

However, the configuration and location of the development area was selected to minimize impacts to the portion of the property that is dominated by native species and which offers the best habitat for Morro shoulderband snails. Relocation of the development area would result in a greater disturbance to intact, coastal sage scrub habitat resulting in greater impacts to Morro shoulderband snails. A reduction in the size of the development area is not economically feasible because the proposed project has already been designed to meet the minimum needs of the Applicants. The Applicants also consider the proposed development area more desirable than elsewhere on the property.

The Service has made a preliminary determination that the HCP qualifies as a "low-effect" plan as defined by its Habitat Conservation Planning Handbook (November 1996). Our determination that a habitat conservation plan qualifies as a low-effect plan is based on the following three criteria: (1) Implementation of the plan would result in minor or negligible effects on federally listed, proposed, and candidate species and their habitats; (2) implementation of the plan would result in minor or negligible effects on other environmental values or resources; and (3) impacts of the plan, considered together with the impacts of other past, present and reasonably foreseeable similarly situated projects would not result, over time, in cumulative effects to environmental values or resources which would be considered significant. As more fully explained in our Environmental Action Statement, the Habitat Conservation Plan for the Gosnell Project Site qualifies as a "low-effect" plan for the following reasons:

1. Approval of the HCP would result in minor or negligible effects on the Morro shoulderband snail and its habitat. The Service does not anticipate significant direct or cumulative effects to the Morro shoulderband snail resulting from development of the Gosnell single-family residence project.
2. Approval of the HCP would not have adverse effects on unique geographic, historic or cultural sites, or involve unique or unknown environmental risks.
3. Approval of the HCP would not result in any cumulative or growth inducing impacts and, therefore, would not result in significant adverse effects on public health or safety.
4. The project does not require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act,

nor does it threaten to violate a Federal, State, local or tribal law or requirement imposed for the protection of the environment.

5. Approval of the HCP would not establish a precedent for future actions or represent a decision in principle about future actions with potentially significant environmental effects.

The Service therefore has made a preliminary determination that approval of the HCP qualifies as a categorical exclusion under the National Environmental Policy Act, as provided by the Department of the Interior Manual (516 DM 2, Appendix 1 and 516 DM 6, Appendix 1). Based upon this preliminary determination, we do not intend to prepare further National Environmental Policy Act documentation. The Service will consider public comments in making its final determination on whether to prepare such additional documentation.

The Service provides this notice pursuant to section 10(c) of the Act. We will evaluate the permit application, the HCP, and comments submitted thereon to determine whether the application meets the requirements of section 10 (a) of the Act. If the requirements are met, the Service will issue a permit to the Applicants for the incidental take of the Morro shoulderband snail from development of the Gosnell Project site. We will make the final permit decision no sooner than 30 days from the date of this notice.

Dated: October 4, 2002.

**Miel R. Corbett,**

*Acting Deputy Manager, California/Nevada Operations Office, Sacramento, California.*

[FR Doc. 02-25921 Filed 10-10-02; 8:45 am]

**BILLING CODE 4130-55-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### **Notice of Availability of the Final Environmental Impact Statement for the Truckee River Water Quality Settlement Agreement, Federal Water Rights Acquisition Program for Washoe, Storey, and Lyon Counties, NV**

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

**ACTION:** Notice.

**SUMMARY:** This notice advises the public that the Bureau of Indian Affairs (BIA) intends to file with the U.S. Environmental Protection Agency a Final Environmental Impact Statement (FEIS) for a proposed water rights acquisition program to fulfill federal

obligations identified in the Truckee River Water Quality Settlement Agreement, and that the FEIS is available for final public review. Details of the proposed action, alternatives and areas of environmental concern addressed in the FEIS are provided in the **SUPPLEMENTARY INFORMATION** section.

**DATES:** Written comments must arrive by November 8, 2002. The Record of Decision will be issued on or after November 12, 2002.

**ADDRESSES:** You may mail, hand carry or telefax comments to Tom Strekal, Bureau of Indian Affairs, Western Nevada Agency, 1677 Hot Springs Road, Carson City, Nevada 89706, telefax (775) 887-3531.

Copies of the FEIS have been mailed to interested agencies, to local libraries, to individuals who participated in the scoping process and public hearings and to parties who requested a copy of the document. To obtain a copy of the FEIS, contact Tom Strekal at (775) 887-3500. Please specify whether you wish a paper or CD-ROM version of the document.

**FOR FURTHER INFORMATION CONTACT:** Mr. Tom Strekal at (775) 887-3500.

**SUPPLEMENTARY INFORMATION:** The BIA has completed a FEIS for a proposal to initiate a federal water rights acquisition program to acquire Truckee River water rights. The Truckee River Water Quality Settlement Agreement (WQSA), signed on October 10, 1996, establishes a joint program to improve Truckee River water quality by increasing flows in the river through the purchase and dedication of Truckee River water rights for instream flow. The acquisition program would fulfill federal obligations identified in the WQSA.

The FEIS evaluates the proposed action, two action alternatives, and a no action alternative. It describes the existing environment and potential environmental consequences of a water rights acquisition program. The FEIS considers the following issues: air quality, groundwater and surface water supply, river flow, water quality, biological resources including desert vegetation, riparian vegetation, fish, threatened and endangered species, and socio-economic resources including cultural resources, recreation, and land use.

The BIA's proposed action is the preferred alternative. This is an acquisition strategy that would allow water rights to be acquired from willing sellers located in any portion of the study area. The proposed action presumes most water rights would be acquired from the Truckee Division of the Newlands Project, due to the greater potential availability of water rights and

the lower cost per acre-foot. Additional water rights would be acquired from the Reno-Sparks metropolitan area and from lands located within the Truckee River corridor from Vista downstream to Wadsworth, Nevada. Water associated with acquired rights would be stored, whenever possible, in Truckee River reservoirs owned and operated by the Bureau of Reclamation. Stored WQSA water would be released from storage to enhance Truckee River flow during periods of low flow (primarily June–September) according to a schedule prepared by the parties acquiring water rights under WQSA and the Pyramid Lake Tribe (Joint Program Parties).

Other alternatives considered in the FEIS evaluate strategies that would focus acquisition efforts in the Reno-Sparks metropolitan area or in the Truckee Division. Acquiring water rights exclusively from the Reno-Sparks metropolitan area would likely result in acquisition of the least amount of water rights due to the high cost per acre-foot. A strategy focused on water rights in the Truckee Division would result in the acquisition of the greatest amount of water rights.

The Draft EIS (DEIS) was released for public review on October 5, 2001. Public hearings were held on November 27, 28, 29, and 30, 2001, in Fernley, Nixon, Fallon, and Sparks, Nevada, respectively. At those public hearings, formal comments were received from seven individuals. The DEIS was available for public review from October 5 through December 5, 2001. Responses to comments received on the DEIS are addressed in the FEIS.

#### Public Comment Availability

Comments, including names and home addresses of respondents, will be available for public review at the location shown in the **ADDRESSES** section during regular business hours, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. Individual respondents may request confidentiality. If you wish the BIA to withhold your name and/or address from public review or disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comments. Such requests will be honored to the extent allowed by law. The BIA will not, however, consider anonymous comments. All submissions from organizations or businesses and from individuals identifying themselves as representatives or officials of organizations or businesses will be available for public inspection in their entirety.

#### Authority

This notice is published in accordance with section 1503.1 of the Council on Environmental Quality Regulations (40 CFR parts 1500 through 1508) implementing the procedural requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4371 *et seq.*), and the Department of the Interior Manual (516 DM 1–6), and is in the exercise of authority delegated to the Assistant Secretary—Indian Affairs by 209 DM 8.1.

Dated: September 26, 2002.

**Neal A. McCaleb,**

*Assistant Secretary—Indian Affairs.*

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**BILLING CODE 4310-W7-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[NV–030–1430–EU; N–75369]

#### Notice of Realty Action: Competitive Sale of Public Land and Partial Termination of Recreation and Public Purposes Classifications in Douglas County, NV

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** In accordance with section 7 of the Taylor Grazing Act, 43 U.S.C. 315f, and Executive Order No. 6910, the described lands are classified for disposal by sale. The following public land has been examined and found suitable for disposal by method of competitive sale pursuant to section 203 and section 209 of the Federal Land Policy and Management Act of 1976 (FLPMA) (90 Stat. 2750, 43 U.S.C. 1713 and 1719) at not less than the appraised fair market value (FMV).

#### Mount Diablo Meridian

T. 14 N., R. 20 E.,

Sec. 5, NE $\frac{1}{4}$ NW $\frac{1}{4}$ W $\frac{1}{2}$  of lot 1 of NW $\frac{1}{4}$ , W $\frac{1}{2}$ NW $\frac{1}{4}$ W $\frac{1}{2}$  of lot 1 of NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ W $\frac{1}{2}$  of lot 1 of NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ W $\frac{1}{2}$  of lot 1 of NW $\frac{1}{4}$ , lots 5–8, 13 and 16, and NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , and SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;

Sec. 6, N $\frac{1}{2}$ NE $\frac{1}{4}$ E $\frac{1}{2}$  of lot 1 of NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ E $\frac{1}{2}$  of lot 1 of NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ E $\frac{1}{2}$  of lot 1 of NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ E $\frac{1}{2}$  of lot 1 of NE $\frac{1}{4}$ , SE $\frac{1}{4}$ E $\frac{1}{2}$  of lot 1 of NE $\frac{1}{4}$ , lots 3 and 4, 9–13, 16–18, and 20, and E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ , and N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ .

Comprising 146 acres, more or less.

Upon publication of this notice the land described is hereby segregated from appropriation under the public land laws, including the mining laws, but not from disposal by sale under the above cited statutes for 270 days from publication of this notice in the **Federal Register**, or until title transfer is completed, whichever occurs first. On April 16, 2002, this land was segregated from appropriation under the public land laws for exchange. The exchange segregation is herein terminated, affecting the described land, and is replaced by the sale segregation in this notice as published. The public land will remain closed to appropriation under the public land laws. The subject land meets sale criteria under Section 203 of FLPMA and is identified for disposal from federal ownership in the Carson City Consolidated Resource Management Plan and the North Douglas Specific Area Plan Amendment. Previous classifications for Recreation and Public Purposes under case numbers N–3742, N–3743 and N–12656, as they affect the described land, are no longer appropriate and are hereby terminated. In addition, the subject land is relieved of the segregative effect of those classifications. Proceeds from the sale will be deposited and expended in accordance with the Federal Land Transaction Facilitation Act, Pub. L. 106–248.

Conveyance of the available mineral interests will occur simultaneously with the sale of the land. The mineral interests being offered for sale have no known mineral value. Acceptance of a sale offer will constitute an application for conveyance of those mineral interests. In conjunction with the final payment, the applicant will be required to pay a \$50.00 non-refundable filing fee for processing the conveyance of the mineral interests.

Patent (title document), will be issued with a reservation for a right-of-way for ditches and canals constructed by the authority of the United States under the Act of August 30, 1890 (43 U.S.C. 945), and will be subject to valid existing rights, including rights to Douglas County for Topsy Lane and the following encumbrances of record:

(1) Those rights for highway purposes which have been granted to Nevada Department of Transportation by Right-of-Way CC–018400, and its assigns, under the Act of November 9, 1921 (42 Stat. 216).

(2) Those rights for gas pipeline purposes which have been granted to Paiute Pipeline Company, and its assigns, by Right-of-Way Nev-064632 and N–17001 under the Act of February