

lower American River approximately ¼ mile downstream from Nimbus Dam in Rancho Cordova, CA. The Hatchery is a mitigation facility that was constructed by Reclamation in 1955 to compensate for the loss of spawning habitat for Chinook salmon and steelhead trout inundated by the construction of Nimbus Dam. The Hatchery annually produces about 4 million fall-run Chinook salmon smolts and 430,000 winter-run American River steelhead yearlings. A fish weir is currently used to prevent adult salmon from continuing upstream and allows them to locate and enter the fish ladder and hatchery.

The Project is needed because the existing weir is aging, susceptible to periodic significant damage from high flows, and its operation requires annual flow reductions to perform maintenance which affect protected steelhead populations in the river. Annual short-term flow reductions when steelheads are rearing in the lower American River are required to install the weir. Flow reductions of longer duration are periodically required to repair significant flood damage to the existing structure and scouring around its foundation. This scouring is harmful because it destabilizes the weir and creates large holes that upstream migrant fish can pass through and therefore fail to enter into the hatchery ladder.

The primary objective of the Project is to maintain a fully functional system of collecting adult fish sufficient to meet mitigation goals. Secondary objectives are to minimize operation and maintenance costs, avoid reducing river flows, and improve safety. Reclamation has evaluated a broad set of potential solutions in a series of planning evaluations beginning in the mid-1990s. Two approaches to solving the problems that were advanced through the planning process are: (1) Constructing a new fish diversion weir with a concrete foundation and air bladder control gates and pickets; and (2) extending the fish ladder upstream to Nimbus Dam and removing the existing fish diversion weir. The EIS/EIR evaluates each of these alternative approaches and a no action alternative.

CDFG has continuously operated and maintained the Hatchery under contract with Reclamation since it was originally constructed in 1955. CDFG operates and maintains all salmon and steelhead hatcheries within the State of California and is responsible for the management of statewide fisheries resources. As manager of the State fisheries resources, CDFG is also responsible for recommending and implementing fishing regulations. One alternative

under consideration would result in changes to the fishing opportunities immediately downstream from Nimbus Dam pursuant to CDFG Regulation Section 2.35, "Taking Fish near Dams, Screens, and Egg-taking Stations," and likely would result in significant impacts to the Chinook salmon population. CDFG is also considering modification to the seasonal fishing regulations between the Hatchery and Nimbus Dam as part of the evaluation of this alternative.

A Notice of Availability of the Draft EIS/EIR and a schedule for public meetings was published in the **Federal Register** on October 01, 2010 (75 FR 60804). The formal comment period on the Draft EIS/EIR ended on November 30, 2010. The Final EIS/EIR contains responses to all comments received and reflects comments and any additional information received during the review period.

Copies of the Final EIS/EIR are available for public review at the following locations:

- Bureau of Reclamation, Denver Office Library, Building 67, Room 167, Denver Federal Center, 6th and Kipling, Denver, CO 80225.
- Natural Resources Library, Department of the Interior, 1849 C Street, NW., Main Interior Building, Washington, DC 20240-0001.
- Bureau of Reclamation, Mid-Pacific Region, Regional Library, 2800 Cottage Way, Sacramento, CA 95825.
- Central California Area Office, Bureau of Reclamation, 7794 Folsom Dam Road, Folsom, CA 95630.
- Nimbus Fish Hatchery, 2001 Nimbus Road, Gold River, CA 95670.

Dated: July 25, 2011.

**Pablo R. Arroyave,**

*Deputy Regional Director, Mid-Pacific Region.*

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## DEPARTMENT OF THE INTERIOR

### Bureau of Reclamation

#### Rural Water Supply Program Approved Appraisal Reports; Availability

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

**ACTION:** Notice of availability.

**SUMMARY:** Reclamation provides assistance for appraisal investigations and feasibility studies for rural water supply projects intended to serve a community or group of communities with domestic, industrial, and municipal water. This assistance helps rural communities assess their potable

water needs and identify options to address those needs.

Three appraisal reports were approved in Fiscal Year 2010 and two were approved in Fiscal Year 2011. The initial appraisal investigations were submitted by the participants for review to assess technical adequacy and completeness. Once reviewed, Reclamation prepared these reports to document the findings and conclusions of the appraisal investigations that identified the water supply problems, needs, and opportunities in the planning study areas. The approval of an appraisal report indicates that there is a viable alternative that warrants a more detailed investigation through a feasibility study.

**SUPPLEMENTARY INFORMATION:** The approved appraisal reports can be downloaded from our Web site: <http://www.usbr.gov/ruralwater>.

**FOR FURTHER INFORMATION CONTACT:** Mr. Joseph Wilson by telephone at (303) 445-2856, or by e-mail at [jwilson@usbr.gov](mailto:jwilson@usbr.gov). Copies are also available for public review at the following locations:

- Dry-Redwater Rural Water System Appraisal Report, Bureau of Reclamation, Montana Area Office, 2900 Fourth Avenue North, Billings, MT 59101, (406) 247-7300
- Douglas County Rural Water Project Appraisal Report, Bureau of Reclamation, Eastern Colorado Area Office, 11056 W. County Rd 18E, Loveland, CO 80537-9711, (970) 667-4410
- Lower Niobrara Natural Resource District Appraisal Report, Bureau of Reclamation, Nebraska Kansas Area Office, 203 West 2nd Street, Grand Island, NE 68801-5907, (308) 389-5301
- Musselshell-Judith Rural Water System Appraisal Report, Bureau of Reclamation, Montana Area Office, 2900 Fourth Avenue North, Billings, MT 59101, (406) 247-7300
- Southern Black Hills Regional Water System Appraisal Report, Bureau of Reclamation, Dakotas Area Office, 304 E. Broadway Avenue, Bismarck, ND 58501, (701) 250-4242 x3101

#### Authority

Reclamation Rural Water Supply Act of December 22, 2006 (Pub. L. 109-451, Title I, 120 Stat. 3346, 43 U.S.C. 2401, *et seq.*) authorizes Reclamation to establish a program to work with rural communities, including Indian tribes, in the 17 Western States to assess rural water supply needs and identify options to address those needs through appraisal investigations and feasibility studies.

## Background

The Douglas County Rural Water Project Appraisal Report addresses the County's extremely low recharge into and high withdrawal amounts from the Denver Basin aquifers and proposes to resolve this issue by replacing current groundwater supplies with an alternative source of water. The proposed alternative includes water treatment, raw and finished water transmission, finished water storage, and aquifer storage and recovery for delivery of surface water from existing diversions and water impoundments on the South Platte River to this large rural region of central Colorado.

The Dry-Redwater Rural Water System project would serve a population of about 15,000 people in the project area, including the towns of Circle, Richey, Jordan, and Fairview; the unincorporated town of Lambert; the water districts of Highland Park, Forrest Park, Spring Grove, and Whispering Tree; and rural users in the service area. It examines opportunities to provide communities, unincorporated areas, and rural areas in east-central Montana with a present and future source of high quality water from North Rock Creek in the Big Dry Arm of Fort Peck Reservoir.

The Musselshell-Judith Rural Water System Appraisal Investigation was conducted by the Central Montana Regional Water Authority to assess the viability of developing a rural water system to serve about 4,500 people in 15 incorporated and unincorporated towns in central Montana. The proposed alternative would supply water to the system from a field of groundwater wells in the Utica, Montana area. Water pumped from the Madison Aquifer, a deep underground aquifer, would be distributed from the well field by a branch type system of pipelines, booster pump stations, and storage tanks.

The Lower Niobrara project area is located in Knox County in northeast Nebraska. There is a growing need for an improved water source because of rising nitrate levels in some areas. The proposed study area comprises approximately the central one-third of Knox County, which includes the West Knox Rural Water System (RWS), the Santee Sioux Reservation, and the towns of Creighton, Niobrara, and Center. The preferred alternative for Lower Niobrara consists of expanding the West Knox RWS Well Field to supply Creighton, Niobrara, Center, and the Santee Sioux Reservation.

The Southern Black Hills Water System (SBHWS) project is designed to provide a regional water supply and water delivery system for rural users,

special use needs, and community needs for southern Pennington County, all of Custer County, and all of Fall River County, in southwestern South Dakota. The SBHWS appraisal investigation evaluated a number of alternatives ranging from purchasing water from an existing entity, developing new infrastructure, and some non-structural alternatives which include water use policies (e.g., prohibit rural residential growth) and water conservation (e.g., leak detection surveys).

Dated: *July 11, 2011.*

**Roseann Gonzales,**

*Director, Policy and Administration.*

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## DEPARTMENT OF LABOR

### Employee Benefits Security Administration

#### Exemptions From Certain Prohibited Transaction Restrictions

**AGENCY:** Employee Benefits Security Administration, Labor.

**ACTION:** Grant of Individual Exemptions.

**SUMMARY:** This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (ERISA or the Act) and/or the Internal Revenue Code of 1986 (the Code). This notice includes the following: D-11468 and D-11469, The Krispy Kreme Doughnut Corporation Retirement Savings Plan (the Savings Plan) and the Krispy Kreme Profit-Sharing Stock Ownership Plan the KSOP (together, the Plans), 2011-10; D-11634, The United Brotherhood of Carpenters Pension Fund (the Plan), 2011-11; and L-11651 and L-11652, Verizon Communications, Inc. (Verizon and Cellco Partnership, doing business as Verizon Wireless (Verizon Wireless; collectively the Applicants), 2011-12 *et al.*

**SUPPLEMENTARY INFORMATION:** A notice was published in the **Federal Register** of the pendency before the Department of a proposal to grant such exemption. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, DC. The notice also invited interested persons to

submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicant has represented that it has complied with the requirements of the notification to interested persons. No requests for a hearing were received by the Department. Public comments were received by the Department as described in the granted exemption.

The notice of proposed exemption was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978, 5 U.S.C. App. 1 (1996), transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

### Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in 29 CFR Part 2570, Subpart B (55 FR 32836, 32847, August 10, 1990) and based upon the entire record, the Department makes the following findings:

(a) The exemption is administratively feasible;

(b) The exemption is in the interests of the plan and its participants and beneficiaries; and

(c) The exemption is protective of the rights of the participants and beneficiaries of the plan.

The Krispy Kreme Doughnut Corporation Retirement Savings Plan (the Savings Plan) and the Krispy Kreme Profit-Sharing Stock Ownership Plan the KSOP; together, the Plans) [Prohibited Transaction Exemption 2011-10; Located in Winston-Salem, North Carolina [Exemption Application Nos. D-11468 and D-11469, respectively]

### Exemption

The restrictions of section 406(a)(1)(A),(D),(E), section 406(a)(2), section 406(b)(2) and section 407(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) and (D) of the Code, shall not apply, effective January 16, 2007, to (1) the release by the Plans of their claims against Krispy Kreme Doughnut Corporation (KKDC), the sponsor of the Plans, Michael Phalen and Price waterhouseCoopers LLP (PwC), parties in interest with respect to the Plan, in exchange for cash, shares of common stock (the Common Stock) and warrants (the Warrants) issued by Krispy Kreme