

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS-R2-ES-2013-0128];
[FXES1112020000F2-145-FF02ENEH00]

**Notice of Intent To Prepare an
Environmental Assessment for the
Barton Springs/Edwards Aquifer
Conservation District for Proposed
Incidental Take Permit Addressing
Take of Two Federally Listed Species
in Central Texas**

AGENCY: Fish and Wildlife Service,
Interior.

ACTION: Notice of intent, announcement
of public scoping period, and request for
comments.

SUMMARY: We, the U.S. Fish and
Wildlife Service (Service), advise the
public that we intend to prepare a draft
Environmental Assessment (EA) to
evaluate the impacts of, and alternatives
to, the proposed issuance of an
incidental take permit to the Barton
Springs/Edwards Aquifer Conservation
District (District). The permit, issued
under the Endangered Species Act, as
amended (Act), would allow for
potential take of two federally listed
species associated with the ongoing
management and withdrawal of
groundwater from the Barton Springs
segment of the Edwards Aquifer
(Aquifer) in Central Texas.

DATES: *Comments:* We will accept
comments received or postmarked on or
before April 4, 2014. Comments
submitted electronically using the
Federal eRulemaking Portal (see
ADDRESSES section, below) must be
received by 11:59 p.m. Eastern Time on
the closing date. Any comments that we
receive after the closing date may not be
considered.

Scoping Meeting: A public scoping
meeting will be held within the
District's jurisdictional area on a date to
be announced. The notice of the exact
meeting date, times, and location will be
published at least 2 weeks before the
event in the *Austin-American
Statesman* newspaper and on the
Service's Austin Ecological Services
Office Web site, <http://www.fws.gov/southwest/es/AustinTexas/>.

ADDRESSES: You may submit written
comments by one of the following
methods:

- *Electronically:* Go to the Federal
eRulemaking Portal: <http://www.regulations.gov>. In the Search box,
enter FWS-R2-ES-2013-0128, which is
the docket number for this notice. On
the left side of the screen, under the
Document Type heading, click on the

Notices link to locate this document and
submit a comment.

- *By hard copy:* Submit by U.S. mail
or hand-delivery to: Public Comments
Processing, Attn: FWS-R2-ES-2013-
0128; Division of Policy and Directives
Management; U.S. Fish and Wildlife
Service; 4401 N. Fairfax Drive, MS
2042-PDM; Arlington, VA 22203.

Please note that your comments are in
regard to the proposed Barton Springs/
Edwards Aquifer Conservation District
Habitat Conservation Plan.

We request that you send comments
only by the methods described above.
We will post all information received on
<http://www.regulations.gov>. This
generally means that we will post any
personal information you provide us
(see the Public Availability of
Comments section below for more
information).

FOR FURTHER INFORMATION CONTACT: Mr.
Adam Zerrenner, Field Supervisor,
Austin Ecological Services Field Office,
10711 Burnet Road, Suite 200, Austin,
TX 78758-4460; telephone 512/490-
0057; facsimile 512/490-0974; or email
Adam_Zerrenner@fws.gov.

SUPPLEMENTARY INFORMATION: The
District proposes to develop a habitat
conservation plan (HCP) and apply for
an incidental take permit. The District
HCP will include measures necessary to
minimize and mitigate the impacts of
potential taking of the endangered
Barton Springs salamander (*Eurycea
sosorum*) and Austin blind salamander
(*Eurycea waterlooensis*) resulting from
loss or degradation of habitats upon
which they depend due to actions
associated with the management and
use of the Aquifer.

The Service seeks information from
stakeholders and the public necessary to
determine impacts on the human
environment and alternative actions to
be considered in the EA that documents
our decision regarding the potential
issuance of an incidental take permit
and implementation of the supporting
draft HCP.

Background

Section 9 of the Act (16 U.S.C. 1531
et seq.) prohibits "taking" of fish and
wildlife species listed as endangered
under section 4 of the Act. Under the
Act, the term "take" means to harass,
harm, pursue, hunt, shoot, wound, kill,
trap, capture, or collect, or attempt to
engage in any such conduct. The term
"harm" is defined in the regulations as
significant habitat modification or
degradation that results in death or
injury to listed species by significantly
impairing essential behavior patterns,
including breeding, feeding, or

sheltering (50 CFR 17.3). The term
"harass" is defined in the regulations as
actions that create the likelihood of
injury to listed species to such an extent
as to significantly disrupt normal
behavioral patterns which include, but
are not limited to, breeding, feeding, or
sheltering (50 CFR 17.3). However, the
Service may, under specified
circumstances, issue permits that allow
take of federally listed fish and wildlife,
provided that the take occurs incidental
to, but is not the purpose of, an
otherwise lawful activity. Regulations
governing permits for endangered
species are at 50 CFR 17.22.

Section 10(a)(1)(B) of the Act
authorizes issuance of such incidental
take permits to non-Federal entities for
the take of endangered and threatened
species, provided the following criteria
are met: (1) The taking will be
incidental; (2) The applicant will, to the
maximum extent practicable, minimize
and mitigate the impact of such taking;
(3) The applicant will develop a draft
habitat conservation plan and ensure
that adequate funding for the plan will
be provided; (4) The taking will not
appreciably reduce the likelihood of the
survival and recovery of the species in
the wild; and (5) The applicant will
carry out any other measures that we
may require as being necessary or
appropriate for the purposes of
implementing the habitat conservation
plan.

The District is a political subdivision
of the State of Texas, with a legislative
mandate to conserve, preserve, and
protect the groundwater resources,
including springflows, of the aquifers
within its jurisdictional area. The
District regulates groundwater within its
jurisdiction by adopting, implementing,
and enforcing regulations and
management programs that address
water demand, springflow protection,
aquifer recharge, and other management
strategies.

The purpose of issuing the proposed
permit is to allow for the ongoing use of
the waters of the Aquifer by end-users
under the management authority of the
District while conserving listed species
and the ecosystems upon which they
depend. Adoption of a multispecies
habitat conservation approach, rather
than a species-by-species or project-by-
project approach, will reduce the costs
of implementing minimization and
mitigation measures for the covered
species; and eliminate cost and time-
consuming efforts associated with
processing individual incidental take
permits for each user of the Aquifer. In
addition, the multispecies habitat
conservation approach provides a
program including avoidance,

minimization, and mitigation for each species that is coordinated on a landscape level that provides increased benefits to the covered species.

Scoping Period and Meeting

The purpose of scoping is to provide an early and open process to determine concerns to be addressed and to identify potentially significant issues related to the proposed action. The publication of this notice initiates a 30-day scoping period, during which stakeholders and the public are encouraged to provide input and recommendations to the Service. Specifically, the Service seeks to identify people or organizations interested in the proposed action, any potentially significant issues to be analyzed, gaps in data or information, and alternatives to the proposed action that should be considered.

The Service will host an open house and public scoping meeting that will provide an opportunity for stakeholders and the public to provide comments and information on the scope of issues and alternatives to be considered. Comments can also be submitted electronically or at the address above at any time during the scoping period.

The U.S. Fish and Wildlife Service is committed to providing access to this meeting for all participants. Please direct all requests for sign language interpreting services, closed captioning, or other accommodation needs with your request by close of business at least 3 working days prior to the meeting date to Mr. Adam Zerrenner, Field Supervisor, Austin Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, TX 78758-4460; telephone 512/490-0057; facsimile 512/490-0974; or email Adam_Zerrenner@fws.gov, TTY 800-877-8339.

Alternatives

The alternative actions will be compared to the No-Action alternative in the draft EA. The No-Action alternative represents the estimated future conditions under the existing management and use, to which the alternative action's estimated future conditions can be compared. The Service seeks comments and recommendations from stakeholders and the public regarding the alternatives under consideration and others that should be considered.

No-Action Alternative

Under the No-Action alternative, the management and use of the Aquifer will continue regardless of whether an Incidental Take Permit is sought or issued. The District, and those covered by the proposed permit, would continue

to be subject to the take prohibitions of the Act. Where potential impacts could not be avoided and where a Federal nexus exists, measures designed to minimize and mitigate for impacts would be addressed through individual formal or informal consultation with the Service. In the absence of a Federal nexus, parties engaging in actions that would affect protected species would comply with the Act by obtaining individual section 10(a)(1)(B) incidental take permits on a project-by-project basis.

Alternative Number One: Proposed Issuance of an Incidental Take Permit

The proposed action is issuance of an incidental take permit based upon an HCP developed by the District. Texas counties that may be included in the proposed permit are those within the District's jurisdiction, including portions of Caldwell, Hays, and Travis Counties. The District has indicated their preference for a permit duration of 20 years.

The actions to be covered under the requested incidental take permit have yet to be determined, but may include activities associated with the ongoing groundwater management and use of the Barton Springs segment of the Edwards Aquifer, and actions to protect spring flow at the multiple spring outlets located at Barton Springs.

The alternative could allow for a comprehensive mitigation approach for unavoidable impacts to listed species while reducing permit processing effort for the Service.

Alternative Number Two: Water Demand Reduction

Under this alternative, the District would create regulatory mechanisms that reduce pumping of fresh water from the Barton Springs Segment of the Edwards Aquifer during periods of drought. If such regulatory demand reductions could avoid adverse impacts to the listed species and their habitats, then no Incidental Take Permit would be required and none would be issued. If demand reduction regulatory programs could not avoid take of listed species, the District would develop an HCP that would minimize and mitigate impacts within their authorities to the maximum extent practicable and seek an Incidental Take Permit.

Alternative Number Three: Water Supply Augmentation and Substitution

Under Alternative Number Three, supplies of freshwater pumped from the Barton Springs segment of the Edwards Aquifer would be augmented or substituted with alternative supplies

during periods of drought. If such enhancement or substitution actions could avoid take of the listed species, no Incidental Take Permit would be required and none would be issued. If these measures were not able to avoid all such take, the District would develop an HCP that would minimize and mitigate the impacts of such take to the maximum extent practicable and seek an Incidental Take Permit.

Public Availability of Comments

Written comments we receive become part of the public record associated with this action. 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 request in your comment that we withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. We will not consider anonymous comments. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Authority

We provide this notice under section 10(c) of the Act (16 U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.22) and the National Environmental Policy Act (42 U.S.C. 4721 *et seq.*) and its implementing regulations (40 CFR 1506.6).

Joy E. Nicholopoulos

Acting Regional Director, Southwest Region, Albuquerque, New Mexico.

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DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[AAK4004200/A0R5C4040.999900/134A2100DD]

Proclaiming Certain Lands as Reservation for the Muckleshoot Indian Tribe of Washington State

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Reservation Proclamation.

SUMMARY: This notice informs the public that the Assistant Secretary—Indian Affairs proclaimed approximately 20.16