

Sec. 3, lots 2 to 4 inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$  and SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 4, lots 1 and 2, S $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$  and SE $\frac{1}{4}$ ;  
 Sec. 5, SE $\frac{1}{4}$ ;  
 Sec. 9, N $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$  and SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
 Sec. 10, W $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
 Sec. 11, NE $\frac{1}{4}$ ;  
 Sec. 12, NW $\frac{1}{4}$ .

The areas described aggregate 3,805.87 acres in Cassia County.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the Idaho State Director of the Bureau of Land Management.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested persons who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the Idaho State Director within 90 days from the date of publication of this notice. Upon determination by the authorized officer that a public meeting will be held, a notice of time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting.

The application will be processed in accordance with the regulations set forth in 43 CFR 2300.

For a period of 2 years from the date of publication of this notice in the **Federal Register**, the land will be segregated as specified above unless the application is denied or canceled or the withdrawal is approved prior to this date. The temporary uses which may be permitted during this segregation period are leases, licenses, permits, rights-of-way, etc.

The temporary segregation of the lands in connection with this withdrawal application shall not affect administrative jurisdiction over the lands, and the segregation shall not have the effect of authorizing any use of the lands by the Department of Agriculture.

Dated: March 22, 1995.

**M. William Weigand,**

*State Office Unit Leader for Realty Unit.*

[FR Doc. 95-8019 Filed 3-30-95; 8:45 am]

BILLING CODE 4310-GG-M

**Record of Decision Documenting the Department of Interior's Approval for the Central Utah Water Conservancy District To Proceed With the Construction of the Diamond Fork Pipeline, Access Road and Appurtenant Facilities as Part of the Diamond Fork System of the Bonneville Unit of the Central Utah Project, Utah**

**AGENCY:** Office of the Assistant Secretary for Water and Science, Department of the Interior.

**ACTION:** Notice of availability of the Diamond Fork pipeline Record of Decision.

**Record of Decision**

**January, 1995**

*I. Introduction*

This document constitutes the Record of Decision (ROD) of the Department of the Interior (Department), documenting the Department's approval for the Central Utah Water Conservancy District (District) to proceed with the construction of the Diamond Fork Pipeline, Access Road and Appurtenant facilities (Diamond Fork Pipeline System) as part of the Diamond Fork System of the Bonneville Unit of the Central Utah Project, as presented in the Recommended Plan in the Final Supplement to the Final Environmental Impact Statement (INT-FES 90-7, dated February 22, 1990) (1990 FS-FEIS), prepared in compliance with the National Environmental Policy Act (NEPA). This project was authorized as a participating project of the Colorado River Storage Project by the Act of April 11, 1956 (70 Stat. 105).

In accordance with the Record of Decision signed by the Commissioner of Reclamation on July 20, 1990 (1990 ROD), copy attached, the Bureau of Reclamation (Reclamation) began implementing the Recommended Plan by constructing Syar Tunnel and the Sixth Water Aqueduct. However, pursuant to the Central Utah Project Completion Act (Titles II through VI of Public Law 102-575, 106 Stat. 4605, October 30, 1992), (CUPCA), the District has adopted the Recommended Plan for the Diamond Fork Pipeline System as described in the 1990 FS-FEIS, and agrees to comply with the environmental commitments, constraints (e.g.—pipeline capacity and diameter, annual transbasin diversion, and other operational conditions), and recommendations as described in the 1984 Final Environmental Impact Statement (1984 FEIS) and the 1990 FS-FEIS, and the January 5, 1995,

Biological Opinion, copy attached, and to honor all applicable Federal and State laws, including the Drainage and Minor Construction (D&MC) contract dated November 28, 1994, and the Compliance and Cost Sharing Agreements between the United States and the District dated August 11, 1993.

*II. Recommended Decision*

The Program Director, CUP Completion Act Office recommends proceeding with the construction of the Diamond Fork Pipeline, Access Road, and Appurtenant facilities, as identified in the Recommended Plan in the 1990 FS-FEIS. The Recommended Plan is the most environmentally acceptable, and consistent with the authorized project plan. The Recommended Plan is briefly summarized in section V of this ROD.

*III. Basis for Decision*

Approval of Reclamation's Recommended Plan in the 1990 ROD was the direct result of a public consultation and coordination process. Of the three downsized alternatives presented in the 1990 FS-FES, the Recommended Plan is the most publicly acceptable method of meeting obligations of the 1980 Instream Flow Agreement while allowing for completion of the authorized project plan as provided for in CUPCA.

In accordance with Section 202(a)(6)(B) of CUPCA, the Department and the District executed a D&MC contract on November 28, 1994, that binds the District to provide the non-Federal cost sharing required in the CUPCA for the Diamond Fork Pipeline, Access Road, and Appurtenant facilities, to design and construct these facilities, and to comply with all Federal fish, wildlife, recreation and environmental laws in accordance with the August 11, 1993, Compliance Agreement.

In its Preconstruction Report that was submitted to the Department on December 12, 1994, copy enclosed, the District officially adopted the Recommended Plan and Mitigation plan, and agreed to comply with the environmental commitments that are identified in the 1990 FS-FEIS for the Diamond Fork System, and the applicable provision of Reclamation's 1990 ROD. Section VI, "Environmental Commitments and Monitoring", of this ROD summarizes the District's environmental commitments and obligations.

On December 19, 1994, the Department approved the District's Preconstruction report and documented again the District's obligations and environmental commitments, copy

attached. The approval of the Preconstruction Report and this ROD fulfills the final prerequisites contained in the August 11, 1993, Cost Sharing Agreement required prior to initiation of construction of the Diamond Fork Pipeline System.

#### IV. Decision

The Department's decision is to approve the District proceeding with the construction of the Diamond Fork Pipeline, Access Road, and Appurtenant facilities.

#### V. Recommended Plan

The Recommended Plan for the system would facilitate the transbasin diversion of an annual average of 101,900 acre-feet of Bonneville Unit water and 61,500 acre-feet of Strawberry Valley Project water from the Uinta Basin to the Bonneville Basin.

Additionally, the system would provide recreation and fishery benefits, wildlife mitigation measures, flood and water quality control, and potential hydroelectric power generation. The transbasin diversion (reduced by 37,900 acre-feet from the recommended plan in the 1984 FEIS) would fulfill the Instream Flow Agreement of 1980, the goal of which was to mitigate up to 50 percent of the fishery impact caused by the Bonneville Unit on streams in the Uinta Basin. The remaining 50 percent would be accomplished through the Aquatic Mitigation Plan developed for the Bonneville Unit. This plan was finalized in December 1988.

Under the Recommended Plan, the Diamond Fork Pipeline System would receive water from Strawberry Reservoir through the already completed Syar Tunnel. From the tunnel outlet, water would enter Sixth Water Aqueduct, which would include Sixth Water Pipeline, Sixth Water Shaft, and Sixth Water Tunnel, all of which have been completed. Water from the aqueduct would be discharged into Sixth Water Creek and subsequently enter the proposed Monks Hollow Reservoir. From the reservoir, a portion of the water would enter the proposed Diamond Fork Pipeline and be conveyed to a proposed bifurcation structure near the confluence of Diamond Fork and the Spanish Fork River. Monks Hollow Reservoir releases not conveyed in the Diamond Fork Pipeline would enter the Diamond Fork stream channel below Monks Hollow Dam and subsequently, the Spanish Fork River.

The Diamond Fork Pipeline, with a capacity of 510 cubic feet per second (cfs), is included in the Recommended Plan for the purpose of removing project

water, as well as existing high irrigation flows, from the lower Diamond Fork stream channel. The pipeline would provide considerable enhancement of the Diamond Fork fishery. Under project conditions, the highest average monthly flow below Monks Hollow Reservoir would be 183 cfs. This compares to 294 cfs without the project. The lowest average monthly flow for the minimum year with the project is 5 cfs, as compared to 3 cfs without the project. Construction access will be provided by the existing Diamond Fork Road, which extends from U.S. Highway 6-89 at the mouth of the canyon northeast along the Diamond Fork stream channel. In many areas the Diamond Fork Pipeline will be located in the shoulder of the road. Consequently, in conjunction with the pipeline construction, about 7 miles of the road will be improved to a 24-foot-wide asphalt-surfaced road.

#### VI. Environmental Commitments and Monitoring

##### A. Environmental Commitments in the 1990 FS-FEIS

A list of the major environmental commitments made for the Diamond Fork Pipeline System is documented on pages 195-196 of the 1990 FS-FEIS. In the District's Preconstruction Report, the District committed to comply with all the environmental commitments associated with the construction of the Diamond Fork Pipeline System. This includes the following environmental commitments:

1. A total capacity of 510 cfs will be included in the Diamond Fork Pipeline for the purpose of removing project water, as well as existing high irrigation flows, from the lower Diamond Fork to mitigate potential project impacts and provide enhancement to the fishery resource.

2. Public fishing access will be acquired in the lower 2 miles of Diamond Fork.

3. A General Plan will be prepared by the District and approved by the Department and the managing agency for the mitigation measures involving land transfers to other agencies. Specific wildlife management plans will be prepared by the managing agencies for each management area. The General Plan and the specific wildlife management plans will be approved by the Department and the Fish and Wildlife Service before mitigation lands are developed or transferred to another agency for management.

4. The District will continue monitoring the nesting activity of golden eagles in the Diamond Fork area

for a period of at least 5 years after completion of the project.

##### B. Environmental Requirements of the Central Utah Project Completion Act

The CUPCA and the documents executed pursuant to that Act (the two August 11, 1993, Agreements and the November 28, 1994, D&MC contract) set forth the District's additional environmental requirements.

Among the areas of concern are minimum flow requirements. It is anticipated that the Strawberry Valley Project would continue to operate as it does now. Under the M&I System plan, Reclamation stipulated that Bonneville Unit water conveyed through the Diamond Fork drainage would be limited to 30,000 acre-feet annually until the Diamond Fork Power System is in place. This limited delivery would take place during the off-peak and nonirrigation seasons and flows would be limited so as to not degrade the stream channels.

Title III of the CUPCA requires that minimum flows be maintained in the Diamond Fork stream between Monks Hollow Dam and the confluence with the Spanish Fork River. These required flows are 80 cubic-feet per second from May through September and 60 cubic-feet per second from October through April.

The CUPCA also authorizes funds for fish habitat restoration and improvements in the Diamond Fork River and Sixth Water Creek drainage. Under the CUPCA, the Utah Reclamation Mitigation and Conservation Commission has responsibility for administering the mitigation and conservation funds available under the Act.

##### C. Endangered Species—Conservation Recommendations

As part of its environmental compliance for the 1990 FS-FEIS, Reclamation determined that the construction and operation of the Diamond Fork System would not affect any listed nor candidate species identified under the Endangered Species Act. The U.S. Fish & Wildlife Service (Service) concurred in the no effect determination. Since the filing of the FS-FEIS, a plant known as Ute ladies'-tresses orchid (*Spiranthes diluvialis*) has been added to the endangered species list as a threatened species. Consequently, the District entered into Section 7 consultation with the Service and submitted a Biological Assessment to the Service for their determination of effect. The Service's January 5, 1995, Biological Opinion concludes that: (1) the water depletion

associated with construction of the Diamond Fork Pipeline System is 100 acre-feet or less, and sufficient progress has been attained by the Recovery Implementation Program to avoid the likelihood of jeopardy to the Colorado River endangered fish species; and (2) the construction of the pipeline and access road will affect, but is not likely to jeopardize the continued existence of the Ute ladies'-tresses orchid. The Service made six conservation recommendations pursuant to Section 7(a)(1) of the Endangered Species Act. Conservation recommendations are discretionary agency activities to minimize or avoid adverse effects of a proposed action on listed species or critical habitat, to help implement recovery plans, or to develop information. In their January 5, 1995, letter to the Service, copy enclosed, and in their January 19, 1995, letter to the Program Director, copy enclosed, the District agreed to implement the following Conservation Recommendations included in the January 5, 1995, Biological Opinion. Those conservation recommendations are stated verbatim as follows:

1. The District should prepare an Environmental Commitment Checklist (ECC) detailing requirements for construction methods and associated activities that are designed to avoid or minimize environmental impacts of the construction project, including impacts to the Ute ladies'-tresses orchid. For example, the ECC should specify requirements that will prevent impacts to the orchid outside of the construction area; establish the minimum necessary boundaries of the construction zone; and, provide a qualified individual to monitor construction activity during stream crossings and at any other sensitive locations identified by the Service. The ECC should be prepared in consultation with cooperating environmental oversight agencies, including the Service. The Service recommends that the District provide this document for Service review and approval prior to initiation of construction.

2. The District should prepare a site rehabilitation/revegetation plan in consultation with, and acceptable to, both the Service and the Forest Service. The plan should include specifications for undesirable plant species monitoring and management.

3. The District should conduct surveys for the Ute ladies'-tresses orchid in areas to be disturbed during the flowering season immediately prior to construction. Plants should be counted and flagged.

4. The District should provide funds for the removal, holding, and transplanting of plants that will be impacted by construction. Plants should be transplanted to a holding facility approved by the Service, such as the Red Butte Garden and Arboretum of the University of Utah. Plants should be maintained there until the following activities occur under the direction of the Service:

a. Selected plants will be transplanted back into the areas from which they were taken when the sites have been rehabilitated and appropriate conditions created to ensure successful reestablishment.

b. Selected plants will be maintained in the holding facility, and serve as propagation stock as determined desirable, for future reintroduction to other areas in the Diamond Fork drainage or along the Wasatch Front. This will ensure that there is a source of genetically compatible individuals to augment or replace populations that may be impacted by the construction and operation of the Diamond Fork System on Diamond Fork and Spanish Fork drainage or Utah Lake caused by operation of the Diamond Fork System.

c. Plants selected by the Service would be available to researchers for conducting approved life history research.

5. After the identified plants have been removed from the impact area, surface substrates (top 6–12 inches) should be scraped off and stockpiled. Following construction, site rehabilitation activities should include replacing the removed surface materials. To the extent possible, compaction and contamination of surface soils with undesirable plant species or other materials should be avoided.

6. The District should prepare and implement a monitoring plan in consultation with, and acceptable to, the Service and the Forest Service. The monitoring plan should be for a minimum of 10 years and have the following objectives:

a. Document the presence and vigor of orchid individuals transplanted back into disturbed sites.

b. Determine the presence and number of new individuals that appear on disturbed sites.

c. Document hydrologic conditions, principally soil moisture and depth to groundwater, seasonally in disturbed sites.

d. Monitor the presence of undesirable plant species and effects of management activities for their control.

e. Over the 10 year monitoring period, document major changes in plant community composition, with particular focus on detecting and documenting changes from a wetland riparian community to a drier, upland riparian community.

#### D. Environmental Permits

Several water quality permits must be obtained prior to construction of the Diamond Fork Pipeline, Access Road, and Appurtenant facilities. The Clean Water Act of 1977 (P.L. 95–217) requires that Section 402 permits be obtained from Utah Department of Environmental Quality through authority granted by the Environmental Protection Agency for the discharge of any wastewater or process water. Section 404(r) of P.L. 95–217 contains provisions to exempt, in certain instances, congressionally authorized Federal projects from having to obtain a Section 404 Permit from the Army Corps of Engineers for discharge of dredged or fill material into waters of

the United States. On November 29, 1994, the Department of the Interior's Program Director submitted the Diamond Fork 1984 FEIS and 1990 FS–FEIS to the Chairman of the U.S. Senate Appropriations Subcommittee on Energy and Water Development and the U.S. House of Representatives Appropriations Subcommittee on Energy and Water Development to ensure the project is in full compliance with Section 404(r) of the Clean Water Act, copies attached. The construction contract will not be awarded and no actual discharge of dredged or fill material in connection with the construction of the Diamond Fork Pipeline System will occur until fiscal year 1996 funds are appropriated by the Congress.

#### E. Environmental Commitment Plan

The District will prepare a detailed project Environmental Commitment Plan, documenting all mitigation measures and environmental commitments made in the 1984 FEIS and the 1990 FS–FEIS prior to the award of the construction contract of the Diamond Fork Pipeline System. The Environmental Commitment Plan will be developed during the final design and implemented during construction, and operation of the Recommended Plan.

**FOR FURTHER INFORMATION:** Additional information on matters related to this **Federal Register** notice can be obtained at the address and telephone number set forth below: Mr. Reed Murray, Program Coordinator, CUP Completion Act Office, Department of the Interior, 302 East 1860 South, Provo UT 84606–6154, Telephone: (801) 379–1237.

Dated: March 30, 1995.

**Ronald Johnston,**

*CUP Program Director, Department of the Interior.*

[FR Doc. 95–7995 Filed 3–30–95; 8:45 am]

BILLING CODE 4310–RK–P

#### Office of the Secretary

##### **Exxon Valdez Oil Spill Public Advisory Group; Meeting**

**AGENCY:** Department of the Interior, Office of the Secretary.

**ACTION:** Notice of meeting.

**SUMMARY:** The Department of the Interior, Office of the Secretary is announcing a public meeting of the Exxon Valdez Oil Spill Public Advisory Group.

**DATES:** April 20–21, 1995, at 8:30 a.m.

**ADDRESSES:** First floor conference room, 645 "G" Street, Anchorage, Alaska.