

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service**

[Docket No. FWS-R8-ES-2019-0116;
FXES1114090000-190-FF08E00000]

**Endangered and Threatened Species;
Receipt of Incidental Take Permit
Application and Habitat Conservation
Plan for the Proposed Rooney Ranch
Wind Repowering Project, Alameda
County, California; Availability of Draft
Environmental Assessment**

AGENCY: Fish and Wildlife Service,
Interior.

ACTION: Notice of availability; request
for comments.

SUMMARY: We, the U.S. Fish and
Wildlife Service (Service), have received
an application for an incidental take
permit under the Endangered Species
Act (ESA) permit to conduct activities
with the potential for take of
endangered and threatened species that
is incidental to, and not the purpose of,
carrying out otherwise lawful activities.
We invite comments on the applicant's
permit application and habitat
conservation plan (HCP), and the
associated environmental assessment,
which we have prepared pursuant to the
National Environmental Policy Act. We
will take comments into consideration
before issuance of the requested permit.

DATES: To ensure consideration, please
send your written comments by July 29,
2020.

ADDRESSES: Obtaining Documents:

- **Electronic copies:** The documents
this notice announces, as well as any
comments and other materials that we
receive, will be available for public
inspection online in Docket No. FWS-
R8-ES-2019-0116 at [http://
www.regulations.gov](http://www.regulations.gov).

You may also obtain electronic copies
of the draft Rooney Ranch Wind
Repowering Project Habitat
Conservation Plan (draft HCP) and draft
environmental assessment (EA) from the
Sacramento Fish and Wildlife Office
website at [http://www.fws.gov/
sacramento](http://www.fws.gov/sacramento). (See **FOR FURTHER
INFORMATION CONTACT.**)

Submitting Comments: You may
submit comments by one of the
following methods:

- **Internet:** [http://
www.regulations.gov](http://www.regulations.gov). Follow the
instructions for submitting comments
under Docket No. FWS-R8-ES-2019-
0116.

- **U.S. mail:** Public Comments
Processing; Attn: Docket No. FWS-R8-
ES-2019-0116; U.S. Fish and Wildlife
Service Headquarters, MS: PERMA;

5275 Leesburg Pike; Falls Church, VA
22041-3803.

For more information, see Public
Comment Procedures under
SUPPLEMENTARY INFORMATION.

- **Facsimile:** 916-414-6713, attn.
Ryan Olah.

We request that you send comments
by only the methods described above.
FOR FURTHER INFORMATION CONTACT:
Claudia Funari, Fish and Wildlife
Biologist, Sacramento Fish and Wildlife
Office (see **ADDRESSES**), 916-414-6600
(telephone). If you use a
telecommunications device for the deaf,
please call the Federal Information
Relay Service at 800-877-8339.

SUPPLEMENTARY INFORMATION: We, the
U.S. Fish and Wildlife Service, have
prepared an environmental assessment
under the National Environmental
Policy Act (NEPA) for the proposed
Rooney Ranch Wind Repowering Project
in response to an application from
Rooney Ranch Wind, LLC (applicant)
for a 36-year incidental take permit for
three species under the Endangered
Species Act of 1973, as amended (ESA;
16 U.S.C. 1531 *et seq.*). The application
addresses the potential for "take" of the
following three federally listed animals:
The Central California distinct
population segment of the California
tiger salamander (*Ambystoma
californiense*) (central CTS), the
California red-legged frog (*Rana
draytonii*), and the San Joaquin kit fox
(*Vulpes macrotis mutica*). The applicant
would implement a conservation
program to minimize and mitigate the
project impacts, as described in the
applicant's habitat conservation plan
(HCP). We invite comments on the
applicant's permit application, HCP,
and the associated EA, which we have
prepared pursuant to the National
Environmental Policy Act of 1969, as
amended (NEPA; 42 U.S.C. 4321 *et
seq.*), and its implementing regulations
in the Code of Federal Regulations
(CFR) at 40 CFR 1506.6. We will take
comments into consideration before
issuance of the requested permit.

The applicant has submitted a draft
HCP as part of the application for an ITP
under section 10(a)(1)(B) of the ESA.
The draft HCP includes measures
necessary to minimize and mitigate the
impacts, to the maximum extent
practicable, of potential taking of
federally listed species to be covered by
the HCP, and the habitats upon which
they depend, resulting from
construction and operation of the
proposed Rooney Ranch Wind
Repowering Project within the project
area, to include portions of the
Altamont Pass Wind Resource Area

(APWRA) in Alameda County,
California.

Background Information

Section 9 of the ESA prohibits the
take of fish or wildlife species listed as
endangered; as applicable to the species
affected by the proposed action, the ESA
implementing regulations also prohibit
take of fish or wildlife species listed as
threatened, with exceptions for certain
ranching activities on private and tribal
lands as described in 50 CFR
17.43(c)(3)(i)-(xi) and 50 CFR
17.43(d)(3)(i)-(xi). Regulations
governing permits for endangered and
threatened species are at 50 CFR 17.22
and 17.32. For more about the Federal
habitat conservation plan (HCP)
program, go to [http://www.fws.gov/
endangered/esa-library/pdf/hcp.pdf](http://www.fws.gov/endangered/esa-library/pdf/hcp.pdf).

The National Environmental Policy
Act (NEPA; 42 U.S.C. 4321 *et seq.*)
requires Federal agencies to analyze
their proposed actions to determine
whether the actions may significantly
affect the human environment. In these
NEPA analyses, the Federal agency will
identify direct, indirect, and cumulative
effects, as well as possible mitigation for
effects on environmental resources that
could occur with implementation of the
proposed action and alternatives.

Proposed Action Alternative

We would issue an ITP to the
applicant for a period of 36 years for
certain covered activities (described
below). The applicant has requested an
ITP for three federally listed species.
The HCP addresses four types of
proposed activities (referred to as
covered activities in the HCP): (1)
Construction of facilities, (2) operation
and maintenance (O&M) of facilities, (3)
conservation actions, and (4) restoration
actions. The project would consist of the
installation of large-scale modern wind
turbines with generating capacities
between 2.3 and 4.0 megawatts (MW),
all generally similar in size and
appearance, to develop up to 25.1 MW.
The proposed layout would include
seven new-generation wind turbines.
Generally, existing roads would be used,
with temporary widening of
approximately 2.7 miles of roads and
construction of approximately 0.3 mile
of new roads. An existing on-site
substation, consisting of an
approximately 0.2-acre gravel-covered
footprint area, may be expanded by 0.1
acre to accommodate installation of
upgraded equipment. Construction
activities would result in 1.8 acres of
permanent impacts to landcover from
the installation of facilities, roads, and
turbine structures. Construction
activities would also result in 42.9 acres

of temporary land cover impacts from activities such as grading, trenching, excavation, access roads, and staging areas. Operations and maintenance activities would result in temporary landcover disturbance of up to 3.0 acres over the life of the permit. The project would result in 1.8 acres of permanent impacts (construction) and 45.9 acres of temporary impacts (construction + operations/maintenance).

Habitat Conservation Plan Area

The geographic scope of the draft HCP area comprises two separate permit areas: The project permit area and the mitigation permit area. The project permit area encompasses approximately 582 acres within the APWRA in eastern Alameda County, California, consisting of two Santa Clara City-owned parcels between I-580 to the south and Altamont Pass Road to the north. The repowering project would be constructed entirely within the project permit area. The mitigation permit area comprises potential mitigation lands, still to be identified, that the applicant, in coordination with the Service, is evaluating in Alameda County. Based on where the mitigation lands are located in the County, the estimated acreage required of the mitigation site would range from 48.3 to 51.3 acres. When the permit areas are combined, the HCP area will cover approximately 633.3 acres.

Covered Activities

The proposed ESA section 10 ITP would allow take of three covered species resulting from certain covered activities in the proposed HCP area. The proposed covered activities under this HCP include constructing and installing seven wind turbines and associated electrical facilities and access roads, installing a meteorological tower, a power collection system, expanding a substation as well as maintaining the new wind turbines and the associated facilities, and restoring the site. Specifically, proposed covered activities include grading, excavating to support access roads, trenching to install underground electrical lines, installing erosion-control measures during construction and maintenance covered activities, installation or temporary expansion of gravel roads, pouring a cement footing to support each turbine, installing of other infrastructure, gravel placement for road maintenance, vehicle travel, transport of equipment and supplies, and other similar actions necessary to support the construction, maintenance, and operation of the proposed Rooney Ranch Wind Repowering Project. All activities

associated with monitoring and maintenance of habitat and listed species populations within the mitigation site would also be considered covered activities.

The applicant proposes to avoid, minimize, and mitigate the effects to the covered species associated with the covered activities by fully implementing the HCP. The following mitigation measures will be implemented for covered species as part of the HCP: Minimize impact area; avoid injury of covered species during implementation of covered activities through such measures as seasonal and daytime work limitation, the presence of a biological monitor, and the placement of wildlife exclusionary fencing in key areas; avoid habitat impacts associated with erosion and sedimentation generated by covered activities; minimize the risk of project-related toxic spills that could adversely affect listed species habitat; restore all temporarily disturbed listed species' habitat in the HCP area to pre-project conditions within 1 year of disturbance; ensure implementation of the avoidance and minimization measures; offset unavoidable impacts on covered species through the purchase of approximately 48.3 to 51.3 acres of covered species habitat to ensure that temporary and permanent effects are mitigated.

Covered Species

The applicants have requested an ITP for three federally listed threatened species: The threatened California red-legged frog (*Rana draytonii*), the threatened Central California distinct population segment (DPS) of the California tiger salamander (*Ambystoma californiense*) (Central California tiger salamander), and the endangered San Joaquin kit fox (*Vulpes macrotis mutica*). All species included on the ITP would receive assurances under the Service's "No Surprises" regulations at 50 CFR 17.22(b)(5).

National Environmental Policy Act Compliance

The draft EA was prepared to analyze the impacts of issuing an ITP based on the draft HCP and to inform the public of the proposed action, alternatives, and associated impacts and to disclose any irreversible commitments of resources. The proposed action presented in the draft EA will be compared to the no-action alternative. The no-action alternative represents estimated future conditions to which the proposed action's estimated future conditions can be compared. Other alternatives were not considered or addressed in the draft EA, because they did not fulfill the purpose and need of the project.

No Action Alternative

Under the no-action alternative, the HCP would not be implemented, and the proposed ITP would not be issued. There would be no take of federally listed species as a result of the project. This alternative assumes that existing wind power production facilities and approved repowering wind production facilities in the APWRA would continue to operate into the future.

Environmental Review and Next Steps

As described in our EA, we have made the preliminary determination that approval of the draft HCP and issuance of the permit would qualify as finding of no significant impact (FONSI) under NEPA (42 U.S.C. 4321 *et seq.*), as provided by Federal regulations (40 CFR 1500.5(k), 1507.3(b)(2), 1508.4) and the Department of the Interior Manual. Our EA articulates the project effects on all potential resources that could be adversely affected, including aesthetics, air quality and climate change, biological resources, cultural resources, geology, hazardous materials and public safety hazards, hydrology and water quality, noise, and traffic and transportation. It also includes an analysis of alternatives and other required analysis such as unavoidable adverse effects, irreversible and irretrievable commitments of resources, and finally, short-term uses versus long-term productivity and cumulative effects.

Public Comment Procedures

All comments and materials we receive in response to these requests will be available for public review at <http://www.regulations.gov>.

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 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.

Next Steps

Issuance of an ITP is a Federal proposed action subject to compliance with NEPA. The FWS will evaluate the application, associated documents, and any public comments we receive to determine whether the application meets the requirements of NEPA regulations and section 10(a) of the ESA. If the FWS determines that those requirements are met, we will issue a permit to the applicant for the

incidental take of the covered species from the implementation of the covered activities described in the HCP. A permit decision will be made no sooner than 30 days after the date of publication of this notice in the **Federal Register**.

Authority

We issue this notice pursuant to section 10(c) of the ESA (16 U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.22 and 17.32), and the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its implementing regulations (40 CFR 1506.6 and 43 CFR 46.305).

Jennifer Norris,

Field Supervisor, Sacramento Fish and Wildlife Office, U.S. Fish and Wildlife Service, Sacramento, California.

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BILLING CODE 4333-15-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLMTC02000.L51100000.GA0000.LVEME14CE500]

Notice of Termination of Spring Creek Coal Mine Environmental Impact Statement, Big Horn County, MT

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of termination.

SUMMARY: The preparation of an Environmental Impact Statement (EIS) for Spring Creek Coal Mine is no longer necessary and the process is hereby terminated.

DATES: This termination takes effect immediately.

FOR FURTHER INFORMATION CONTACT: Irma Nansel, Planning and Environmental Coordinator, Miles City Field Office, telephone: 406-233-3653, email: inansel@blm.gov. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1-800-877-8339 to contact Ms. Nansel during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: Pursuant to the National Environmental Policy Act of 1969 (NEPA), as implemented by the Council on Environmental Quality regulations, the Bureau of Land Management (BLM) announced its Notice of Intent (NOI) to prepare an EIS in the **Federal Register** on December 14, 2016 (81 FR 90380).

The EIS was to evaluate the potential impacts of four proposed actions related to coal mining at the Spring Creek Mine in Big Horn County, Montana: (1) Federal Coal Lease by Application; (2) Application To Modify Federal Coal Lease; (3) Application To Amend Land Use Permit; and (4) Application for a Land Use Lease. The proposed actions involved the potential sale of two tracts of Federal coal through a Lease-By-Application (LBA) and a lease modification application. Both applications covered proposed actions for Federal coal within the Spring Creek Mine. Related to these leasing requests, the EIS would have also evaluated proposed amendments to an existing land use permit to maintain access to mine monitoring and gauging stations and an existing land use lease to provide room for the placement of overburden and infrastructure.

Since the publication of the NOI to prepare an EIS, the BLM no longer proposes to take action due to the unknown timeframe to complete required lease transfers to the new company (the previous company filed for bankruptcy after the NOI was published). Lease transfers may be prolonged due to ongoing bankruptcy court proceedings and the primary need to obtain required State permits to continue current mine operations. In addition, depending on the request by the new company owner, the BLM would need to determine the type of NEPA document to be completed for the proposed action while considering the Miles City Field Office Supplemental EIS Record of Decision, which was signed on November 24, 2019. The lack of lease and mine permit transfers in the near future, in addition to an unknown proposed action, has eliminated the need for detailed analysis. Therefore, the BLM hereby terminates preparation of an EIS for the Spring Creek Coal Mine.

(Authority: 40 CFR 1506.6, 40 CFR 1506.10)

John Mehlhoff,

State Director, Montana/Dakotas BLM.

[FR Doc. 2020-11441 Filed 5-27-20; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNVL0000-L51100000-GN0000-LVEMF1905850 19X MO #4500144424]

Notice of Intent to Prepare an Environmental Impact Statement for the Robinson Mine Plan of Operations Amendment and Proposed Resource Management Plan Amendment, White Pine County, Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent.

SUMMARY: In compliance with the National Environmental Policy Act of 1969, as amended (NEPA), and the Federal Land Policy and Management Act of 1976, as amended (FLPMA), the Bureau of Land Management (BLM) Ely District (EYDO), Nevada, intends to prepare an Environmental Impact Statement (EIS) for the Robinson Mine Plan of Operations Amendment and proposed Amendment of the BLM Ely District Resource Management Plan (RMP). By this Notice, BLM is announcing the beginning of the scoping process to solicit public comments and identify issues.

DATES: This Notice initiates the public scoping process for the EIS. Comments on issues may be submitted in writing until June 29, 2020. To maximize the opportunity for public input on this project while prioritizing the health and safety of BLM employees and the interested public, BLM will host online virtual public scoping meetings to provide information and gather input on the project. The date(s) and information on how to login and participate in these virtual scoping meetings will be announced at least 15 days in advance through local media and on the BLM website at <https://go.usa.gov/xvYad>. In order to be considered in the scope of analysis for the Draft EIS, all comments must be received prior to the close of the 30-day scoping period or 15 days after the last public scoping meeting, whichever is later. We will provide additional opportunities for public participation upon publication of the Draft EIS.

ADDRESSES: You may submit comments related to the Robinson Mine Plan of Operations Amendment and Proposed Ely District RMP Amendment by any of the following methods:

- Website: <https://go.usa.gov/xvYad>.
- Email: blm_nv_edyo_robinson_eis@blm.gov.
- Mail: BLM Bristlecone Field Office, ATTN: Robinson EIS Project, 702 North Industrial Way, Ely, Nevada 89301.