

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

[FWS-R2-ES-2017-N177;  
FXES1114020000-189-FF02ENEH00]

**Draft Environmental Assessment and  
Draft Habitat Conservation Plan;  
Western Travis County Public Utility  
Agency Raw Water Transmission Main,  
Travis County, Texas**

**AGENCY:** Fish and Wildlife Service,  
Interior.

**ACTION:** Notice of availability; request  
for comments.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), make available the draft Western Travis County Public Utility Agency (WTCPUA) Habitat Conservation Plan, as well as the associated draft environmental assessment, for construction of a raw water pipeline in Travis County, Texas. WTCPUA has applied to the Service for an incidental take permit (ITP) under the Endangered Species Act of 1973, as amended. The requested ITP, which would be in effect for a period of 30 years, if granted, would authorize incidental take of the federally listed golden-cheeked warbler (*Setophaga [=Dendroica] chrysoparia*). The proposed incidental take would occur during construction of a raw water pipeline as a result of vegetation clearing, earth-moving activities, and pipeline construction and also during operation and maintenance of the pipeline. In addition, incidental take would occur as a result of the operation and maintenance of existing facilities, including the existing water pipeline, water intake, and the Uplands Water Treatment Facility.

**DATES:** *Submission of comments:* We will accept comments received or postmarked on or before June 20, 2018.

**ADDRESSES:**

*Obtaining documents:* You may obtain copies of the application, the proposed draft habitat conservation plan (HCP), the draft environmental assessment, or other related documents by going to the Service's website at <http://www.fws.gov/southwest/es/AustinTexas/>. Alternatively, a limited number of CD-ROM and printed copies of the draft environmental assessment and draft HCP are available, by request, from Mr. Adam Zerrenner, Austin Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, TX 78758-4460; telephone 512-490-0057; fax 512-490-0974. Please note that your request is in reference to the WTCPUA dHCP.

The incidental take permit application is available by mail from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Room 6034, Albuquerque, NM 87103. Copies of the draft environmental assessment and draft HCP are also available for public inspection and review at the following locations, by appointment and written request only, 8 a.m. to 4:30 p.m.:

- U.S. Fish and Wildlife Service, 500 Gold Avenue SW, Room 6034, Albuquerque, NM 87102.
- U.S. Fish and Wildlife Service, 10711 Burnet Road, Suite 200, Austin, TX 78758.

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

- Submit electronic comments to [FW2\\_AUES\\_Consumt@fws.gov](mailto:FW2_AUES_Consumt@fws.gov). Please note that your request is in reference to the WTCPUA dHCP.
- *By hard copy:* Mr. Adam Zerrenner, Austin Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, TX 78758-4460; telephone 512-490-0057; fax 512-490-0974. Please note that your request is in reference to the WTCPUA dHCP.

We request that you submit comments by only the methods described above. Generally, we will post any personal information you provide us (see the Public Availability of Comments section for more information).

**FOR FURTHER INFORMATION CONTACT:**

Adam Zerrenner, Field Supervisor, U.S. Fish and Wildlife Service, 10711 Burnet Road, Suite 200, Austin, TX 78758 or (512) 490-0057.

**SUPPLEMENTARY INFORMATION:** We, the U.S. Fish and Wildlife Service (Service), make available the draft environmental assessment (dEA) for the Western Travis County Public Utility Agency (WTCPUA) draft Habitat Conservation Plan (dHCP) for construction of a raw water pipeline in Travis County, Texas. WTCPUA has applied for an incidental take permit (ITP) that would be in effect for 30 years. If granted, the ITP would authorize incidental take of the golden-cheeked warbler (*Setophaga [=Dendroica] chrysoparia*; the "Covered Species"), which is listed as an endangered species under the Endangered Species Act of 1973, as amended (Act; 16 U.S.C. 1531 *et seq.*).

In accordance with the requirements of the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*), we advise the public that:

1. We have gathered the information necessary to determine impacts and formulate alternatives for the dEA related to potential issuance of an ITP to WTCPUA (the applicant); and

2. The applicant has developed a dHCP as part of the application for an ITP, which describes the measures the applicant has agreed to take to minimize and mitigate the effects of incidental take of the Covered Species to the maximum extent practicable pursuant to section 10(a)(1)(B) of the Act.

As described in the dHCP, the proposed incidental take would occur within, and adjacent to, the right-of-way of an existing water pipeline in Travis County, Texas; and would result from activities associated with otherwise lawful activities. The dEA considers the direct, indirect, and cumulative effects of implementation of the dHCP, specifically the measures that will be implemented to minimize and mitigate, to the maximum extent practicable, the impacts of the incidental take of the Covered Species.

**Proposed Action**

The ITP would cover incidental "take" of the Covered Species associated with construction, operation, and maintenance of a new water pipeline, as well as the operation and maintenance of an existing water pipeline within the Permit Area (the "Covered Activities"). The proposed action is the issuance of an ITP by the Service for the Covered Activities in the permit area, pursuant to section 10(a)(1)(B) of the Act.

The requested term of the permit is 30 years. To meet the requirements of a section 10(a)(1)(B) ITP, the applicant has developed and proposes to implement its dHCP, which describes the conservation measures the applicant has agreed to undertake. These measures are designed to minimize and mitigate for the impacts of the proposed incidental take of the Covered Species, to the maximum extent practicable, and ensure that incidental take will not appreciably reduce the likelihood of the survival and recovery of this species in the wild.

The applicant proposes to mitigate impacts to the Covered Species with the purchase of 28 conservation credits (acres) in an approved golden-cheeked warbler habitat conservation bank.

**Alternatives**

We are considering one alternative to the proposed action as part of this process: No Action. Under a No Action alternative, the Service would not issue the requested ITP and WTCPUA would either not construct the transmission main water pipeline or construct the pipeline in a manner that avoids incidental take. Therefore, the applicant would not implement the conservation measures described in the dHCP.

## Public Availability of Comments

All comments we receive become part of the public record associated with this action. Requests for copies of comments will be handled in accordance with the Freedom of Information Act, NEPA, and Service and Department of the Interior policies and procedures. 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 to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

## Authority

We provide this notice under the authority of section 10(c) of the Act and its implementing regulations (50 CFR 17.22 and 17.32) and NEPA (42 U.S.C. 4371 *et seq.*) and its implementing regulations (40 CFR 1506.6).

Amy L. Lueders,

*Regional Director, Southwest Region,  
Albuquerque, New Mexico.*

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## DEPARTMENT OF THE INTERIOR

### National Park Service

[NPS-WASO-NAGPRA-NPS0025513;  
PPWOCRADN0-PCU00RP14.R50000]

### Notice of Intent To Repatriate Cultural Items: Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA

**AGENCY:** National Park Service, Interior.  
**ACTION:** Notice.

**SUMMARY:** The Peabody Museum of Archaeology and Ethnology, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, has determined that the cultural items listed in this notice meet the definition of objects of cultural patrimony and/or sacred objects. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request to the

Peabody Museum of Archaeology and Ethnology. If no additional claimants come forward, transfer of control of the cultural items to the lineal descendants, Indian Tribes or Native Hawaiian organizations stated in this notice may proceed.

**DATES:** Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to the Peabody Museum of Archaeology and Ethnology at the address in this notice by June 20, 2018.

**ADDRESSES:** Patricia Capone, Peabody Museum of Archaeology and Ethnology, Harvard University, 11 Divinity Avenue, Cambridge, MA 02138, telephone (617) 496-3702, email [pcapone@fas.harvard.edu](mailto:pcapone@fas.harvard.edu).

**SUPPLEMENTARY INFORMATION:** Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items under the control of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA, that meet the definition of objects of cultural patrimony and/or sacred objects under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal Agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

### History and Description of the Cultural Items

In 1906, Grace Nicholson purchased an antler ornament headdress, a red woodpecker headdress, and a roll for the red woodpecker headdress on behalf of Lewis Hobart Farlow. Farlow purchased these three cultural items from Nicholson and donated them to the Peabody Museum of Archaeology and Ethnology in the same year. Peabody Museum records note these cultural items were collected from the "Weigat Indians," or Wiyot, of Humboldt Bay, California. The antler ornament headdress, red woodpecker headdress, and roll have been identified as Wiyot and as sacred objects and objects of cultural patrimony.

The antler ornament headdress is constructed of leather, suede, and seven carved antler ornaments; red and black paints were applied to sections of the

leather and to the antler ornaments. Consultation with representatives from the Wiyot Tribe indicated this antler headdress was most likely used during the Wiyot World Renewal Ceremony, more specifically for the White Deerskin Dance or possibly the Jump Dance. The physical properties of the headdress are entwined with sacred concepts and actions.

The red woodpecker headdress is constructed from tanned deerhide and approximately 40 scalps of pileated woodpecker. Associated with this headdress, as a separate catalog number, is a storage roll constructed of a worked and polished cylindrical piece of wood, likely redwood. Consultation with representatives from the Wiyot Tribe indicated that the storage roll was required for the safe storage of the headdress and should be considered a part of the medicine associated with the headdress. Consultation with representatives from the Wiyot Tribe indicated this red woodpecker headdress and associated storage roll were most likely used during the World Renewal Ceremony, and possibly with the Jump Dance.

These three cultural items meet the definition of sacred objects because they are specific ceremonial objects required by the Wiyot to properly perform dances and prayers for World Renewal Ceremonies, including the White Deerskin Dance and the Jump Dance.

Archeological, historical, and ethnographic data also demonstrate that these three cultural items have ongoing historical, traditional, and cultural importance central to the Wiyot as regalia. Consultation with representatives from the Wiyot Tribe indicated that regalia and medicine items were not owned, but "cared for" by individuals, who were able to lend them, including in exchange for money, but not sell them. These Wiyot headdresses and the associated roll could not be sold because they were cared for, but not than owned, by the families and individuals. Due to the caretakers' collective responsibility for the headdresses and roll, an individual could not sell or transfer possession of them. For these reasons, based on the cultural information provided through consultation, and further supported by ethnographic and historical data, these three cultural items meet the category definition for objects of cultural patrimony because they have ongoing historical, traditional, and cultural importance central to the Wiyot for the proper performance of World Renewal Ceremonies, specifically the White Deerskin Dance and the Jump Dance,