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Tulsa County, Oklahoma and Incorporated Areas Project: 18-06-0010S Preliminary Date: September 27, 2024	
City of Tulsa	Stormwater Design Office, 175 East 2nd Street, Suite 450, Tulsa, OK 74103.

[FR Doc. 2024-29412 Filed 12-12-24; 8:45 am]

BILLING CODE 9110-12-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS-R8-ES-2024-0125;
FXES11140800000-189-FF08ESMF00]

Endangered and Threatened Species; Receipt of Amended Incidental Take Permit Application and Amended Habitat Conservation Plan for the Proposed Rooney Ranch Wind Repowering Project, Alameda County, CA; Draft Environmental Assessment

AGENCY: Fish and Wildlife Service,
Interior.

ACTION: Notice of availability; request
for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), have received an application for an amended incidental take permit under the Endangered Species Act (ESA) to conduct activities with the potential for take of endangered and threatened species that is incidental to, and not the purpose of, carrying out otherwise lawful activities. We invite comments on the applicant's amended permit application and amended habitat conservation plan (HCP), and the associated environmental assessment, which we have prepared pursuant to the National Environmental Policy Act. The amended incidental take permit (ITP) is necessary due to an increase in the project's temporary and permanent impacts and a new applicant for the ITP. In addition, the new applicant would like to add two additional species that have been proposed for Federal listing and request "take" coverage should the species become listed. We invite the public and local, State, Tribal, and Federal agencies to comment on the documents. Before issuing the requested permit, we will take into consideration all comments received.

DATES: To ensure consideration, please send your written comments by January 13, 2025.

ADDRESSES:

Obtaining Documents:

• *Electronic copies:* The documents this notice announces, as well as any

comments and other materials that we receive, will be available for public inspection online in Docket No. FWS-R8-ES-2024-0125 at <https://www.regulations.gov>.

You may also obtain electronic copies of the draft amended Rooney Ranch Wind Repowering Project Habitat Conservation Plan (draft HCP) and draft amended environmental assessment (EA) from the Sacramento Fish and Wildlife Office website at <https://www.fws.gov/office/sacramento-fish-and-wildlife>. (See **FOR FURTHER INFORMATION CONTACT.**)

Submitting Comments: You may submit comments by one of the following methods:

- *internet:* <https://www.regulations.gov>.

Follow the instructions for submitting comments under Docket No. FWS-R8-ES-2024-0125.

- *U.S. mail:* Public Comments

Processing, Attn: Docket No. FWS-R8-ES-2024-0125; U.S. Fish and Wildlife Service; 5275 Leesburg Pike, MS: PRB/3W; Falls Church, VA 22041-3803

We request that you send comments by only the methods described above.

For more information, see Public Comment Procedures under **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT:

Jason Hanni, Fish and Wildlife Biologist, Sacramento Fish and Wildlife Office (see **ADDRESSES**), 916-414-6600 (telephone). Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service, have prepared an environmental assessment under the National Environmental Policy Act (NEPA) for the proposed Rooney Ranch Wind Repowering Project in response to an application from Viracocha Wind, LLC (applicant) for a 36-year amended incidental take permit for three species under the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and two additional species that have been

proposed for Federal listing. This amended ITP is an update to the previously issued ITP for the project. (For more about that process, see our notice of May 28, 2020 (85 FR 32044).) Changes to the project's anticipated disturbance acreage, inclusion of the additional two species, and the change of applicant necessitate the amended ITP. The application addresses the potential for "take" of the following three federally listed animals: the Central California distinct population segment of the California tiger salamander (*Ambystoma californiense*) (central CTS), the California red-legged frog (*Rana draytonii*), and the San Joaquin kit fox (*Vulpes macrotis mutica*). The application also addresses the potential for "take" of the following two animals proposed for Federal listing: northwestern pond turtle (*Actinemys marmorata*) and western spadefoot (*Spea hammondi*), a frog species. The applicant would implement a conservation program to minimize and mitigate the project impacts, as described in the applicant's amended habitat conservation plan (HCP). We invite comments on the applicant's permit application, amended HCP, and the associated amended EA, which we have prepared pursuant to the National Environmental Policy Act of 1969, as amended (NEPA; 42 U.S.C. 4321 *et seq.*), and its implementing regulations in the Code of Federal Regulations (CFR) at 40 CFR 1506.6. We will take comments into consideration before issuance of the requested permit.

The applicant has submitted a draft amended HCP as part of the application for an ITP under section 10(a)(1)(B) of the ESA. The draft amended HCP includes measures necessary to minimize and mitigate the impacts, to the maximum extent practicable, of potential taking of federally listed species to be covered by the amended HCP, and the habitats upon which they depend, resulting from construction and operation of the proposed Rooney Ranch Wind Repowering Project within the project area, to include portions of the Altamont Pass Wind Resource Area (APWRA) in Alameda County, California.

Background Information

Section 9 of the ESA prohibits the take of fish or wildlife species listed as

endangered; as applicable to the species affected by the proposed action, the ESA implementing regulations also prohibit take of fish or wildlife species listed as threatened, with exceptions for certain ranching activities on private and Tribal lands as described in 50 CFR 17.43(c)(3)(i)–(xi) and 50 CFR 17.43(d)(3)(i)–(xi). The applicant has also proposed to include the northwestern pond turtle and the western spadefoot as covered species under the plan; for these two species, all applicable section 9 prohibitions, including any exceptions, would only be in effect upon a final listing determination. Regulations governing permits for endangered and threatened species are at 50 CFR 17.22 and 17.32. For more about the Federal habitat conservation plan (HCP) program, go to <https://www.fws.gov/service/habitat-conservation-plans>.

The National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*) requires Federal agencies to analyze their proposed actions to determine whether the actions may significantly affect the human environment. In these NEPA analyses, the Federal agency will identify direct, indirect, and cumulative effects, as well as possible mitigation for effects on environmental resources that could occur with implementation of the proposed action and alternatives.

Proposed Action Alternative

We would issue an ITP to the applicant for a period of 36 years for certain covered activities (described below). The applicant has requested an amended ITP for three federally listed species and the two species proposed for federal listing. The amended HCP addresses four types of proposed activities (referred to as covered activities in the HCP): (1) Construction of facilities, (2) operation and maintenance (O&M) of facilities, (3) conservation actions, and (4) restoration actions. The project would consist of the installation of large-scale modern wind turbines with generating capacities up to 4.0 megawatts (MW), all generally similar in size and appearance, to generate up to 28 MW. The proposed layout would include seven new-generation wind turbines. Generally, existing roads would be used, with approximately 1.52 miles of new roads to provide access to proposed turbine locations. Temporary widening of existing roads would be required to safely accommodate the turbine components and associated construction equipment. An existing on-site substation, consisting of an approximately 0.2-acre (ac) gravel-covered footprint area, may be

expanded by 0.1 ac to accommodate installation of upgraded equipment. Construction activities would result in 11.1 ac of permanent impacts to landcover from the installation of facilities, roads, and turbine structures. This is an increase of 9.3 ac over the previously permitted 1.8 ac of permanent impacts. Construction activities would also result in 65 ac of temporary land cover impacts from activities such as grading, trenching, excavation, access roads, and staging areas. Operations and maintenance activities would result in temporary landcover disturbance of up to 3.0 ac over the life of the permit. The project would result in 11.1 ac of permanent impacts (construction) and 68.0 ac of temporary impacts (construction + operations/maintenance).

Habitat Conservation Plan Area

The geographic scope of the draft amended HCP area comprises two separate permit areas: the project permit area and the mitigation permit area. The project permit area encompasses approximately 580.43 ac within the APWRA in eastern Alameda County, California, consisting of two Santa Clara City-owned parcels between I–580 to the south and Altamont Pass Road to the north. The repowering project would be constructed entirely within the project permit area. The mitigation permit area comprises potential mitigation lands, still to be identified, that the applicant, in coordination with the Service, is evaluating in Alameda County. Based on where the mitigation lands are located in the County, the estimated acreage required of the mitigation site would be 101.3 ac. The mitigation will be achieved by purchasing credits at a Service-approved conservation bank or applicant-purchased mitigation lands that occur within Alameda County. When the permit areas are combined, the amended HCP area will cover approximately 683.3 ac.

Covered Activities

The proposed ESA section 10 amended ITP would allow take of five covered species resulting from certain covered activities in the proposed HCP area. The proposed covered activities under this amended HCP include constructing and installing seven wind turbines and associated electrical facilities and access roads, installing a meteorological tower and a power collection system, expanding a substation, maintaining the new wind turbines and the associated facilities, and restoring the site. Specifically, proposed covered activities include grading, excavating to support access

roads, trenching to install underground electrical lines, installing erosion control measures during construction and maintenance covered activities, installing or temporarily expanding gravel roads, pouring a cement footing to support each turbine, installing other infrastructure, placing gravel for road maintenance, causing wear by vehicle travel, transporting equipment and supplies, and other similar actions necessary to support the construction, maintenance, and operation of the proposed Rooney Ranch Wind Repowering Project. All activities associated with monitoring and maintenance of habitat and listed species populations within the mitigation site would also be considered covered activities.

The applicant proposes to avoid, minimize, and mitigate the effects to the covered species associated with the covered activities by fully implementing the amended HCP. The following mitigation measures will be implemented for covered species as part of the amended HCP: Minimize impact area; avoid injury of covered species during implementation of covered activities, through such measures as seasonal and daytime work limitation, preconstruction surveys to determine whether covered species are present and contact the Service if any life stage is found, biological monitors' presence, and wildlife exclusionary fencing in key areas; avoid habitat impacts associated with erosion and sedimentation generated by covered activities; minimize the risk of project-related toxic spills that could adversely affect listed species' habitat; restore all listed species' habitat that is temporarily disturbed in the amended HCP area to pre-project conditions within 1 year of disturbance; ensure implementation of the avoidance and minimization measures; offset unavoidable impacts on the five covered species through the purchase of approximately 101.3 ac of covered species habitat to ensure that temporary and permanent effects are mitigated.

Covered Species

The applicants have requested an amended ITP for three federally listed species: the threatened California red-legged frog (*Rana draytonii*), the threatened Central California distinct population segment (DPS) of the California tiger salamander (*Ambystoma californiense*) (Central California tiger salamander), and the endangered San Joaquin kit fox (*Vulpes macrotis mutica*). The amended ITP would also cover two species that have been proposed for Federal listing, the

northwestern pond turtle (*Actinemys marmorata*) and the western spadefoot (*Spea hammondi*). All species included on the ITP would receive assurances under the Service's "No Surprises" regulations at 50 CFR 17.22(b)(5).

National Environmental Policy Act Compliance

The draft amended EA was prepared to analyze the impacts of issuing an amended ITP based on the draft amended HCP and to inform the public of the proposed action, alternatives, and associated impacts, and to disclose any irreversible commitments of resources. The proposed action presented in the draft amended EA will be compared to the no-action alternative. The no-action alternative represents estimated future conditions to which the proposed action's estimated future conditions can be compared. Other alternatives were not considered or addressed in the draft amended EA, because they did not fulfill the purpose and need of the project.

No-Action Alternative

Under the no-action alternative, the amended HCP would not be implemented, and the proposed amended ITP would not be issued. There would be no take of federally listed species as a result of the project. This alternative assumes that existing wind power production facilities and approved repowering wind production facilities in the APWRA would continue to operate into the future.

Environmental Review and Next Steps

As described in our amended EA, we have made the preliminary determination that approval of the draft amended HCP and issuance of the permit would qualify as finding of no significant impact (FONSI) under NEPA (42 U.S.C. 4321 *et seq.*), as provided by Federal regulations (40 CFR 1500.5(k), 1507.3(b)(2), and 1508.13) and the Department of the Interior Manual. Our amended EA articulates the project effects on all potential resources that could be adversely affected, including aesthetics, air quality and climate change, biological resources, cultural resources, geology, hazardous materials and public safety hazards, hydrology and water quality, noise, and traffic and transportation. It also includes an analysis of alternatives and other required analysis such as unavoidable adverse effects, irreversible and irretrievable commitments of resources, and, finally, short-term uses versus long-term productivity and cumulative effects.

Public Comment Procedures

All comments and materials we receive in response to these requests will be available for public review at <https://www.regulations.gov> (see ADDRESSES).

Before including your address, phone number, email 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.

Next Steps

Issuance of an amended ITP is a Federal proposed action subject to compliance with NEPA. The FWS will evaluate the application, associated documents, and any public comments we receive to determine whether the application meets the requirements of NEPA regulations and section 10(a) of the ESA. If the FWS determines that those requirements are met, we will issue a permit to the applicant for the incidental take of the covered species from the implementation of the covered activities described in the amended HCP. A permit decision will be made no sooner than 30 days after the date of publication of this notice in the **Federal Register**.

Authority

We issue this notice pursuant to section 10(c) of the ESA (16 U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.22 and 17.32), and the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its implementing regulations (40 CFR 1506.6 and 43 CFR 46.305).

Michael Fris,

Field Supervisor, Sacramento Fish and Wildlife Office, U.S. Fish and Wildlife Service, Sacramento, California.

[FR Doc. 2024–29405 Filed 12–12–24; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[256A2100DD/AAKC001030/
A0A501010.999900]

Indian Gaming; Approval of the Tribal-State Class III Gaming Compact Amendment Between the Confederated Tribes of the Warm Springs Reservation of Oregon and the State of Oregon

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice publishes the approval of the Amendment to the Amended and Restated (Highway 26) Tribal-State Compact for Regulation of Class III Gaming between the Confederated Tribes of The Warm Springs Reservation of Oregon and the State of Oregon, which governs the operation and regulation of class III gaming activities.

DATES: The Amendment takes effect on December 13, 2024.

FOR FURTHER INFORMATION CONTACT: Ms. Paula L. Hart, Director, Office of Indian Gaming, Office of the Assistant Secretary—Indian Affairs, Washington, DC 20240, IndianGaming@bia.gov; (202) 219–4066.

SUPPLEMENTARY INFORMATION: Under section 11 of the Indian Gaming Regulatory Act (IGRA), Public Law 100–497, 25 U.S.C. 2701 *et seq.*, the Secretary of the Interior shall publish in the **Federal Register** notice of approved Tribal-State compacts for the purpose of engaging in Class III gaming activities on Indian lands. As required by 25 CFR 293.4, all compacts and amendments are subject to review and approval by the Secretary. The Amendment makes changes to the scope of gaming and adds technical regulations to support those changes. The Amendment is approved.

Bryan Newland,

Assistant Secretary—Indian Affairs.

[FR Doc. 2024–29450 Filed 12–12–24; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

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A0A501010.000000]

Land Acquisitions; Prairie Island Indian Community, Elk Run Site, City of Pine Island, Olmstead County, Minnesota

AGENCY: Bureau of Indian Affairs, Interior.