

COLORADO RIVER BOARD OF CALIFORNIA

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October 11, 2011

Public Comments Processing, Attn: FWS-R2-ES-2011-053
Division of Policy and Directives Management
U.S. Fish and Wildlife Service
4401 North Fairfax Drive, MS 2042-PDM
Arlington, Virginia 22203

Re: Comments of the Colorado River Board of California on the Proposed Rule Designating Critical Habitat for the Southwestern Willow Flycatcher

To Whom It May Concern:

The purpose of this letter is for the Colorado River Board of California (Board) to provide the U.S. Fish and Wildlife Service (USFWS) with the Board's comments on the proposed rule designating critical habitat for the endangered southwestern willow flycatcher (WIFL) that was published in the *Federal Register* on August 15, 2011 (76 FR 50542; August 15, 2011). As such, the Board's comments are primarily associated with the proposed designation of WIFL critical habitat within the current planning area of the Lower Colorado River Multi-Species Conservation Program (LCR MSCP). As the Board (as well as its member agencies) participates in and provides funding for the long-term implementation of the LCR MSCP, the Board believes that it is appropriate and important to provide comments on the proposed rule designating the revised critical habitat for the WIFL along the Lower Colorado River. The Board's comments are described in the following sections.

Proposed Critical Habitat Designation on National Wildlife Refuge Lands within the Planning Area of the Lower Colorado River Multi-Species Conservation Program

First, the Board is concerned that the proposed rule does not presently exclude lands managed by the U.S. Fish and Wildlife Service (USFWS) National Wildlife Refuge (NWR) system within the planning area of the LCR MSCP from designation as critical habitat for the WIFL. As you are aware, significant habitat and species conservation measures and activities have already been undertaken on NWR lands along the Lower Colorado River pursuant to long-term implementation of the LCR MSCP. For example, the restoration of significant blocks of cottonwood-willow habitat have been completed, or are on-going, on lands managed by the USFWS at Havasu NWR, Cibola NWR, and at Imperial NWR. Additionally, the U.S. Bureau of Reclamation (Reclamation), and its contractors, continue to actively monitor avian presence/absence and habitat quality parameters on these restored native riparian habitat patches as part of the LCR MSCP long-term monitoring and adaptive management program. Additionally, the WIFL is one of the LCR MSCP's "flagship" covered species, and many of the LCR MSCP habitat and species conservation measures are intended, in large part, to address the

long-term needs of the WIFL within the LCR MSCP planning area along the Lower Colorado River.

The LCR MSCP Implementation Agreement signed by all participating entities in 2005, including the USFWS, was intended to obviate the need for future listings and critical habitat designations for species currently covered under the LCR MSCP Habitat Conservation Plan (HCP) and Biological Opinion. By not excluding the USFWS NWR lands along the Lower Colorado River, within the LCR MSCP planning area, there could be an increased risk to Reclamation of having to re-initiate Endangered Species Act (ESA) Section 7 consultation requirements associated with routine Lower Colorado River operations and maintenance activities; which was the subject of the consultation completed in 2005.

Additionally, from the perspective of the non-federal LCR MSCP HCP Incidental Take Permit signatories (pursuant to ESA Section 10), including the Board, designation of critical habitat for an existing LCR MSCP “covered species” within the geographic area of the approved LCR MSCP HCP seems contrary to the USFWS stated policy of ensuring that there are “No Surprises.” Finally, it should be pointed out that the 2005 critical habitat designation for WIFL along the Lower Colorado River did, in fact, exclude all of the NWR lands managed by the USFWS from designation as critical habitat. The new proposed rule does not explain why this has been modified from the 2005 rule.

Specifically, the Board respectfully requests that the entire planning area of the LCR MSCP, as described in the HCP, be excluded from designation as critical habitat for the WIFL, pursuant to ESA Section 4(b)(2), including all of the NWR lands managed by the USFWS. As mentioned, several LCR MSCP Conservation Areas are currently located on NWR lands within the planning/implementation area of the LCR MSCP and Reclamation has an existing land-use agreement with the USFWS for management of these Conservation Areas associated with implementation of the LCR MSCP. Exclusion of these areas from designated WIFL critical habitat will continue to benefit future partnership opportunities and the efficient and effective implementation of additional habitat restoration activities and species protection and conservation measures for the WIFL along the Lower Colorado River.

Proposed Critical Habitat Designation within the Operational Full-Pool of Lake Mead

The Board’s second primary area of concern is with the proposed rule’s designation of critical habitat for the WIFL within the operational full-pool of Lake Mead. Specifically, these areas include the following: (1) the upper portion of Lake Mead near Pierce Ferry, Arizona; (2) the confluence of the Virgin River and Lake Mead; and (3) the confluence of the Muddy River Public Comments Processing, and Lake Mead. These areas are highly ephemeral and subject to

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periodic desiccation and inundation as Lake Mead reservoir levels rise and fall in accordance with releases from upstream reservoirs and smaller tributary side inflows. As an example, in 2011 alone, Lake Mead's water surface elevation rose approximately thirty (30) feet; reflecting runoff and inflows from an above-average year and reservoir equalization requirements between Lakes Powell and Mead. Finally, based upon the "Law of the River," including the 2007 Interim Guidelines, the Board agrees with Reclamation that it has no discretionary control over Lake Mead water surface elevations. Consequently, the Board respectfully requests that the USFWS modify the proposed critical habitat designation for the WIFL and exclude the designation of any critical habitat within the operational full-pool of Lake Mead.

In conclusion, the Board respectfully requests that the length of the Lower Colorado River from the operational full-pool elevation of Lake Mead (from Separation Canyon) downstream to the Southerly International Boundary with Mexico be explicitly excluded from designation as critical habitat for the WIFL in the proposed rule. The Board appreciates the opportunity to provide comments associated with the proposed rule designating critical habitat for the WIFL. Please feel free to contact me at (818) 500-1625, extension 309, if you have any questions or require additional information regarding these comments.

Sincerely,



Christopher S. Harris
Acting Executive Director

Upper Colorado Region
Salt Lake City, Utah

Media Contact: Barry Wirth Maureen Oltrogge
801-524-3774 928-638-7779

Released On: October 18, 2011

Public Invited to Open Houses on Plan for Glen Canyon Dam Operations

Beginning Nov. 7, the public will have an opportunity to attend public meetings on the development of a long-term plan that will determine the timing and volume of water flows from Glen Canyon Dam. Those flows affect hydroelectricity production, beach recreation, native fish and other river-related plants and animals, as well as archeological sites in Grand Canyon National Park and Glen Canyon National Recreation Area.

The long-term plan will address routine operations as well as "experimental" flows that provide additional scientific information about how to protect endangered fish and lessen the effects of dam operations on downstream ecology and other resources. The plan will ensure that regulated flows on the Colorado River meet the goals of supplying hydroelectricity and water for communities, agriculture and industry at the same time they protect the ecologies of the Grand Canyon and Glen Canyon.

The meetings, to be held jointly by the Bureau of Reclamation and the National Park Service, will take place in:

- Phoenix, Arizona: Monday, November 7, 2011, 6 to 8 p.m., Sheraton Crescent Hotel, 2620 W. Dunlap Avenue, Phoenix, AZ 85201
- Flagstaff, Arizona: Tuesday, November 8, 2011, 6 to 8 p.m., Radisson Woodlands Hotel Flagstaff, 1175 W. Route 66, Flagstaff, AZ 86001
- Page, Arizona: Wednesday, November 9, 2011, 6 to 8 p.m., Courtyard Page at Lake Powell, 600 Clubhouse Drive, Page, AZ 86040
- Salt Lake City, Utah: Tuesday, November 15, 2011, 6 to 8 p.m., Hilton Salt Lake City Center, 255 South West Temple, Salt Lake City, UT 84101
- Las Vegas, Nevada: Wednesday, November 16, 2011, 6 to 8 p.m., Ramada Las Vegas, 325 East Flamingo Road, Las Vegas, NV 89169
- Lakewood, Colorado: Thursday, November 17, 2011, 6 to 8 p.m., Sheraton Denver West Hotel, 360 Union Boulevard, Lakewood, CO 80228
- Web-based meeting: Tuesday, November 15, 2011, 1 to 3 p.m. Mountain Time. For specific information about the web-based meeting and how to participate, please refer to the project website at: <http://ltempeis.anl.gov>

Work on the new plan, known as the Long-Term Experimental and Management Plan, is the first comprehensive review of Glen Canyon Dam operations in 15 years. The purpose of the LTEMP is to use current and newly developed science to improve and protect resources of Glen Canyon National Recreation Area, Grand Canyon National Park, and Lake Mead National Recreation Area while also complying with the Law of the River, the 1992 Grand Canyon Protection Act, the Endangered Species Act, and other applicable laws. The LTEMP process will determine the need for future modifications to Glen Canyon Dam operations, and whether to establish an Endangered Species Act Recovery Implementation Program for endangered fish species below Glen Canyon Dam.

Changes to dam operations and other actions taken by the Department of the Interior (DOI) will be evaluated as "alternatives" in an Environmental Impact Statement. The EIS will document and evaluate impacts of the alternatives.

The public meetings announced today are part of the "public scoping" phase of the National Environmental Policy Act process. Public scoping gives interested individuals and groups the opportunity to comment on a proposed action, recommend alternatives, and to identify and prioritize the issues to be considered in the EIS analyses. Scoping is the earliest, but not the last, opportunity for people to provide input on the Glen Canyon Dam LTEMP EIS.

Each public scoping meeting will include a welcome and project overview session (15 minutes) and opportunities for the public to review exhibits, informally discuss issues, and ask questions of technical experts and managers.

More information on the meetings will be announced through local media, newsletters, and the project web site: <http://ltempeis.anl.gov>.

The public can submit comments by the following methods:

- Website: <http://ltempeis.anl.gov>. (the preferred method)
- Mail: Glen Canyon LTEMP EIS Scoping, Argonne National Laboratory, EVS/240, 9700 S. Cass Avenue, Argonne, IL 60439.

Reclamation and the NPS will accept comments that are received or postmarked by Friday, Dec. 30, 2011.

To have your name added to the mailing list for future information, visit the Glen Canyon LTEMP EIS website listed below or contact Beverley Heffernan, Bureau of Reclamation, Upper Colorado Region, Attention: UC-700, 125 South State Street, Salt Lake City, UT 84138-1147; facsimile (801) 524-3826.

Additional information, including a full copy of the Notice of Intent published yesterday in the Federal Register is available at the project web site: <http://ltempeis.anl.gov>.

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Reclamation is the largest wholesale water supplier and the second largest producer of hydroelectric power in the United States, with operations and facilities in the 17 Western States. Its facilities also provide substantial flood control, recreation, and fish and wildlife benefits. Visit our website at www.usbr.gov.

Relevant Links:

[Glen Canyon Dam Long-Term Experimental and Management Plan EIS web site](http://www.usbr.gov/newsroom/newsrelease/detail.cfm?RecordID=38003)

their homes or regular places of business in the performance of services for the Commission as approved by the DFO, members will be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed such expenses under § 5703 of Title 5 of the United States Code.

The Obama Administration prohibits individuals who are currently federally registered lobbyists to serve on all Federal Advisory Committee Act (FACA) and non-FACA boards, committees or councils.

Submitting Nominations:

Nominations should be typed and must include each of the following:

A. Brief summary of no more than two (2) pages explaining the nominee's suitability to serve on the Commission.

B. Resume or curriculum vitae.

C. At least one (1) letter of reference.

All required documents must be compiled and submitted in one complete nomination package. This office will not assemble nomination packages from documentation sent piecemeal. Incomplete submissions (missing one or more of the items described above) will not be considered.

Dated: June 21, 2011.

Kathy Billings,

Superintendent, Koloko-Honokohau National Historical Park.

[FR Doc. 2011-26713 Filed 10-14-11; 8:45 am]

BILLING CODE 4312-GH-P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

National Park Service

Notice To Solicit Comments and Hold Public Scoping Meetings on the Adoption of a Long-term Experimental and Management Plan for the Operation of Glen Canyon Dam

AGENCY: Bureau of Reclamation and National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Department of the Interior (Department), through the Bureau of Reclamation and the National Park Service, provided notice on July 6, 2011, that the Department intends to prepare an environmental impact statement (EIS) and conduct public scoping meetings for the adoption of a Long-term Experimental and Management Plan (LTEMP) for the operation of Glen Canyon Dam. This **Federal Register** notice provides specific information on upcoming

public scoping meetings and identifies the relevant comment period.

DATES: Comments on the scope of the EIS will be accepted until close of business on Friday, December 30, 2011.

Six public scoping meetings and one web-based meeting will be held to solicit public input on the scope of the environmental document, potential alternatives, and issues to be addressed in the EIS. See **SUPPLEMENTARY INFORMATION** section for meeting dates.

For specific information about the web-based meeting (date, time, etc.), please refer to the project Web site at: <http://ltempeis.anl.gov>.

ADDRESSES: You may submit comments by the following methods:

- Web site: <http://ltempeis.anl.gov>.
- Mail: Glen Canyon LTEMP EIS

Scoping, Argonne National Laboratory, EVS/240, 9700 S. Cass Avenue, Argonne, Illinois 60439.

See **SUPPLEMENTARY INFORMATION** section for locations of public scoping meetings.

FOR FURTHER INFORMATION CONTACT: For further information and/or to have your name added to our mailing list, contact Beverley Heffernan, Bureau of Reclamation, Upper Colorado Region, Attention: UC-700, 125 South State Street, Salt Lake City, Utah 84138-1147; facsimile (801) 524-3826; or visit the Glen Canyon LTEMP EIS Web site at: <http://ltempeis.anl.gov>. Persons who use a telecommunications device for the deaf may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 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: In a **Federal Register** notice published on July 6, 2011 (76 FR 39435), and pursuant to section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969, as amended, and 40 CFR 1508.22, the Department provided notice that it would prepare an EIS and conduct public scoping meetings for the adoption of an LTEMP for the operation of Glen Canyon Dam.

The purpose of the proposed LTEMP is to inform Departmental decisions and operate Glen Canyon Dam in such a manner as to improve and protect downstream resources in Glen Canyon National Recreation Area and Grand Canyon National Park while maintaining compliance with relevant laws, including the 1992 Grand Canyon Protection Act (GCPA), the Law of the River, and the Endangered Species Act (ESA). The LTEMP process is intended

to develop and implement a structured, long-term experimental and management plan, to determine the need for potential future modifications to Glen Canyon Dam operations, and to determine whether to establish an ESA Recovery Implementation Program for endangered fish species below Glen Canyon Dam.

Revised dam operations and other actions under the jurisdiction of the Secretary of the Interior will be considered within alternatives of the EIS, in keeping with the scope of the GCPA. The NEPA process will document and evaluate impacts of the alternatives described in the EIS.

Scoping Information

Six public scoping meetings will be held to solicit comments on the scope of the LTEMP and the potential issues and alternatives that may be considered.

Each scoping meeting will include a welcome and project overview session (15 minutes) and opportunities for the public to view exhibits, informally discuss issues, and ask questions of technical experts and managers. Stations will be available for participants to provide electronic and written comments for the record. Comments should focus on the issues relevant to the proposed Federal action published in the July 6, 2011, **Federal Register** notice (76 FR 39435). To be most effectively considered, comments should be received no later than close of business on Friday, December 30, 2011. Those not desiring to submit comments during the scoping period, but who would like to receive a copy of the draft EIS (DEIS), may register their address at a public scoping meeting or on the project Web site at <http://ltempeis.anl.gov>. Public availability of the DEIS will be announced in the **Federal Register**, in the local news media, through direct contact with interested parties, and on the project Web site. Comments will be solicited on the DEIS at that time.

Dates and Addresses of Public Scoping Meetings

The scoping meeting dates and addresses are:

- Monday, November 7, 2011, 6 to 8 p.m., Sheraton Crescent Hotel, 2620 W. Dunlap Avenue, Phoenix, Arizona 85201.
- Tuesday, November 8, 2011, 6 to 8 p.m., Radisson Woodlands Hotel Flagstaff, 1175 W. Route 66, Flagstaff, Arizona 86001.
- Wednesday, November 9, 2011, 6 to 8 p.m., Courtyard Page at Lake Powell, 600 Clubhouse Drive, Page, Arizona 86040.

• Tuesday, November 15, 2011, 6 to 8 p.m., Hilton Salt Lake City Center, 255 South West Temple, Salt Lake City, Utah 84101.

• Wednesday, November 16, 2011, 6 to 8 p.m., Ramada Las Vegas, 325 East Flamingo Road, Las Vegas, Nevada 89169.

• Thursday, November 17, 2011, 6 to 8 p.m., Sheraton Denver West Hotel, 360 Union Boulevard, Lakewood, Colorado 80228.

Public Disclosure

Before including a name, address, telephone number, e-mail address, or other personal identifying information in the comment, please be advised that the entire comment—including personal identifying information—may be made publicly available at any time. While you can 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.

Dated: October 5, 2011.

Anne J. Castle,

Assistant Secretary—Water and Science.

Rachel Jacobson,

Acting Assistant Secretary—Fish and Wildlife and Parks.

[FR Doc. 2011-26651 Filed 10-14-11; 8:45 am]

BILLING CODE 4310-MN-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-638 (Third Review)]

Stainless Steel Wire Rod From India; Scheduling of an Expedited Five-Year Review Concerning the Antidumping Duty Order on Stainless Steel Wire Rod From India

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of an expedited review pursuant to section 751(c)(3) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(3)) (the Act) to determine whether revocation of the antidumping duty order on stainless steel wire rod from India would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. For further information concerning the conduct of this review and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207,

subparts A, D, E, and F (19 CFR part 207).

DATES: *Effective Date:* October 4, 2011.

FOR FURTHER INFORMATION CONTACT: Edward Petronzio (202-205-3176), Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for this review may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

Background.—On October 6, 2011, the Commission determined that the domestic interested party group response to its notice of institution (76 FR 38686, July 1, 2011) of the subject five-year review was adequate and that the respondent interested party group response was inadequate. The Commission did not find any other circumstances that would warrant conducting a full review.¹ Accordingly, the Commission determined that it would conduct an expedited review pursuant to section 751(c)(3) of the Act.²

Staff report.—A staff report containing information concerning the subject matter of the review will be placed in the nonpublic record on November 10, 2011 and made available to persons on the Administrative Protective Order service list for this review. A public version will be issued thereafter, pursuant to section 207.62(d)(4) of the Commission's rules.

Written submissions.—As provided in section 207.62(d) of the Commission's rules, interested parties that are parties to the review and that have provided individually adequate responses to the notice of institution,³ and any party other than an interested party to the

¹ A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's Web site.

² Commissioner Daniel R. Pearson concluded that both the domestic group response and the respondent group response for this review were adequate and voted for a full review.

³ The Commission has found the responses submitted by Carpenter Technology Corporation, North American Stainless, and Mukand Ltd. to be individually adequate. Comments from other interested parties will not be accepted (*see* 19 CFR 207.62(d)(2)).

review may file written comments with the Secretary on what determination the Commission should reach in the review. Comments are due on or before November 16, 2011 and may not contain new factual information. Any person that is neither a party to the five-year review nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to the review by November 16, 2011. However, should the Department of Commerce extend the time limit for its completion of the final results of its review, the deadline for comments (which may not contain new factual information) on Commerce's final results is three business days after the issuance of Commerce's results. If comments contain business proprietary information (BPI), they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. Please consult the Commission's rules, as amended, 76 FR 61937 (Oct. 6, 2011) and the Commission's Handbook on Filing Procedures, 76 FR 62092 (Oct. 6, 2011) available on the Commission's Web site at <https://edis.usitc.gov>.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the review must be served on all other parties to the review (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Determination.—The Commission has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C. 1675(c)(5)(B).

Authority: This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: October 11, 2011.

James R. Holbein,

Secretary to the Commission.

[FR Doc. 2011-26669 Filed 10-14-11; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-410 (Third Review)]

Light-Walled Rectangular Pipe From Taiwan; Scheduling of an Expedited Five-Year Review Concerning the Antidumping Duty Order on Light-Walled Rectangular Pipe From Taiwan

AGENCY: United States International Trade Commission.