

Near Islands in the Aleutians, east to Kamishak Bay on the western side of lower Cook Inlet, and includes waters adjacent to the Aleutian Islands, the Alaska Peninsula, the Kodiak Archipelago, and the Barren Islands (see Figure 3 of the Proposed Listing Rule; 69 FR 6605; February 11, 2004). Within this range, sea otters generally occur in nearshore, shallow waters less than 100 meters (328 feet) in depth. This population experienced a rapid decline in abundance of more than 50 percent since the late 1980s. At the time of our 2005 final listing rule, the DPS consisted of approximately 42,000 sea otters.

Recovery of endangered or threatened animals and plants to the point where they are again secure, self-sustaining members of their ecosystems is a primary goal of our endangered species program. The Act requires us to develop recovery plans for listed species, unless such a plan would not promote the conservation of a particular species. We prepare recovery plans for most listed species native to the United States. Recovery plans describe actions necessary for the conservation and survival of the species, establish criteria for reclassifying or delisting listed species, and estimate time and cost for implementing needed recovery measures. Section 4(f) of the Act requires us to provide public notice and an opportunity for public review and comment during recovery plan development.

In March 2006, the Regional Director for the Alaska Region of the Service formed a recovery team to serve in an advisory capacity to develop a draft recovery plan for the southwest Alaska DPS of the northern sea otter.

#### Current Range and Threats

The current range of the southwest Alaska DPS of the northern sea otter extends from west to east across more than 2400 kilometers (approximately 1,500 miles) of shoreline. The magnitude of the population decline has varied over the range. In some areas, numbers have declined by more than an order of magnitude, while in other areas no decline has been detected. To address such differences, this recovery plan identifies five management units (MUs) within the DPS: (1) Western Aleutian Islands; (2) Eastern Aleutian Islands; (3) South Alaska Peninsula; (4) Bristol Bay; and (5) Kodiak Archipelago, Kamishak Bay, and Alaska Peninsula.

The cause of the overall decline is not known with certainty, but the weight of evidence points to increased predation, most likely by the killer whale, as the most likely cause. Predation is therefore

considered a threat to the recovery of this DPS, but other threats, including infectious disease, biotoxins, contaminants, oil spills, food limitation, disturbance, bycatch in fisheries, subsistence harvest, loss of habitat, and illegal take, are also considered in this recovery plan. Threats are summarized in general, and their relative importance is assessed for each of the five MUs. Most threats are assessed to be of low importance to recovery of the DPS; the threats judged to be most important are predation (moderate to high importance) and oil spills (low to moderate importance). Threats from subsistence harvest, illegal take, and infectious disease are assessed to be of moderate importance in the Kodiak, Kamishak, and Alaska Peninsula MU, but of low importance elsewhere.

#### Goals of Recovery Plan

The goal of the recovery plan is to control or reduce threats to the southwest Alaska DPS of the northern sea otter to the extent that this DPS no longer requires the protections afforded by the Act and therefore can be delisted. To achieve this goal, the recovery plan identifies three objectives: (1) Achieve and maintain a self-sustaining population of sea otters in each MU; (2) maintain enough sea otters to ensure that they are playing a functional role in their nearshore ecosystem; and (3) mitigate threats sufficiently to ensure persistence of sea otters. Each of these objectives includes objective, measurable criteria to determine if the objective has been met; these are known as "delisting criteria." They require that, in order for the DPS to be removed from the Endangered and Threatened Species List, at least three of the five MUs must have met the delisting criteria. The plan also contains criteria to determine if the DPS should be considered for reclassification as endangered; these are known as "uplisting criteria." Delisting should not be considered if any MU meets the criteria specified for uplisting to endangered.

Site-specific management actions to achieve recovery and delisting of the DPS are specified in the recovery action outline and narrative. As demographic characteristics of the population constitute one of the three types of delisting criteria, population monitoring and population modeling are high priorities. Monitoring the status of the kelp forest ecosystem in the Western Aleutian and Eastern Aleutian management units is also a high priority, as results from such monitoring will be needed to evaluate the ecosystem-based delisting criteria. Other high-priority actions include identifying

characteristics of sea otter habitat, and ensuring that adequate oil spill response capability exists in southwest Alaska. As predation is considered to be the most important threat to recovery, additional research on that topic is also a high priority. The recovery implementation schedule provides details regarding the timing, costs, and agencies or entities responsible for implementing each recovery action necessary to achieve the recovery plan's objectives and goal.

We welcome continuing input on this recovery plan, and we will consider information received on an ongoing basis to inform the implementation of recovery activities and any future updates to the recovery plan.

**Authority:** The authority for this action is section 4(f) of the Act, 16 U.S.C. 1533(f).

Dated: August 29, 2013.

**Geoffrey L. Haskett,**

*Regional Director, Alaska Region, U.S. Fish and Wildlife Service.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS-R8-ES-2013-N166:  
FXES112080000F2-134-FF08ECAR00]

#### **Draft Supplemental Environmental Impact Report/Environmental Impact Statement for a Proposed Amendment to the Coachella Valley Multiple Species Habitat Conservation Plan/Natural Communities Conservation Plan, Riverside County, CA**

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

**ACTION:** Notice of availability.

**SUMMARY:** This notice advises the public that we, the U.S. Fish and Wildlife Service (Service), have received applications for incidental take permits pursuant to the Endangered Species Act of 1973, as amended (Act), from the City of Desert Hot Springs and Mission Springs Water District (MSWD), Riverside County, California. The Service, in cooperation and coordination with the Coachella Valley Conservation Commission (CVCC), has prepared a joint draft Supplemental Environmental Impact Report/Environmental Impact Statement (draft Supplemental EIR/EIS) under the National Environmental Policy Act (NEPA) for the proposed amendment to the Coachella Valley Multiple Species Habitat Conservation Plan/Natural Communities Conservation Plan

(CVMSHCP, or Plan), to include Desert Hot Springs and MSWD as permittees to the Plan. The draft Supplemental EIR/EIS supplements the approved and certified September 2007 Final Recirculated EIR/EIS for the CVMSHCP (72 FR 63922; November 13, 2007) and considers the environmental effects associated with the approval of an amendment to the existing incidental take permit under section 10(a)(1)(B) of the Act. The draft Supplemental EIR/EIS has been prepared to analyze the effects of the addition of Desert Hot Springs and MSWD as permittees to the CVMSHCP. The analyses provided in the draft Supplemental EIR/EIS are intended to inform the public of the proposed action, alternatives, and associated impacts; address public comments received during the scoping period for the draft Supplemental EIR/EIS; disclose the direct, indirect, and cumulative environmental effects of the proposed action and each of the alternatives; and indicate any irreversible commitment of resources that would result from implementation of the proposed action.

**DATES:** We will accept comments received or postmarked on or before October 21, 2013. We will consider all written requests for public meetings. To accommodate scheduling of meetings and allow sufficient time to publicize them, all requests for meetings must be received within 15 days after publication in the **Federal Register** (see **DATES, ADDRESSES, and FOR FURTHER INFORMATION CONTACT**). Please indicate the reasons why a meeting is desired (desired outcomes), desired format of the meeting, who is requesting the meeting (an individual, group, or groups), and desired meeting location(s).

**ADDRESSES: Obtaining Documents:** You may download copies of the draft Supplemental EIR/EIS to the approved and certified September 2007 Final Recirculated EIR/EIS for the CVMSHCP and amended Plan on the Internet at <http://www.cvmshcp.org>. Alternatively, you may use one of the methods below to request hard copies or a CD-ROM of the documents. Please send your requests or comments by any one of the following methods, and specify "CVMSHCP" in your request or comment.

**Submitting Comments:** You may submit comments or requests for copies or more information by one of the following methods.

- **Email:** [fw8cfwocomments@fws.gov](mailto:fw8cfwocomments@fws.gov). Include CVMSHCP in the subject line of the message.

- **U.S. Mail:** U.S. Fish and Wildlife Service, Palm Springs Fish and Wildlife Office, Attn: Mr. Kennon A. Corey, Assistant Field Supervisor, 777 East Tahquitz Canyon Way, Suite 208, Palm Springs, CA 92262.

- **In-Person Drop-off, Viewing, or Pickup:** Telephone 760-322-2070, to make an appointment during regular business hours to drop off comments or view received comments at address identified above.

- **Fax:** Mr. Kennon A. Corey, Assistant Field Supervisor, 760-322-4648, Attn: CVMSHCP.

**FOR FURTHER INFORMATION CONTACT:** Jenness McBride, Division Chief, Coachella and Imperial Valleys, 777 East Tahquitz Canyon Way, Suite 208, Palm Springs, CA 92262; telephone 760-322-2070. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800-877-8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** We, the U.S. Fish and Wildlife Service (Service), announce the availability of our draft Supplemental EIR/EIS to the approved and certified September 2007 Final Recirculated EIR/EIS for the CVMSHCP in accordance with the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*; NEPA), and its implementing regulations in the Code of Federal Regulations (CFR) at 40 CFR 1506.6, as well as in compliance with section 10(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*). The draft Supplemental EIR/EIS considers the environmental effects associated with adding Desert Hot Springs and MSWD as Permittees to the CVMSHCP and amending the existing incidental take permit.

### Background

Section 9 of the Act (16 U.S.C. 1531 *et seq.*) and Federal regulations at 50 CFR 17 prohibit the "take" of fish and wildlife species listed as endangered or threatened. Take of listed fish and wildlife is defined under the Act as to "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect listed animal species, or to attempt to engage in such conduct" (16 U.S.C. 1538). Harm includes significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding,

feeding, or sheltering (50 CFR 17.3). Under limited circumstances, we may issue permits to authorize incidental take of listed wildlife species, which the Act defines as take that is incidental to, and not the purpose of, the carrying out of otherwise lawful activities.

Regulations governing incidental take permits for threatened and endangered species are at 50 CFR 17.32 and 17.22, respectively. In addition to meeting other criteria, activities covered by an incidental take permit must not jeopardize the continued existence in the wild of federally listed wildlife or plants.

In February 2006, the Final CVMSHCP and associated Final EIR/EIS were released for review and approval by the participating jurisdictions and agencies as part of the application process to support the issuance of take authorizations by the Service. However, Desert Hot Springs voted to not approve the Plan in June 2006. Subsequently, the Coachella Valley Association of Governments (CVAG) Executive Committee rescinded its approval of the Plan and directed that Desert Hot Springs be removed as a Permittee. A revised Plan and associated EIR/EIS were prepared and recirculated that removed Desert Hot Springs and made other modifications consistent with direction from the CVAG Executive Committee.

The revised and recirculated CVMSHCP was approved and the associated Final Recirculated EIR/EIS was certified by CVAG and the CVCC in September 2007 and subsequently by all local Permittees by the end of October 2007. The state Permittees (Caltrans, Coachella Valley Mountains Conservancy, and California State Parks) approved the Plan and signed the Implementing Agreement in March 2008. The Final Recirculated CVMSHCP, which did not include Desert Hot Springs, received final State and Federal permits on September 9 and October 1, 2008, respectively.

In a reversal of their June 2006 decision, Desert Hot Springs City Council reconsidered their decision and unanimously approved a Memorandum of Understanding (MOU) in October 2007, to enter into negotiations for Desert Hot Springs to join the CVMSHCP as a Permittee. The MOU was subsequently approved by the CVCC, CVAG, and the County of Riverside in February 2008. Subsequent to Desert Hot Springs' decision, the MSWD has also made the decision to join the CVMSHCP as a Permittee. The addition of both entities as Permittees has been evaluated in the Supplemental EIR/EIS.

The amendment to reinstate Desert Hot Springs proposes that the Plan provisions and boundaries be revised according to the February 2006 CVMSHCP, with modifications as described in the September 2007 Final Recirculated CVMSHCP, to provide for the Riverside County Flood Control and Water Conservation District's future flood control facility. Therefore, the current Conservation Area boundaries would be amended to include all of the private lands within Desert Hot Springs' city limits and restore the original boundaries of the Upper Mission Creek/Big Morongo Canyon and Whitewater Canyon Conservation Areas within Desert Hot Springs' city limits. Adding Desert Hot Springs as a Permittee requires a Major Amendment to the CVMSHCP in accordance with the requirements outlined in Section 6.12.4 of the Plan. The procedures outlined in Section 6.12.4 state that major amendments require the same process to be followed as the original CVMSHCP approval, including California Environmental Quality Act and NEPA compliance.

In addition, MSWD, not previously a participating agency, has also applied to join the CVMSHCP as a Permittee. MSWD and Desert Hot Springs have proposed that a number of infrastructure projects be included as Covered Activities under the Plan. Covered Activities include certain activities carried out or conducted by Permittees, Participating Special Entities, Third Parties Granted Take Authorization, and others within the CVMSHCP Plan Area, as described in Section 7 of the CVMSHCP, that will receive Take Authorization under the Service's section 10(a)(1)(B) permit and the State NCCP Permit, provided these activities are otherwise lawful. Examples of Desert Hot Springs proposed Covered Activities include roadway improvement projects. Examples of MSWD proposed Covered Activities include construction of wells, water storage facilities, water transmission lines, recycled water lines, and sewer lines. Refer to Table 2-1 and 2-2 in the Supplemental EIR/EIS for Desert Hot Springs and MSWD Covered Activities list, respectively.

Covered activities will increase the existing permitted take by 34 acres, but inclusion of Desert Hot Springs and MSWD will expand conservation area boundaries in Desert Hot Springs to include 770 acres of land to be managed consistent with the CVMSHCP's conservation goals and objectives. Fifteen of the 27 Covered Species and 5 of the 27 Natural Communities will be affected by the Major Amendment.

Additional take, in acres, for Covered Species and Natural Communities are listed in Table 4.1-1 and 4.1-2 in the Supplemental EIR/EIS, respectively.

#### National Environmental Policy Act Compliance

We formally initiated an environmental review of the draft Supplemental EIR/EIS through publication of a notice of intent (NOI) to prepare a draft Supplemental EIR/EIS in the **Federal Register** on Wednesday, March 30, 2011 (76 FR 17666). That notice also announced a public scoping period, during which we invited interested parties to provide written comments expressing their issues or concerns related to the proposal. A public scoping meeting was held in Desert Hot Springs on April 4, 2011.

Based on public scoping comments, we have prepared a draft Supplemental EIR/EIS for the proposed action and have made it available for public inspection (see **ADDRESSES**). NEPA requires that a range of reasonable alternatives to the proposed action be described. The draft Supplemental EIR/EIS analyzes the proposed action and a no action alternative, which were derived in response to scoping comments. Additionally, the alternatives from the 2007 Recirculated EIR/EIS were retained and analyzed as part of the proposed major amendment to determine if adding Desert Hot Springs and MSWD as permittees under the Plan would change any conclusions contained in each of the alternatives identified in 2007. The alternatives addressed include a Public Lands Alternative; Core Habitat with Ecological Processes Alternative; and an Enhanced Conservation Alternative.

#### Public Review

The Service invites the public to comment on the permit applications, revised CVMSHCP, and draft Supplemental EIR/EIS during the public comment period. Copies of the documents will be available during a 45-day public comment period (see **DATES**). If you wish to comment, you may submit your comments to the address listed in **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 may 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

We will evaluate the applications, associated documents, and comments submitted to prepare a Final EIR/EIS. A permit decision will be made no sooner than 30 days after the publication of the Environmental Protection Agency's Final EIS notice in the **Federal Register** and completion of the Record of Decision.

Dated: August 28, 2013.

**Alexandra Pitts**,

*Deputy Regional Director, Pacific Southwest Region, Sacramento, California.*

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## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

[DR.5B711.IA000813]

#### Indian Gaming

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice of approved Tribal-State Class III Gaming Compact.

**SUMMARY:** This notice publishes the approval of the Class III Tribal-State Gaming Compact between the Wiyot Tribe and the State of California.

**DATES:** *Effective Date:* September 6, 2013.

**FOR FURTHER INFORMATION CONTACT:**

Paula L. Hart, Director, Office of Indian Gaming, Office of the Deputy Assistant Secretary—Policy and Economic Development, Washington, DC 20240, (202) 219-4066.

**SUPPLEMENTARY INFORMATION:** Under section 11 of the Indian Gaming Regulatory Act of 1988 (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. The Compact between the State of California and the Wiyot Tribe provides for certain payments to the Tribe from the Wiyot Trust Fund established by the State under this Compact and the compact between the State of California-North Fork Rancheria of Mono Indians. In exchange for these payments, the Tribe agrees to forgo operation of Class III gaming on its lands. Pursuant to 25 CFR 293.4, all compacts are subject to review and approval by the Secretary. Pursuant to 25 CFR 293.15, an approved compact takes effect on the date that notice of its approval is published in the **Federal Register**. The compact terminates on December 31, 2033.