

Dated: January 16, 2002.

**Miel R. Corbett,**

*Acting Deputy Manager, California/Nevada*

*Operations Office, Sacramento, California.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Notice of Issuance of Permit for Marine Mammals

On August 7, 2001, a notice was published in the **Federal Register** (66 FR 41260) that an application had been filed with the Fish and Wildlife Service by Terri M. Williams, University of California, Santa Cruz, California, for a permit (PRT-045447) to take Southern sea otters (*Enhydra lutris nereis*) for the purpose of scientific research.

Notice is hereby given that on January 8, 2002, a permit (MA045447-0) was issued by the Fish and Wildlife Service, as authorized by the provisions of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and subject to certain conditions set forth therein.

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, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203, telephone (703) 358-2104 or fax (703) 358-2281.

Dated: January 11, 2002.

**Michael S. Moore,**

*Senior Permit Biologist, Branch of Permits, Division of Management Authority.*

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## DEPARTMENT OF THE INTERIOR

### Bureau of Reclamation

#### Fish and Wildlife Service

[INT-DES-01-44]

#### Imperial Irrigation District Water Conservation and Transfer Project, Draft Habitat Conservation Plan, California

**AGENCIES:** Bureau of Reclamation and Fish and Wildlife Service, Interior.

**ACTION:** Notice of availability of a draft environmental impact report/ environmental impact statement (EIR/ EIS).

**SUMMARY:** The Bureau of Reclamation (Reclamation) has issued a draft EIR/EIS

on Imperial Irrigation District's (IID) proposed project that would conserve and transfer the right to use up to 300,000 acre-feet per year of Colorado River water, which IID is otherwise entitled to divert for use within IID's water service area in Imperial County, California. The conserved water would be transferred to San Diego County Water Authority (SDCWA), Coachella Valley Water District (CVWD) and/or The Metropolitan Water District (MWD). These transfers, which are to remain in effect for up to 75 years, would facilitate efforts to reduce California's diversion of Colorado River water in normal years to its annual 4.4 million acre-feet apportionment. Approval of the Secretary of the Interior (Secretary) will be required to change the point of delivery for the transferred water. In addition, IID has applied for a permit with Fish and Wildlife Service (FWS) pursuant to section 10(a)(1)(B) of the Endangered Species Act (ESA). This Section 10 permit would authorize the incidental take of covered species associated with the proposed water conservation and transfer project, as well as IID's ongoing operation and maintenance activities. As a condition of applying for a Section 10 permit, IID has developed a Habitat Conservation Plan (HCP) in consultation with FWS and the California Department of Fish and Game, which is appended to the draft EIR/EIS. The HCP would provide measures to minimize and mitigate the effects of the proposed taking of listed and sensitive species and the habitats upon which they depend.

Both Reclamation's approval of the change in point of delivery of Colorado River water and FWS' approval of the HCP and issuance of a Section 10 permit are Federal actions that require compliance with the National Environmental Policy Act (NEPA) of 1969, as amended. This draft EIR/EIS has been prepared pursuant to NEPA and the Council on Environmental Quality's Regulations for Implementing the Procedural Provisions of NEPA, and is being issued by Reclamation as the lead agency. The FWS is a cooperating agency. Both agencies intend to use the EIR/EIS document to issue separate Records of Decision. This document also serves as IID's compliance with the California Environmental Quality Act (CEQA), and is therefore a combined draft EIR/EIS. Public hearings will be held to receive written or verbal comments on the draft EIR/EIS. Notice of hearings will appear at a future date.

**DATES:** A 90-day public review and comment period begins with the filing of the draft EIR/EIS with the

Environmental Protection Agency. Written comments must be received no later than April 12, 2002 (see **ADDRESSES** below).

**ADDRESSES:** Send written comments to one of the following: Mr. Bruce Ellis, Chief, Environmental Resources Management Division, Bureau of Reclamation, Phoenix Area Office (PXAO-1500), PO Box 81169, Phoenix, AZ 85069-1169; fax number (602) 216-4006; Mr. Elston Grubaugh, Manager, Resource Planning and Management Department, Imperial Irrigation District, PO Box 937, Imperial, CA 92251, fax number (760) 339-9009.

A read-only downloadable copy of the draft EIR/EIS document is available on the Internet at <http://www.is.ch2m.com/iidweb>. A copy of the draft EIR/EIS is also available upon request from Ms. Janice Kjesbo, Bureau of Reclamation, Phoenix Area Office (PXAO-1500), PO Box 81169, Phoenix, AZ 85069-1169, telephone (602) 216-3864, faxogram (602) 216-4006. A copy of the draft EIR/EIS is also available for public inspection and review at the locations listed under **SUPPLEMENTARY INFORMATION** below.

**FOR FURTHER INFORMATION CONTACT:** Questions regarding the draft EIS should be directed to Mr. Ellis at the address provided above, or telephone (602) 216-3854. For information related to the HCP, please contact Ms. Carol Roberts at the Carlsbad FWS office, telephone (760) 431-9440.

**SUPPLEMENTARY INFORMATION:** The terms of IID's water conservation and transfer transactions are set forth in the "Agreement for Transfer of Conserved Water" (IID/SDCWA Transfer Agreement), executed by IID and SDCWA in 1998 (as amended), and a proposed Quantification Settlement Agreement (QSA) to be executed by IID, CVWD, and MWD. The QSA establishes a framework of conservation measures and water transfers within southern California for up to 75 years, and would facilitate California's efforts to reduce its diversions of Colorado River water in normal years to its annual 4.4 million acre-feet apportionment, thus benefiting the entire Colorado River Basin. It would authorize the transfer of up to 200,000 acre-feet to SDCWA pursuant to the IID/SDCWA Transfer Agreement, and provide for the transfer of up to 100,000 acre-feet of water conserved by IID to CVWD and/or MWD.

The Secretary of the Interior (Secretary), pursuant to the Boulder Canyon Project Act of 1928 and *Arizona v. California* 1964 Supreme Court Decree (376 U.S. 340), proposes to take Federal actions necessary to support