

which can be issued for any category of activities involving discharges of dredged or fill material if the Corps makes certain determinations (33 U.S.C. 1344(e)). Regulations concerning processing of Corps permits are at 33 CFR part 325. Corps regulations promulgated under the CWA define dredged or fill material in detail at 33 CFR 323.2.

#### *Non-Federal Actions Included in PCCP*

A Natural Community Conservation Plan (NCCP) is being incorporated into the PCCP in coordination with the California Department of Fish and Game (CDFG) under the State of California's Natural Community Conservation Planning Act (NCCPA). The Applicants are expected to pursue an incidental take authorization from CDFG in accordance with section 2835 of the NCCPA. The California Endangered Species Act (CESA) prohibits the "take" of wildlife species listed as endangered or threatened by the California Fish and Game Commission (California Fish and Game Code, section 2080). The CESA defines the term "take" as: Hunt, pursue, catch, capture or kill, or attempt to engage in such conduct (California Fish and Game Code, section 86). Pursuant to section 2835 of the NCCPA (California Fish and Game Code section 2835), CDFG may issue a permit that authorizes the take of any CESA listed species or other species whose conservation and management is provided for in a CDFG-approved NCCP.

The Applicants are also expected to apply to CDFG for a Master Streambed Alteration Agreement (California Fish and Game Code, section 1600); and to apply to the Regional Water Quality Control Board for CWA Section 401 water quality certification in compliance with the California Porter-Cologne Water Quality Control Act.

Although the EIS will analyze the environmental impacts associated with all of the activities in the PCCP, the focus of our decision based on this EIS will be effects to proposed covered species and the issuance of the Services' ESA permits. Pursuant to the California Environmental Quality Act (CEQA), a separate Notice of Preparation for the EIR will be posted by the County and issued through the California State Clearinghouse concurrently with this Notice.

#### **Environmental Impact Statement/ Report**

Jones and Stokes Associates has been selected to prepare the EIS/EIR. The joint document will be prepared in compliance with NEPA and CEQA. Although Jones and Stokes Associates

will prepare the EIS/EIR, the Service, as the NEPA Lead Agency, will be responsible for the purpose, need, scope and content of the document for NEPA purposes, and the Corps and NOAA will be Cooperating Agencies for NEPA. The County, as the CEQA Lead Agency, will be responsible for the scope and content of the document for CEQA purposes. Responsible Agencies for CEQA purposes include CDFG, the permitting entity pursuant to California Fish and Game Codes 1600 and 2835, and Regional Water Quality Control Board, the permitting entity pursuant to Section 401 of the CWA.

The EIS/EIR will consider the proposed action, the issuance of an ESA incidental take permit, no action (no permit), and a reasonable range of alternatives. A detailed description of the proposed action and alternatives will be included in the EIS/EIR. The alternatives to be considered for analysis in the EIS/EIR may include: Variations of the geographical coverage of the permits, variations in the amount and type of conservation; variations of the scope or type of covered activities or covered species; variations in permit duration; variations on the types of Federal and State permits issued under the program; no project/no action; or, a combination of these elements.

The EIS/EIR will also identify potentially significant impacts on biological resources, land use, air quality, water quality, mineral resources, water resources, economics, and other environmental resource issues that could occur directly or indirectly with implementation of the proposed action and alternatives. For all potentially significant impacts, the EIS/EIR will identify mitigation measures where feasible to reduce these impacts to a level below significance.

The following primary issues are to be addressed during the scoping and planning process for the PCCP and EIS/EIR: (1) The determination of potential effects of each alternative on species and natural communities covered under the proposed HCP/NCCP; (2) consideration of whether the level and extent of urban development defined under each alternative can be adequately mitigated within the lands in the conservation opportunity area; (3) consideration of whether an adequate system of reserves can be established in the conservation area and whether such a reserve system will support habitat of covered species equal to or greater than the habitat lost from urban development; (4) determination of whether the direct and indirect impacts of covered urban development and other activities will be adequately mitigated

(issues to be addressed will include land use, traffic, air quality, cultural resources, water resources, and biological resources); and (5) consideration of cumulative impacts.

Environmental review of the PCCP will be conducted in accordance with the requirements of NEPA (42 U.S.C. 4321 *et seq.*), its implementing regulations (40 CFR 1500-1508), other applicable regulations, and Service and NOAA procedures for compliance with those regulations. We are publishing this notice in accordance with section 1501.7 of NEPA to obtain suggestions and information from other agencies and the public on the scope of issues and alternatives to be addressed in the EIS/EIR. The primary purpose of the scoping process is to identify important issues raised by the public, related to the proposed action of issuing the ESA permit for the PCCP. Written comments from interested parties are invited to ensure that the full range of issues related to the permit request is identified. Comments will only be accepted in written form. You may submit written comments by mail, facsimile transmission, or in person (*see ADDRESSES*). All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public.

Dated: March 1, 2005.

**Ken McDermond,**

*Deputy Manager, California/Nevada Operations Office, Sacramento, California.*  
[FR Doc. 05-4316 Filed 3-4-05; 8:45 am]

**BILLING CODE 4310-55-P**

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## **DEPARTMENT OF THE INTERIOR**

### **Bureau of Indian Affairs**

#### **Grant Availability to Federally-Recognized Indian Tribes for Projects Implementing Traffic Safety on Indian Reservations**

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

**ACTION:** Notice.

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**SUMMARY:** In accordance with the Surface Transportation and Uniform Relocation Assistance Act of 1987, and as authorized by the Secretary of Transportation, the Bureau of Indian Affairs intends to make funds available to federally-recognized Indian tribes on an annual basis for implementing traffic safety projects, which are designed to reduce the number of traffic crashes, deaths, injuries and property damage within Indian country. Because of the limited funding available for this

project, all projects will be reviewed and selected on a competitive basis. This notice informs Indian tribes that grant funds are available and that the information packets are forthcoming. Information packets will be distributed to all tribal leaders on the latest tribal leaders list that is compiled by the Bureau of Indian Affairs.

**DATES:** Requests for funds must be received by May 1 of each program year. Requests not received in the office of the Indian Highway Safety Program by close of business on May 1 will not be considered. The information packets will be distributed by the end of January of each program year.

**ADDRESSES:** Each tribe must submit their request to the Bureau of Indian Affairs, Division of Safety and Risk Management, Attention: Indian Highway Safety Program Coordinator, 201 3rd Street, NW., Suite 310, Albuquerque, NM 87102.

**FOR FURTHER INFORMATION CONTACT:** Tribes should direct questions on the grant program to Patricia Abeyta, Coordinator, Indian Highway Safety Program or to Charles L. Jaynes, Program Administrator, Bureau of Indian Affairs, 201 3rd Street, NW., Suite 310, Albuquerque, New Mexico 87102; Telephone: (505) 245-2104.

**SUPPLEMENTARY INFORMATION:**

**Background**

The Federal-Aid Highway Act of 1973 (Pub. L. 93-87) provides for U.S. Department of Transportation (DOT) funding to assist Indian tribes in implementing Highway Safety projects. The projects must be designed to reduce the number of traffic crashes and their resulting fatalities, injuries, and property damage within Indian reservations. All federally-recognized Indian tribes on Indian reservations are eligible to receive this assistance. All tribes receiving awards of program funds are reimbursed for eligible costs incurred under the terms of 23 U.S.C. 402 and subsequent amendments.

**Responsibilities**

For purposes of application of the Act, Indian reservations are collectively considered a "State" and the Secretary of the Interior is considered the "Governor of a State." The Secretary of the Interior delegated the authority to administer the programs for all the Indian Nations in the United States to the Assistant Secretary—Indian Affairs. The Assistant Secretary—Indian Affairs further delegated the responsibility for administration of the Indian Highway Safety Program to the Central Office, Division of Safety and Risk Management

(DSRM), located in Albuquerque, New Mexico. The Chief, DSRM, as Program Administrator of the Indian Highway Safety Program, has staff members available to provide program and technical assistance to the Indian tribes. The Indian Highway Safety Program maintains contacts with the DOT with respect to program approval, funding and receiving technical assistance. DOT, through the National Highway Traffic Safety Administration (NHTSA), is responsible for ensuring that the Indian Highway Safety Program is carried out in accordance with 23 CFR part 1200 and other applicable Federal statutes and regulations.

**National Priority Program Areas**

The following highway safety program areas have been identified as eligible for funding under 23 CFR part 1205 based on an identifiable traffic safety problem on tribal lands:

- Alcohol Countermeasures.
- Police Traffic Services.
- Occupant Protection.
- Traffic Records.
- Emergency Medical Services.
- Safe Communities.
- Motorcycle Safety.
- Pedestrian and Bicycle Safety.
- Speed Control.

**Highway Safety Program Funding Areas**

Proposals are being solicited for the following program areas:

(1) *Police Traffic Services.* Selective traffic enforcement projects (STEPS) to enforce posted speed limits, apprehend reckless drivers and other traffic law violations, and specialized training for traffic law enforcement officers and judicial system officials.

(2) *Alcohol Countermeasures.* STEPs to apprehend impaired drivers, specialized law enforcement training (such as Standardized Field Sobriety Testing), public information programs on alcohol/other drug use and driving, education programs for convicted DWI/DUI offenders and various youth alcohol education programs promoting traffic safety. Proposals for projects that enhance the development and implementation of innovative programs to combat impaired driving are also solicited.

(3) *Emergency Medical Services.* Traffic safety related training primarily for rural emergency medical service providers, public education, and injury prevention.

(4) *Occupant Protection.* Surveys to determine usage rates and to identify high-risk non-users, comprehensive programs to promote correct usage of child safety seats and other occupant

restraints, STEPs, specialized training (such as Operation Kids, Traffic Occupant Protection Strategies (TOPS), and Standardized Child Passenger Safety Technician), and evaluations.

(5) *Traffic Records.* Conduct assessments, analyze vehicular crash occurrences and causal factors and support joint efforts with other agencies to improve the tribe's traffic records system.

(6) *Motorcycle Safety.* Public education and motorcycle operator training.

(7) *Safe Communities.* Problem identification, data collection, plan development, and program implementation.

(8) *School Bus Safety.* School bus transportation administrator support, school bus driver education and training.

(9) *Pedestrian/Bicycle Safety.* Traffic law enforcement, public education and community programs.

**Project Guidelines**

BIA will send information packets to the Tribal Leader of each federally-recognized Indian tribe by the end of January of each program year. On receiving the information packet, each tribe, to be eligible, must prepare a proposed project based on the following guidelines:

(1) *Program Planning.* Program planning must be based upon the highway safety problems identified and the goals/objectives measures selected by the tribe.

(2) *Problem Identification.* Highway traffic safety problems must be based on tribal data. County data or other data not specific to the tribe will not be accepted. This data should be sufficient enough to show problems and/or trend analysis. This data should be available in tribal enforcement and traffic crash records. The problem identification process may be aided by using professional studies, testing, and Indian Health Service. Data must accompany the funding request.

(3) *Countermeasures Selection.* Once tribal traffic safety problems are identified, appropriate countermeasures to solve or reduce the problem(s) must be identified. The tribe should consider the overall cost of the countermeasures versus their possible effect on the problem.

(4) *Objectives/Performance Indicator.* A list of objectives and measurable highway safety goals, within the National Priority Program Areas, based on highway safety problems identified by the tribe, must be included in each proposal, expressed in clearly defined, time-framed, and measurable terms. Each goal must be accompanied by at

least one performance indicator that enables the Indian Highway Safety Program to track progress, from a specific baseline, towards meeting the goal (e.g., a goal to “increase safety belt use from XX percent in 2003 to YY percent in 2004,” using a performance measure of “percent of restrained occupants in front outboard seating positions in passenger motor vehicles”). Performance measures should be aggressive but attainable.

(5) *Budget Forma*. The activities to be funded will be outlined in detail according to the following object groups: Personnel services; travel; and transportation; rent/communications; printing and reproduction, other services, equipment and training. Equipment purchases \$5,000 or more require prior approval from NHTSA. Each object group must be quantified; i.e., personnel activities should show number to be employed, hours to be employed, hourly rate of pay, etc. Each object group must have sufficient detail to show what is to be procured, unit cost, quarter in which the procurement is to be made, and the total cost, including any tribal contribution to the project. Because of limited funding, this office will limit indirect costs to a maximum of 15 percent.

(6) *Evaluation Plan*. Evaluation is the process of determining whether a highway safety activity should be undertaken, if it is being properly conducted, and if it has accomplished its objectives. The tribe must include in the funding request a plan explaining how the evaluation will be accomplished and identifying the criteria to be used in measuring performance.

(7) *Technical Assistance*. The Indian Highway Safety Program staff will be available to tribes for technical assistance in developing of tribal projects.

(8) *Project Length*. The traffic safety program is designed primarily as the source of invention and motivation, rather than as financially supporting continuing operations.

(9) *Certification Regarding Drug-Free Workplace Requirement*. Indian tribes receiving highway safety grants through the Indian Highway Safety Program must certify that they will maintain a drug-free workplace. An individual authorized to sign for the tribe or reservation must sign the certification. The Department of Transportation must receive the certification before it will release grant funds for that tribe or reservation. The certification must be submitted with the tribal Highway Safety Project proposal.

### Submission Deadline

Each tribe must send its funding request to the BIA Indian Highway Safety Program office in Albuquerque, New Mexico. The Indian Highway Safety Program office must receive the request by close of business *May 1 of each program year*. Requests for extensions to this deadline will not be granted. Modifications of the funding request received after the close of the funding period will not be considered in the review and selection process.

### Selection Criteria

Each funding request will be reviewed and evaluated by the BIA's Indian Highway Safety Program, Law Enforcement, Department of Education, Office of Alcohol and Substance Abuse, and Division of Transportation staff. Each staff member, by assigning points to the following five criteria, will rank each of the proposals based on the following criteria:

Criteria 1, the strength of the problem identification based on verifiable, current and applicable documentation of the traffic safety problem (40 points maximum).

Criteria 2, the quality of the proposed solution plan based on aggressive but attainable performance measures, time-framed action plan, cost eligibility, amount, if any, of in-kind funding/support provided by the tribe, and necessity and reasonableness of the budget (30 points maximum).

Criteria 3, details on how the tribe will evaluate and show progress on its performance measures regarding the Evaluation component (20 points maximum).

Criteria 4, supporting documentation of the submitting tribe's qualifications, commitment, and community involvement in traffic safety (10 points maximum).

Criteria 5, tribes are eligible for bonus points (up to 10 extra points) if all reporting requirements have been met in previous years.

### Notification of Selection

The tribes selected to participate will be notified by letter. Upon notification, each tribe selected must provide a duly authorized tribal resolution. The certification and resolution must be on file before grant funds for the tribe can be released.

### Notification of Non-Selection

The Program Administrator will notify each tribe of non-selection. The tribe will be provided the reason for non-selection. Non-selected proposals may be retained, with score sheets, for 90 days.

### Uniform Administrative Requirements for Grant-in-Aid

Uniform grant administration procedures have been established on a national basis for all grant-in-aid programs by DOT/NHTSA under 49 CFR part 18, “Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.” NHTSA and FHWA have codified uniform procedures for State Highway Safety Programs in 23 CFR parts 1200, 1205 and 1251. OMB Circular A-87 and the “Highway Safety Grant Funding Policy for NHTSA/FHWA Field-Administered Grants” are the established cost principles applicable to grants and contracts through BIA and with tribal governments. It is the responsibility of BIA's Indian Highway Safety Program office to establish operating procedures consistent with the applicable provisions of these rules.

### Standards for Financial Management System

Tribal financial systems must provide:

- (1) Current and complete disclosure of project activities.

- (2) Accurate and timely recordkeeping.

- (3) Accountability and control of all grant funds and equipment.

- (4) Comparison of actual expenditures with budgeted amounts.

- (5) Documentation of accounting records.

- (6) Appropriate auditing of Highway Safety Projects, which will be included in the Tribal A-133 single audit requirement.

Tribes will provide monthly program status reports and a corresponding reimbursement claim to the Coordinator, BIA Indian Highway Safety Program, 201 3rd Street, NW., Suite 310, Albuquerque, New Mexico 87102. These will be submitted no later than 10 work days beyond the reporting month.

### Project Monitoring

During the program year, it is the responsibility of the BIA Indian Highway Safety Program office to review the implementation of tribal traffic safety plans and programs, monitor the progress of their activities and expenditures, and provide technical assistance as needed.

### Project Evaluation

BIA will conduct an annual performance evaluation for each Highway Safety Project. The evaluation will measure the actual accomplishments to the planned activity. BIA will evaluate the project

on-site at the discretion of the Indian Highway Safety Program Administrator.

Dated: February 11, 2005.

**David W. Anderson,**

*Assistant Secretary—Indian Affairs.*

[FR Doc. 05-4367 Filed 3-4-05; 8:45 am]

**BILLING CODE 4310-5H-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### Indian Gaming

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

**ACTION:** Notice of Class III Gaming Compact taking effect.

**SUMMARY:** Notice is given that the Tribal-State Gaming Compact between the Seneca-Cayuga Tribe and the State of Oklahoma is considered approved and is in effect.

**EFFECTIVE DATE:** March 7, 2005.

**FOR FURTHER INFORMATION CONTACT:** George T. Skibine, Director, Office of Indian Gaming Management, Office of the Deputy Assistant Secretary—Policy and Economic Development, Washington, DC 20240, (202) 219-4066.

**SUPPLEMENTARY INFORMATION:** Under Section 11 (d)(7)(D) of the Indian Gaming Regulatory Act of 1988 (IGRA), Pub. L. 100-497, 25 U.S.C. 2710, the Secretary of the Interior must publish in the **Federal Register** notice of any Tribal-State compact that is approved, or considered to have been approved for the purpose of engaging in Class III gaming activities on Indian lands. The Acting Principal Deputy Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority did not approve or disapprove this compact before the date that was 45 days after the date it was submitted. Therefore, pursuant to 25 U.S.C. 2710(d)(7)(C), this compact is considered approved but only to the extent it is consistent with IGRA. This compact authorizes the Seneca-Cayuga Tribe to engage in certain Class III gaming activities, provides for certain geographical exclusivity, limits the number of gaming machines at existing racetracks, and prohibits non-tribal operation of certain machines and covered games, and takes effect on the date the approval is published in the **Federal Register**.

Dated: February 11, 2005.

**Michael D. Olsen,**

*Acting Principal Deputy Assistant Secretary—Indian Affairs.*

[FR Doc. 05-4366 Filed 3-4-05; 8:45 am]

**BILLING CODE 4310-4N-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### Indian Gaming

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

**ACTION:** Notice of Class III Gaming Amendment taking effect.

**SUMMARY:** Notice is given that the Amendment to the Tribal-State Compact between the St. Regis Mohawk Tribe and the State of New York is considered to have been approved and is in effect.

**EFFECTIVE DATE:** March 7, 2005.

**FOR FURTHER INFORMATION CONTACT:** George T. Skibine, Director, Office of Indian Gaming Management, Office of the Deputy Assistant Secretary—Policy and Economic Development, Washington, DC 20240, (202) 219-4066.

**SUPPLEMENTARY INFORMATION:** Under Section 11 (d)(7)(D) of the Indian Gaming Regulatory Act of 1988 (IGRA), Pub. L. 100-497, 25 U.S.C. 2710, the Secretary of the Interior must publish in the **Federal Register** notice of any Tribal-State compact that is approved, or considered to have been approved for the purpose of engaging in Class III gaming activities on Indian lands. The Acting Principal Deputy Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority did not approve or disapprove this Amendment before the date that is 45 days after the date it was submitted. Therefore, pursuant to 25 U.S.C. 2710(d)(7)(C), this Amendment is considered to have been approved, but only to the extent it is consistent with IGRA. This Amendment authorizes the tribes to engage in certain Class III gaming activities, provides for certain geographical exclusivity, prohibits the Tribe from conducting video lottery terminals, and prohibits non-tribal operation of slot machines. It takes effect on the date the approval is published in the **Federal Register**.

Dated: February 10, 2005.

**Michael D. Olsen,**

*Acting Principal Deputy Assistant Secretary—Indian Affairs.*

[FR Doc. 05-4365 Filed 3-4-05; 8:45 am]

**BILLING CODE 4310-4N-P**

## DEPARTMENT OF THE INTERIOR

### Minerals Management Service

#### Agency Information Collection Activities: Proposed Collection, Comment Request

**AGENCY:** Minerals Management Service (MMS), Interior.

**ACTION:** Notice of a revision of a currently approved information collection (OMB Control Number 1010-0119).

**SUMMARY:** To comply with the Paperwork Reduction Act of 1995 (PRA), we are inviting comments on a collection of information that we will submit to the Office of Management and Budget (OMB) for review and approval. The title of this information collection request (ICR) is “30 CFR 208—Sale of Federal Royalty Oil; Sale of Federal Royalty Gas; and Commercial Contracts (Forms MMS-4070, Application for the Purchase of Royalty Oil; MMS-4071, Letter of Credit; and MMS-4072, Royalty-in-Kind Contract Surety Bond).” We changed the title of this ICR to clarify the regulatory language we are covering under 30 CFR part 208 and the Royalty-in-Kind (RIK) 5-Year Business Plan, and to reflect OMB consolidation approval of five RIK-related ICRs. Those ICRs were titled:

- 1010-0042: 30 CFR part 208—Sale of Federal Royalty Oil; Royalty-in-Kind (RIK) Program (Form MMS-4070, Application for the Purchase of Royalty Oil);
- 1010-0119: 30 CFR part 208—Sale of Federal Royalty Oil, Royalty Oil Sales to Eligible Refiners (30 CFR 208.4(a) and (d));
- 1010-0126: Royalty-in-Kind (RIK) Pilot Program Directed Communications by Operators of Federal Oil and Gas Leases;
- 1010-0129: Royalty-in-Kind Pilot Program—Offers, Financial Statements, and Surety Instruments for Sales of Royalty Oil and Gas; and
- 1010-0135: 30 CFR 208.11(a), (b), (d), and (e)—Surety Requirements (Forms MMS-4071 and MMS-4072).

In the five ICRs, much of the general information was repeated and cross referenced. This consolidated ICR 1010-0119 eliminates that duplication of effort and redundancy of data. It also provides for all RIK information-collection requirements to be reviewed on a MMS RIK operational program-wide basis.

**DATES:** Submit written comments on or before May 6, 2005.

**ADDRESSES:** Submit written comments to Sharron L. Gebhardt, Lead Regulatory