alternative E reflects a large body of scientific and management knowledge and experience on the river environment and the needs of the system to improve and thrive. It reflects numerous studies and reports from the U.S. Geological Survey, States, interagency teams, and Refuge-specific monitoring and studies. Changes in public use programs reflect numerous studies on wildlife and human interaction and disturbance, and the latest thinking in recreation management. The Refuge Improvement Act of 1997 (Pub. L. 105–57) requires that all uses on a national wildlife refuge must be compatible with the purposes of the refuge and the mission of the Refuge System. Alternative E, with its various stipulations for certain uses, ensures that these uses remain compatible. All current recreational uses (e.g., hunting, fishing, observation and photography, and interpretation and environmental education) and wildlife-dependent economic uses (e.g., commercial fishing, guiding, fishing tournaments, and trapping) will continue, and opportunities will remain abundant in terms of the amount of land and water available and seasons of use. Adjustments in time, space, and period

of use will help ensure the highest quality experience for the greatest number of users, and ensure each use remains compatible. Recreation is the main economic driver on the Refuge, and Alternative E will continue to have a positive economic impact since all current public use opportunities will continue, and are expected to grow, even though means, timing, and location of recreation will change in some areas to protect wildlife, habitat, and the recreation experience. In the long-term, providing for a greater diversity of recreational opportunities should strengthen local and regional economies. Alternative E identifies staffing needs tied to objectives and strategies to increase the capacity of the Refuge to meet its purpose and the Refuge System mission. Alternative E also addresses infrastructure needs for effective and efficient administration and management of the Refuge while serving the needs of the visiting public. Although differences of opinion will remain, Alternative E is the strongest alternative in terms of fostering cooperative conservation. Virtually every objective and associated strategy in Alternative E stresses a cooperative approach with the States, the U.S. Army Corps of Engineers, and the public.

*Public Comments on Final EIS:*

During the 30-day waiting period, we received 50 written comments. With one exception, the comments did not raise any issues not addressed in the Final EIS, and the comments did not result in changes to the analysis of environmental consequences or affect our response to similar comments in the Final EIS. The exception was a comment requesting retention of the Waterfowl Hunting Closed Area near Rieck's Lake, Pool 4, due to its proximity to residences, school bus stop locations, and a marina. This comment provided new information and resulted in the modification to Alternative E, as noted above. All written comments received during the waiting period are available for review at the Refuge headquarters in Winona, Minnesota (*see ADDRESSES* Section).

*Measures to Minimize Environmental Harm:* We addressed public concerns, potential impacts, and measures and stipulations to mitigate impacts in various sections of the Final EIS. We made 17 major changes to Alternative E between the Draft and Final EIS to mitigate public and agency concerns. Since the focus of the CCP is the improvement of the Refuge environment, there is little mitigation for physical environmental impacts. Also, many objectives in the CCP are programmatic in nature and local

impacts unknown. Thus, we will identify mitigation for any project-specific impacts during detailed project planning and design. We prepared a biological assessment to address any impacts to federally-listed threatened or endangered species. The biological assessment concluded that implementation of Alternative E is not likely to appreciably reduce the survival and recovery of listed species. We also prepared compatibility determinations for all uses identified in Alternative E, and these determinations contain stipulations to avoid, minimize, or mitigate any environmental impacts from these uses and associated facilities. The Refuge Manager and District Managers will be responsible for ensuring that monitoring and stipulations identified in the CCP are completed or followed.

Dated: September 13, 2006.

**Robyn Thorson,**

*Regional Director, U.S. Fish and Wildlife Service, Fort Snelling, Minnesota.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### **Notice of Intent To Conduct Public Scoping and Prepare an Environmental Impact Statement Regarding the Coyote Springs Investments Multiple Species Habitat Conservation Plan, Lincoln County, NV**

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

**ACTION:** Notice of intent; reopening of public comment period.

**SUMMARY:** Pursuant to the National Environmental Policy Act (NEPA) (42 U.S.C. 4321, *et seq.*), the Fish and Wildlife Service (Service) as the lead agency, advises the public that we intend to gather information necessary to prepare an Environmental Impact Statement (EIS) regarding the proposed Coyote Springs Investment LLC (Applicant) Multiple Species Habitat Conservation Plan (MSHCP) and issuance of an incidental take permit (Permit) for endangered and threatened species in accordance with section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The Applicant proposes to develop a planned community in southern Lincoln County and implement conservation features (Project). The Applicant intends to request a Permit for incidental take of federally-listed threatened or endangered species,

including desert tortoise (*Gopherus agassizii*) as well as Evaluation List species. Evaluation List species include species that have been petitioned for listing; State-listed species; species that have been nominated for inclusion by technical specialists; and other species of concern that co-occur with federally listed species. The Service plans to refine the species list as a part of the scoping process. In accordance with the Act, the Applicant will prepare a MSHCP containing proposed measures to minimize and mitigate incidental take that could result from the Project.

The Service provides this notice to: (1) Announce the opening of an additional 30-day public scoping period; (2) correct inaccurate contact information provided in the previous notice (71 FR 530704, September 12, 2006); (3) describe the proposed action and possible alternatives; (4) advise other Federal and State agencies, affected tribes, and the public of our intent to prepare an EIS; (5) obtain suggestions and information on the scope of issues to be included in the EIS. The proposed action is approval of the MSHCP and issuance of the Permit.

**DATES:** Written comments from all interested parties must be received on or before December 4, 2006.

**ADDRESSES:** Comments and requests for information related to the preparation of the EIS should be sent to Robert D. Williams, Field Supervisor, Fish and Wildlife Service, Nevada Fish and Wildlife Office, 1340 Financial Boulevard, Suite 234, Reno, Nevada 89502; or fax 775-861-6301.

Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Jeannie Stafford, Public Affairs Specialist, Nevada Fish and Wildlife Office, at 775-861-6300.

**SUPPLEMENTARY INFORMATION:** A Notice of Intent to prepare an EIS was published in the **Federal Register** for this project on December 4, 2001 (66 FR 63065). A second notice was published on September 12, 2006 (71 FR 53704) because the amount of land included in the proposed MSHCP was modified. The MSHCP described in the 2001 notice included privately-owned, developable lands, and leased land in Lincoln County and Clark County, Nevada. The proposed MSHCP described in this, and the September 12, 2006, notice include private, developable lands in Lincoln County only, and leased lands in both Lincoln and Clark Counties. This notice is being published to allow for an additional 30-

day comment period and to correct inaccurate contact information provided in the September 12, 2006 notice. In that notice, an invalid e-mail address was provided as a way to submit comments. For the purposes of this reopening of the scoping period, please submit comments in writing to the contact identified in the **ADDRESSES** section.

The Applicant has initiated discussions with the Service regarding preparation of an MSHCP and issuance of a Permit for their activities, which include residential and commercial development, construction, and maintenance. The Applicant has also initiated discussions with the Bureau of Land Management (BLM) regarding land leases, and with the U.S. Army Corps of Engineers regarding project wetland permitting. Land leased and owned by the Applicant occupies most of the eastern portion of Coyote Springs Valley straddling the Pahrangat Wash and the Kane Springs Wash in Lincoln County. It consists of approximately 13,800 acres of land leased from the BLM in Lincoln and Clark Counties, and approximately 22,140 acres of developable private land in Lincoln County. The area is bordered by the Delamar Mountains to the north, the Meadow Valley Mountains to the east, and U.S. 93 to the west. The development area extends approximately 9 miles (14.48 kilometers) north of the Lincoln County/Clark County line. Leased land is bordered by SR 168 to the south in Clark County. Accordingly, BLM will be a cooperating agency for the environmental review. These lands are located in portions of Townships 11, 12, and 13 South and Ranges 63 and 64 East. The surrounding land is primarily owned and managed by the BLM and the Service. South of the development area, the Applicant's lands are being developed in Clark County and are not covered under this MSHCP.

Some of the Applicant's future activities have the potential to impact species subject to protection under the Act. Section 9 of the Act (16 U.S.C. 1538) and Federal regulations prohibit the "take" of a fish or wildlife species listed as endangered or threatened. Under the Act, the following activities are defined as take: to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect listed animal species, or to attempt to engage in such conduct (16 U.S.C. 1532). However, under section 10(a) of the Act, we may issue permits to authorize "incidental take" of listed species. "Incidental take" is defined by the ESA as take that is incidental to, and not the purpose of, carrying out an otherwise lawful activity. Regulations governing permits