

establishment of new or combination of existing organization units within a field office, the duty stationing of employees in various locations to provide on-site service, or the establishment or closing, based on workload, of small, informal offices such as valuation stations)." (See House Conference Report No. 95-1792, October 14, 1978 at 105-106.)

The two-person duty station in Topeka, Kansas, is a single-purpose duty station, and the duty station is being closed based on workload rather than on a reorganization of HUD/OIG field offices. Although notice of the closing of a duty station is not subject to the requirement of section 7(p), as supported by legislative history, HUD/OIG nevertheless prepared a cost-benefit analysis for its own use in determining whether to proceed with the closing. Through this notice, HUD/OIG advises the public of the closing of the Topeka, Kansas duty station and provides the cost-benefit analysis of the impact of the closure.

#### **Impact of the Closure of the Topeka, Kansas Post-of-Duty Station**

HUD/OIG considered the costs and benefits of closing the Topeka, Kansas post-of-duty, and is publishing its cost-benefit analysis with this notice. In summary, HUD/OIG has determined that the closure will result in a cost savings, and, as a result of the size and limited function of the office, will cause no appreciable impact on the provision of authorized investigative services/activities in the area (*i.e.*, OSH activities, of course, will be impacted, but HUD/OIG has been directed to terminate these activities).

#### *Cost-Benefit Analysis*

**A. Cost Savings:** The Topeka, Kansas post-of-duty currently costs \$21,415 per year in lease and other expenses. Thus, closing the post-of-duty will result in an annual savings of at least \$21,415. In addition, by closing the office HUD/OIG will not be required to incur additional costs associated with current plans to install high-speed computer access lines to and on the premises, nor will HUD/OIG incur costs associated with the lease or purchase of duplicative office equipment.

**B. Additional Costs:** There are no offsetting expenses anticipated. The Special Agent assigned to the Topeka, Kansas post-of-duty will be reassigned to the Kansas City Regional Office, without need for relocation reimbursement. Further, there is adequate existing office space to accommodate the Special Agent within the Kansas City Regional Office.

**C. Impact on Local Economy:** The Topeka, Kansas post-of-duty office space comprises a mere 1,162 square feet of space, which can easily be released to other tenants. Thus, no appreciable impact on the local economy is anticipated.

**D. Effect on Availability, Accessibility and Quality of Services Provided to Recipients of Those Services:** The establishment of the Topeka, Kansas post-of-duty was based entirely on the needs of the HUD/OIG to have a Special Agent in closer proximity to OSH activities conducted in the Topeka area. These activities are being terminated. Further, as was the case prior to 1998, fraud investigations in the Topeka area can be cost effectively addressed by agents assigned to the Kansas City Regional Office, which is about 50 miles away.

For the reasons stated in this notice, HUD/OIG intends to proceed to close its Topeka, Kansas post-of-duty station at the expiration of the 90-day period from the date of publication of this notice.

Dated: March 15, 2002.

**Michael P. Stephens,**

*Deputy Inspector General.*

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## **DEPARTMENT OF THE INTERIOR**

### **Fish and Wildlife Service**

#### **Receipt of a Permit Application (Rockledge) for Incidental Take of the Golden-Cheeked Warbler**

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

**ACTION:** Notice of availability.

**SUMMARY:** Rockledge, Inc. (Applicant) has applied for an incidental take permit (TE-051567-0) pursuant to section 10(a) of the Endangered Species Act (Act). The requested permit would authorize the incidental take of the endangered golden-cheeked warbler. The proposed take would occur as the result of the construction and occupation of a low-density residential development of 35 to 40 homesites on 53.5 acres of the 193.0-acre Russell Park Estates, Williamson County, Texas.

**DATES:** Written comments on the application should be received within 60 days of the date of this publication.

**ADDRESSES:** Persons wishing to review the application may obtain a copy by writing to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Room 4102, Albuquerque, New Mexico 87103. Persons wishing to

review the EA/HCP may obtain a copy by contacting Scott Rowin, U.S. Fish and Wildlife Service, 10711 Burnet Road, Suite 200, Austin, Texas 78758 (512/490-0057). Documents will be available for public inspection by written request, by appointment only, during normal business hours (8 am to 4:30 pm) at the U.S. Fish and Wildlife Service, Austin, Texas. Written data or comments concerning the application and EA/HCP should be submitted to the Supervisor, U.S. Fish and Wildlife Service, Austin, Texas, at the above address. Please refer to permit number TE-051537-0 when submitting comments.

**FOR FURTHER INFORMATION CONTACT:** Scott Rowin, U.S. Fish and Wildlife Service, Austin Office, (512) 490-0057.

**SUPPLEMENTARY INFORMATION:** Section 9 of the Act prohibits the "taking" of endangered species such as the golden-cheeked warbler. However, the Fish and Wildlife Service (Service), under limited circumstances, may issue permits to take endangered wildlife species incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for endangered species are at 50 CFR 17.22.

The Service has prepared the Environmental Assessment/Habitat Conservation Plan (EA/HCP) for the incidental take application. A determination of jeopardy to the species or a Finding of No Significant Impact (FONSI) will not be made until at least 60 days from the date of publication of this notice. This notice is provided pursuant to Section 10(c) of the Act and National Environmental Policy Act regulations (40 CFR 1506.6).

**Applicants:** Rockledge, Inc. plans to construct a low-density residential development of 35 to 40 homesites, within 30 years, on approximately 53.5 acres of the 193.0-acre Russell Park Estates, located approximately 0.25 miles south of the intersection of County Road 262 and Farm to Market 3405, Williamson County, Texas. This action will eliminate up to 53.5 acres of golden-cheeked warbler habitat. In addition, the vulnerability of another approximately 34.4 acres of warbler habitat may be reduced as a result of indirect effects associated with the development. The Applicant has made every effort to minimize and/or avoid impacts to the Bone Cave harvestman and believes the proposed action will not impact the harvestman. No take for this species is being requested or would be granted by issuance of this permit. The Applicant proposes to compensate for this incidental take of the golden-cheeked warbler by preserving

approximately 139.4 acres of the highest quality warbler habitat onsite. This preserve land is adjacent to property owned by the U.S. Army Corps of Engineers.

**Bryan Arroyo,**

*Acting Regional Director, Region 2.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Bureau of Reclamation

#### Trinity River Mainstem Fishery Restoration Program

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

**ACTION:** Notice of intent to prepare a Supplemental Environmental Impact Statement/Supplemental Draft Environmental Impact Report (SEIS/SDEIR).

**SUMMARY:** The Fish and Wildlife Service (FWS) and the Bureau of Reclamation (Reclamation), along with the Hoopa Valley Tribe and Trinity County, California are preparing a Supplemental Environmental Impact Statement/Supplemental Draft Environmental Impact Report for the Trinity River Mainstem Fishery Restoration Program (Program). The purpose of the SEIS/SDEIR is to analyze the effects of two biological opinions associated with the Program issued on October 12, 2000, one by the FWS and the other by the National Marine Fisheries Service of the Department of Commerce (NMFS), on Central Valley Project (CVP) operations and the effects of the Program on energy generation within the context of the state of deregulation and supply uncertainty for electricity within California.

A final environmental impact statement (EIS) on the Program was issued in November, 2000, and a Record of Decision (ROD) executed on December 19, 2000. Central Valley water and power interests filed suit seeking to enjoin implementation of the ROD. On March 22, 2001, the court issued a Memorandum Decision and Order enjoining the federal defendants from implementing any of the flow related aspects of the ROD. *Westlands Water District v. United States Department of the Interior*, CIV-F-00-7124-OWW/DLB (E.D. Calif., filed May 3, 2001). In its Memorandum Decision and Order the court found that the effects of reasonable and prudent measures in the two biological opinions as well as the

effects on power in light of the California energy crisis, were not adequately analyzed in the EIS. The federal agencies are now seeking to address these issues in a SEIS and are soliciting public input and comment on this process.

The overall objective of the Program is to meet Federal trust responsibilities for tribal fishery resources and restore the fisheries in the Trinity River basin to the level that existed prior to the construction of the Trinity River Division (TRD) of the CVP. These actions are authorized by the Act of August 12, 1955, 69 Stat. 719; the Trinity River Basin Fish and Wildlife Management Act, Public Law 98-541 (1984), as amended, and the Central Valley Project Improvement Act, Public Law 102-575, Title XXXIV (1992) (CVPIA). The FWS and Reclamation are the federal co-leads for purposes of complying with National Environmental Policy Act (NEPA); along with Hoopa Valley Tribe, which is also acting in a co-lead agency role. Trinity County functions as the state lead agency for purposes of complying with the California Environmental Quality Act (CEQA).

The purpose for the October 2000 EIS/EIR is as follows: to restore and maintain the natural production of anadromous fish on the Trinity River mainstem downstream of Lewiston Dam. The purpose of the SEIS/SDEIR will be the same.

**DATES:** A scoping meeting will be held on Thursday, May 9, 2002, from 1:30 to 4:30 p.m. in Redding, California, to solicit public input on alternatives, concerns, and issues to be addressed in the SEIS/SDEIR.

Written comments on the scope of the SEIS/SDEIR may be mailed to Reclamation at the address below by May 23, 2002. Comments received after this date will be considered but may not be included in the resulting SEIS/SDEIR scoping report.

**ADDRESSES:** The scoping meeting will be held at the Holiday Inn, 1900 Hilltop Drive, Redding, CA 96002.

Written comments on the scope of the SEIS/SDEIR should be sent to Mr. Russell Smith, Bureau of Reclamation, Shasta Dam Office, 16349 Shasta Dam Boulevard, Shasta Lake CA 96019; telephone: (530) 275-1554; fax (530) 275-2441.

**FOR FURTHER INFORMATION CONTACT:** Mr. Russell Smith at the above address or by telephone at (530) 275-1554.

**SUPPLEMENTARY INFORMATION:** In 1983 an EIS on the Trinity River Basin Fish and Wildlife Management Program was prepared by the FWS (U.S. Fish and

Wildlife Service, 1983). The environmental document analyzed habitat restoration actions, watershed rehabilitation, and improvements to the Trinity River Salmon and Steelhead Hatchery (TRSSH). The EIS clarified that the hatchery's purpose was to mitigate for the loss of the 109 miles of habitat upstream of Lewiston Dam; whereas, the restoration and rehabilitation projects were explicitly designed to increase natural fish production below the dam.

In 1984, the Trinity River Basin Fish and Wildlife Management Act (Public Law 98-541) was enacted. It formalized the existence of the Trinity River Basin Fish and Wildlife Task Force (Task Force), and directed the Secretary of the Interior (Secretary) to implement measures to restore fish and wildlife habitat in the Trinity River. The Task Force was directed at implementation of a fish and wildlife management program "to restore natural fish and wildlife populations to levels approximating those which existed immediately prior to the construction of the Trinity Division." In 1996 Congress re-authorized and amended the original Trinity River Basin Fish and Wildlife Management Act (Public Law 104-143). The 1996 amendments clarified that "restoration is to be measured not only by returning adult anadromous fish spawners, but by the ability of dependent tribal, commercial, and sport fisheries to participate fully, through enhanced in-river and ocean harvest opportunities, in the benefits of restoration \* \* \*".

In 1992 Congress passed the CVPIA (Public Law 102-575, Title XXXIV) in order to protect, restore, and enhance fish, wildlife, and associated habitats in the Central Valley, including the Trinity River Basin. Specifically, the CVPIA provides at section 3406(b)(23) that "[i]n order to meet Federal trust responsibilities to protect the fishery resources of the Hoopa Valley Tribe and meet the fishery restoration goals' of Public Law 98-541, the Secretary is directed to complete the Trinity River Flow Evaluation Study (TRFES) and to develop recommendations "based on the best available scientific data, regarding permanent instream fishery flow requirements and TRD operating criteria and procedures for the restoration and maintenance of the Trinity River fishery." The CVPIA also specifically provided for the Secretary to consult with the Hoopa Valley Tribe on the TRFES and, upon the Tribe's concurrence, to implement the restoration recommendations accordingly.