

injunction for implementation of certain flow-related aspects of the ROD. The terms of the injunction limit the increase in flows in the Trinity River which may be implemented in the ROD, but allow the Secretary to proceed with all other activities approved by the ROD. *Westlands Water District v. United States Department of the Interior*, CIVF-00-7124-OWW/DLB (E.D. Calif., filed May 3, 2001).

On February 20, 2003, the court entered final judgment in the case, finding that the ROD for the Program, issued on December 10, 2000, and the associated biological opinions issued by FWS and NMFS, were unlawful in part. The court found that the ROD was in violation of NEPA in that it had an improperly framed purpose statement and the range of alternatives was inadequate. The biological opinions were found to exceed the agencies' authority under the ESA in that they required major modifications to operations of the CVP. Although the issue was not before the court, nor briefed by any of the parties, the court also found the government in breach of its general and specific Federal trust obligations to the Hoopa Valley and Yurok Tribes, as set out under CVPIA section 3406(b)(23) and related statutes. The case is now on appeal.

Our practice is to make comments, including names and home addresses of respondents, available for public review. Individual respondents may request that we withhold their home address from public disclosure, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold a respondent's identity from public disclosure, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public disclosure in their entirety.

Dated: June 11, 2003.

**Frank Michny,**

*Regional Environmental Officer, Mid-Pacific Region, Bureau of Reclamation.*

Dated: June 11, 2003.

**Mary Ellen Mueller,**

*Fisheries Supervisor, California and Nevada Operations Office, Fish and Wildlife Service.*

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**BILLING CODE 4310-MN-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Natural Gas Pipeline Right-of-Way Permit Application Crossing the San Bernard National Wildlife Refuge in Brazoria County, Texas

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

**ACTION:** Notice of application.

**SUMMARY:** The U.S. Fish and wildlife Service (Service) advises the public that Noble Energy, Inc., of Houston, Texas, has submitted an application to install a 4-inch nominal pipeline for transportation of natural gas across a portion of the San Bernard National Wildlife Refuge, Brazoria County, Texas, which would start from their well located outside of the refuge land. The proposed pipeline to convey the product from the well to tie in to an existing Texas Eastern Transmission (TET) gathering line is located 4,311 feet northwest of the surface location. Of the 4,311 feet, approximately 3,800 feet will traverse refuge lands. Noble plans to construct the pipeline by use of subsurface boring methodology 5 feet to 20 feet below the surface of the land. Noble plans to bore northwesterly a distance from the wellhead to a 70-foot by 75-foot temporary construction staging area, located at GPS coordinates X=3,116474.60 and Y=501,502.22 (NAD 27 Datum) on refuge property; then turning more northwesterly, will bore the remaining distance to the existing TET gathering line located at GPS coordinates X=3,115,926.41 and Y=503,009.25 (NAD 27 Datum). A second 75-foot by 75-foot temporary construction staging area is proposed at the site for the pipeline tap and interconnect. At the interconnect point, approximately 25 feet from the centerline of the TET pipeline, a 30-foot by 30-foot extended use location, meter/valve facility, is proposed to be installed and fenced. An Environmental Analysis and Cultural Resources Review has been prepared and is on file.

This notice informs the public that the Service will be proceeding with the processing of the application, the compatibility determination and the approval processing which includes the preparation of the terms and conditions of the permit.

**DATES:** Written comments should be received on or before July 17, 2003 to receive consideration by the Service.

**ADDRESSES:** Comments should be addressed to: Regional Director, U.S. Fish and Wildlife Service, Division of Realty, Attention: Lena V. Marie, P.O.

Box 1306, Albuquerque, New Mexico 87103-1306, telephone number 505-248-7411 or FAX 505-248-6803

**SUPPLEMENTARY INFORMATION:** The Refuge Manager for the San Bernard National Wildlife Refuge has approved the route of the pipeline.

Right-of-way applications for pipelines are to be filed in accordance with Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C.), as amended by the Act of November 16, 1973, (37 Stat. 576, Public Law 93-153).

Dated: May 21, 2003.

**Pat A. Langley,**

*Regional Director.*

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## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-455]

### In the Matter of Certain Network Interface Cards and Access Points for Use in Direct Sequence Spread Spectrum Wireless Local Area Networks and Products Containing Same: Notice of a Commission Determination Not To Review an Initial Determination Terminating the Investigation on the Basis of a Settlement Agreement

**AGENCY:** International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's ("ALJ's") initial determination ("ID") granting a joint motion to terminate the above-captioned investigation on the basis of a settlement agreement.

**FOR FURTHER INFORMATION CONTACT:** Timothy P. Monaghan, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202-205-3152. Copies of the public version of the ID and all nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202-205-2000. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-