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Scoping Report for the Glen Canyon Dam Long-term Experimental Plan Environmental Impact Statement

U.S. Department of the Interior, Bureau of Reclamation

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RECLAMATION

Managing Water in the West

Scoping Report for the Glen Canyon Dam Long-term Experimental Plan Environmental Impact Statement

U.S. Department of the Interior
Bureau of Reclamation
Upper Colorado Region

March 2007

Scoping Report for the Glen Canyon Dam Long-term Experimental Plan Environmental Impact Statement

Proposed agency actions:	Approval of a long-term experimental plan for operation of Glen Canyon Dam, Arizona, and other management actions affecting the Colorado River from the dam to Lake Mead, Nevada
Type of statement:	Scoping Report
Lead agency:	Bureau of Reclamation
Cooperating agencies:	Federal: Bureau of Indian Affairs Fish and Wildlife Service National Park Service U.S. Geological Survey Western Area Power Administration States or Quasi-State Agencies: Arizona Department of Water Resources Arizona Game and Fish Department Colorado Water Conservation Board New Mexico Interstate Stream Commission Upper Colorado River Commission Utah Associated Municipal Power Systems American Indian Tribes: Hopi Tribe Hualapai Tribe Kaibab Band of Paiute Indians Navajo Nation Pueblo of Zuni
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Copies of all comments received during the scoping period (including transcripts of public meetings, letters, comment cards, e-mails) are available for review at the Bureau of Reclamation, Upper Colorado Regional Office, 125 South State Street, Room 7220, Salt Lake City, Utah, or on the project website at: http://www.usbr.gov/uc/rm/gcdltep/index.html.

Executive Summary

This report summarizes the issues raised during the initial scoping process for the Bureau of Reclamation's Long-term Experimental Plan for Glen Canyon Dam Operations and Other Management Actions Environmental Impact Statement (EIS). This report describes the initial scoping process and presents the schedule, describes the scoping meetings, summarizes comments submitted by the public, and provides an overview of the relevant issues that Reclamation anticipates will be analyzed in the EIS.[1]

Scoping is defined by the regulations implementing the National Environmental Policy Act (NEPA) as the process whereby lead agencies solicit input from the public on what the issues and alternatives are that will be addressed in an EIS. For this EIS, Reclamation is the lead agency due to its authority over Glen Canyon Dam and Powerplant and because the alternatives being considered include structural modifications to the dam and modifications of releases of water from the dam. Other federal and state agencies and Indian tribes are involved as cooperating agencies in helping define the scope of the action and the design and implementation of the experimental plan.

Public Scoping Process

Upon publication in the *Federal Register* of a Notice of Intent to prepare a long-term experimental plan and EIS on November 6, 2006, Reclamation initiated the first phase of the public scoping process, including a call for resource information and identification of the significant issues that will be covered in the EIS. Three public meetings were held. The official scoping period ended on February 28, 2007, although Reclamation will continue to consider comments or issues brought forward during the EIS process.

Scoping Results

Reclamation received a total of 651 distinct comments as of March 5, 2007. Issues of concern to the public that will be analyzed in detail in the document fall under the categories of dam operations, fish and threatened and endangered species, water quality, sediment, experimental design, energy or hydropower, socioeconomics, recreation, and cultural resources. These categories are listed in decreasing order based on the percentage of comments on the category. Almost seventy percent of the dam operation comments relate to alternatives, making fish and threatened and endangered species the category of the affected environment of greatest concern to the public. Within this category, the most frequently expressed concern was with the status and trend in the population of the endangered humpback chub. There was also considerable public concern with rainbow trout.

1 The conclusions described in this scoping summary report are preliminary and subject to modification as the preparation of the EIS proceeds.

Introduction

Reclamation manages Glen Canyon Dam and Powerplant. These facilities are located in Coconino County, Arizona. Management of annual releases of water through the dam is governed by a collection of legal obligations commonly referred to as the "Law of the River"[2] while daily powerplant operations are controlled by the 1996 Record of Decision, Operation of Glen Canyon Dam. This decision was to implement the Modified Low Fluctuating Flow (MLFF) Alternative, as described in the 1995 Operation of Glen Canyon Dam Final EIS. The basis for this decision, as stated by the Secretary of the Interior, was not to maximize benefits for most resources, but rather to find an alternative dam operating plan that would permit recovery and long-term sustainability of downstream resources, while limiting hydropower capability and flexibility only to the extent necessary to achieve recovery and long-term sustainability. This remains the purpose of the new experimental plan and EIS. In other words, the proposed federal action is needed to learn, through an ongoing program of further experimentation, which elements of current or other prospective dam operations and other management actions by Reclamation and other Department of the Interior agencies would lead to recovery and long-term sustainability of downstream resources, while minimizing impacts to hydropower capability and flexibility.

The Grand Canyon Protection Act of 1992 requires the Secretary to undertake research and monitoring to determine if revised dam operations were achieving the resource protection objectives of the 1995 Final EIS and 1996 Record of Decision. These provisions led to the establishment of the Glen Canyon Dam Adaptive Management Program (AMP), administered by Reclamation, and of the Grand Canyon Monitoring and Research Center within the U.S. Geological Survey (USGS).

The AMP includes a federal advisory committee known as the Glen Canyon Dam Adaptive Management Work Group (AMWG), a Technical Work Group, a monitoring and research center administered by the USGS, and independent review panels. The Technical Work Group is a subcommittee of the AMWG and provides technical advice and recommendations to the AMWG. The AMWG makes recommendations to the Secretary concerning Glen Canyon Dam operations and other management actions to protect resources downstream from Glen Canyon Dam consistent with the Grand Canyon Protection Act and other applicable provisions of federal law.

To improve scientific understanding of the downstream ecosystem, periodic experimental releases from Glen Canyon Dam were conducted in water years 1996 through 2006. Non-flow actions were also conducted, including removal of non-native fish and translocation of the endangered Kanab ambersnail and humpback chub.

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2 The treaties, compacts, decrees, statutes, regulations, contracts, and other legal documents and agreements applicable to the allocation, appropriation, exportation, and management of the waters of the Colorado River are often referred to as the "Law of the River." There is no single, universally agreed-upon definition of the "Law of the River," but it is useful as a shorthand reference to describe this long-standing and complex body of legal agreements governing the Colorado River.

There has been concern about the effects of the MLFF, particularly on the endangered humpback chub (*Gila cypha*) and sediment conservation in the Grand Canyon. Over the last decade, the abundance of humpback chub at the confluence of the Little Colorado and Colorado rivers appears to have declined; however, in the last three or four years, there has been an apparent stabilization or increase in young-of-year and adult humpback chub. It is unclear whether this is a positive effect of recent reservoir release warming, non-native fish control, or some other ecological factor. Also, fine sediment that forms camping beaches has been increased by experimental high flows in 1996 and 2004, but the long-term trend under the MLFF has been a decrease in the availability of beaches to boaters. There is a need for additional scientific information to improve management decision making to protect downstream resources.

Therefore, consistent with the Grand Canyon Protection Act, the Colorado River Storage Project Act, the Endangered Species Act, and other applicable federal laws, this new EIS will result in a program of experimentation with the purpose of providing updated information on the status and trends in these and other downstream resources; improving our understanding of the cause and effect relationships between dam operations and other management actions, and the environment; and increasing the protection of the values for which the Glen Canyon National Recreation Area and Grand Canyon National Park were established.

Scoping Process and Terms

In compliance with NEPA and the Council on Environmental Quality's implementing regulations (40 CFR 1501.7), scoping is a process in the early stages of developing an EIS to determine the issues related to a proposed action, in this case, the development and implementation of a long-term experimental plan for dam operations and other management actions. Knowing the scope and the significance of issues allows for an accurate and timely environmental analysis. The scoping process is designed to encourage public participation and to solicit public comments. For this report, a *comment* is a distinct statement or question about a particular topic or issue such as:

- Purpose and need for action
- Extent of the action, including connected, similar and cumulative actions
- Alternatives
- Environmental impacts arising from the proposed action
- Use of data, methods, or analyses in the EIS
- Implementation of the NEPA process
- Matters outside the scope of the analysis

A comment document is a written version of comments submitted by a commenter, whether via letter, comment card, e-mail, or transcript of oral comments at public hearings. One comment document may contain multiple comments.

A comment category is the topic (e.g., NEPA process, affected environment section of the EIS, alternatives, purpose and need) to which a comment is addressed.

A commenter is an individual or organization providing one or more comments.

A duplicate comment document means a comment document that is exactly the same in wording or so similar as to be virtually identical with another comment document. Examples are e-mails submitted as part of an organized campaign to encourage people to comment on the scope or petitions through which more than one commenter indicates agreement with the same comment.

Public is a term used broadly to include any and all potentially interested or affected parties, including interested or affected private citizens; state, local, tribal, and federal governments; environmental groups; civic and community organizations; business and labor groups; and experts from the scientific, technical, and academic communities. Public and commenter are used synonymously in this report.

A summary comment is a summary or synthesis that captures the essence of similar comments on a comment category. This forms the basis of the impact topics that will be analyzed in detail in the EIS.

Schedule

Scoping began on November 6, 2006, with publication of an advance Notice of Intent to prepare this EIS in the *Federal Register* (Appendix A). The first public meeting occurred December 5-6, 2006, in Tempe, Arizona, in conjunction with a meeting of the AMWG. A second Notice of Intent to prepare this EIS was published in the *Federal Register* on December 12, 2006. It described the proposed federal action and the purpose and need for action, and announced two public scoping meetings that were held January 4 and 5, 2007, in Phoenix, Arizona, and Salt Lake City, Utah, respectively, to inform those persons or agencies and organizations interested in or affected by the proposal and to receive comments on the scope of the proposed federal action. In addition to the *Federal Register* notices, mailings were used to solicit the input of interested individuals and organizations, affected, state, and local agencies, as well as Indian tribes.

The official scoping period ended on February 28, 2007. All comment documents received through March 5, 2007, are included in this report. Reclamation shall consider all comments or issues brought forward during the EIS process, but this report will not be updated to include tabulations of these comments about the scoping process.

Website

As soon as Reclamation determined an EIS would be prepared, a project website was established. Located at www.usbr.gov/uc/rm/gcdltep/index.html, the website presents the latest information on the development of the EIS, including background documents, meeting announcements, *Federal Register* notices, public involvement, project schedule, and other information. This scoping summary and scanned images of all comment documents are posted on the project website.

Public Scoping Meetings

Public scoping meetings provide an opportunity for the public to submit scoping comments. In addition to the *Federal Register* notice announcing the two public scoping meetings (Appendix A), a press release was sent to newspapers and radio stations in Phoenix, Arizona, and Salt Lake City, Utah, encouraging the public to attend the meetings and express their concerns to Reclamation.

Attendance at each public scoping meeting was counted using a sign-in sheet. Fifteen people were present at the Salt Lake City meeting and twenty-two at the Phoenix meeting. The same presentation was given at both meetings. Everyone attending the meetings was encouraged to ask questions or provide comments. Oral comments were recorded by court reporters and transcripts were prepared that documented all comments. Blank comment cards were provided and several participants submitted written comment documents at the meetings.

Mailing List

Mailings are being used to solicit public input. On December 12, 2006, a letter was sent to 495 people who were on the Glen Canyon Dam NEPA mailing list. This first mailing included both *Federal Register* notices, a public comment card, and a fact sheet on the NEPA process being conducted for this EIS. A subsequent letter was mailed on January 19, 2007, to the 111 people on the Colorado River Reservoir Annual Operating Plan list encouraging them to send in their comments and concerns. These two mailing lists were then combined, and people expressing interest in this particular EIS have been added to the list. The current mailing list contains 693 individuals or organizations that have expressed interest in this or other aspects of Glen Canyon Dam management. On February 2, 2007, an e-mail was sent to 100 people on the Glen Canyon Dam hydrology e-mail list that provided information about this EIS and referred recipients to the project website. We will continue to direct mail or e-mail individuals or organizations on the list.

Comments

The scoping period officially ended on February 28, 2007. Comments summarized here were received by Reclamation through March 5, 2007. Again, Reclamation shall consider all comments or issues brought forward during the EIS process, but this report will not be updated.

Method of Submittal

Comment documents were received by Reclamation by mail, e-mail, facsimile, comment card, and via transcripts. Most comment documents contained multiple comments. Some comment documents were received multiple times or in multiple formats (e.g., via facsimile and e-mail). If the commenter was the same and the comment documents identical, it was counted as one comment document.

Number and Type of Comments

A total of 104 unique comment documents were received as of March 5, 2007. In addition, fifty duplicate comment documents were received based on seven original comment documents. Each commenter was placed on the mailing list. Each of the comment documents was analyzed in its entirety and 651 distinct comments were categorized for analysis. Searches were conducted to group like comments by category and to identify summary comments. The following table indicates the relative interest of the public based on the number of comments per category. This enumeration is not intended to show bias towards any category or resource; it simply indicates the level of public interest in various issue areas.

Table 1. Comment Category Enumeration

Category	Affected Environment or Interest	Alternatives or Geographic Scope	Process	Purpose	Total	Percent
Dam operations	25	85	0	8	118	18
Process and laws	4	14	44	47	109	17
Fish, including endangered species	22	25	7	34	88	14
Aquatic communities	24	13	0	24	61	10
Water quality	15	37	0	7	59	9
Sediment	11	22	0	21	54	8
Experimental design	2	11	24	7	44	7
Hydropower	17	7	0	11	35	5
Socioeconomics	23	0	4	3	30	5
Recreation	23	1	0	5	29	5
Cultural & Trust Assets	8	2	2	8	20	3
Other	4	0	0	0	4	0
Total	178	217	81	175	651	

Comment Summaries

Each comment was categorized by the categories listed in Table 1, as well as subcategories. The following summarizes the comments received, organized by categories, and presented in descending order based on the percentage of comments per category. The percentage is shown in parentheses following the comment category. Public comments were synthesized into the twenty-four issues that Reclamation anticipates will be carried forward through the analysis. Indicators listed after each issue are the possible metrics and ways that the issues will be analyzed in the EIS.

Dam Operations (18 percent)

This category, including river flow or releases from Glen Canyon Dam, water supply in Lake Powell, decommissioning, and drought, received the highest number of public comments. Within this category, forty-nine unique comments were received on the flow of the Colorado River

below Glen Canyon Dam during the proposed experimental plan. Many of these comments were concerned with past and future high flow experiments, particularly beach/habitat building flows, which are defined in the 1996 Record of Decision as scheduled high releases of short duration designed to rebuild high elevation sandbars, deposit nutrients, restore backwater channels, and provide some of the dynamics of a natural system.

One comment stated that beach/habitat building flows should be a common element in all alternatives. Numerous comments stated that beach/habitat building flows should not be conducted at all. Several comments stated concerns that beach/habitat building flows have a negative impact on primary food production and trout in the Lees Ferry reach. Another comment stated that beach/habitat building flows need to be coordinated with sediment inputs from the Paria and Little Colorado rivers. Yet another comment stated that beach/habitat building flows must be conducted to conform to federal law and to extend scientific knowledge. Another comment suggested carrying out beach/habitat building flows in the summer and that beach/habitat building flows should be very short in duration (ten hours or less). Another comment suggested that powerplant capacity flows should be considered instead of beach/habitat building flows.

Comments on flow also addressed the ramping rate restrictions in the 1996 Record of Decision, as published in the Glen Canyon Operating Criteria (62 *Federal Register* 9447, March 3, 1997). Several comments stated that the experimental plan should address the ramping rates in the Glen Canyon Operating Criteria to determine the effects of the current operation. Other comments suggest studying the effects of ramp rates that exceed those in the Glen Canyon Operating Criteria.

Numerous comments related to steady flows with many comments advocating the implementation of seasonally adjusted steady flows. Other comments stated that steady flows were expensive and may have negative consequences on the aquatic food base and other resources. Steady flow alternatives, including the Seasonally Adjusted Steady Flow Alternative, were evaluated in the 1995 Operation of Glen Canyon Dam Final EIS, but they were not selected by the Secretary of the Interior in the 1996 Record of Decision.

Six comments suggested that both flow and non-flow components be considered as the alternatives were developed. Another comment stated that flows should not be allowed to drop below 5,000 cubic feet per second for multiple days because of negative consequences to the aquatic food base and to recreational boating. All of these comments about the pattern of dam releases are synthesized into the following issues.

Issue 1. How will the releases from Glen Canyon Dam be modified during the experimental plan?

Changes will likely be seen in hourly, daily, and monthly releases in the proposed experimental plan. The annual release of water from Lake Powell, as measured by the water year (October 1 through September 30), would not be modified under the experimental plan. Plots of hourly, daily, monthly, and annual release hydrographs will be included in the EIS comparing release regimes under the No Action Alternative compared to the action alternatives.

Indicators for this issue:

- Hourly, daily and monthly hydrographs

Issue 2. What would be the effects, beneficial and adverse, of conducting beach/habitat building flows or other high flows during the experimental plan?

Alternatives in the proposed experimental plan may include provisions to carry out beach/habitat building flows. Historically, the duration of beach/habitat building flows have been less then seven days. The EIS will describe the environmental effects of any proposed high flows.

Indicators for this issue:

- Impacts on the natural, physical, and socioeconomic environment

Issue 3. What would be the effects of steady flows during the experimental plan?

Alternatives in the EIS may include provisions to conduct periods of experimental steady flows from Glen Canyon Dam. The duration of proposed experimental steady flows is undetermined. Proposed steady flows could range from relatively low (approximately 8,000 cubic feet per second) to higher flows (approximately 20,000 cubic feet per second). Data and analyses will be presented in the EIS to determine the effects of any proposed steady flows on the environment.

Indicators for this issue:

- Impacts on the natural, physical, and socioeconomic environment

Issue 4. What would be the effects of modifying ramping rates for releases from Glen Canyon Dam during the experimental plan?

Alternatives in the proposed experimental plan may include provisions to include ramping rates that are outside of the parameters in the Glen Canyon Operation Criteria. Data and analyses will be presented in the EIS to determine effects of modified ramping rates on the affected environment.

Indicators for this issue:

- Impacts on the natural, physical, and socioeconomic environment

Climate

Fourteen comments were submitted on drought or climate. A theme in these comments is that a continuation of the current drought, or long-term changes in the level of Lake Powell, may provide new experimental opportunities or impose certain limits on experimental releases from Glen Canyon Dam. One comment stated that the experimental plan must address Glen Canyon Dam operations under a variety of hydrologic conditions in the Colorado River Basin. One comment was that there is a need to study the implications of La Nina, El Nino, the Pacific Decadal Oscillation, and the Atlantic Multidecadal Oscillation on the Colorado River at Lees Ferry.

Releases from Glen Canyon Dam are affected by the volume of water storage in Lake Powell and storage in Lake Powell is largely a function of multi-year inflow. Inflow is heavily influenced by climate conditions in the Colorado River Basin. Reclamation has a natural flow

database that includes the natural flow of the Colorado River from 1906 through 2004 (ninety-nine years). The flow of the Colorado River is highly variable with the natural flow at Lees Ferry varying annually from five to twenty-five million acre-feet over the past ninety-nine years. There have been multi-year periods of high flow and drought throughout the ninety-nine year historical record. The EIS will address the potential for hydrologic variability to impact the proposed experimental plan. Multiple sequences of hydrology from the natural flow database, which includes severely dry sequences, average sequences, and wet sequences, will be analyzed. Additionally, the EIS will contain an analysis of hydrologic sensitivity including inflow sequences not seen in the ninety-nine year record. Inflow sequences derived from dendrochronology are expected to be used in this sensitivity analysis. Additional inflow series obtained using stochastic techniques may also be studied in the sensitivity analysis. The dendrochronological reconstructions and stochastic methods do not forecast future climate, but should provide a wider range of hydrologic variability than the use of the natural flow record. Accordingly, Reclamation expects that drought and climate conditions will, therefore, be appropriately accounted for in the EIS through use of a large data set that incorporates past drought conditions.

Issue 5. Can reservoir levels in Lake Powell be managed to warm the river downstream?

Indicators for this issue:

- Glen Canyon releases
- Lake Powell inflow
- Lake Powell storage

Water Supply

Sixteen unique comments were submitted on water supply. Comments ranged from stating the need to preserve sufficient storage in Lake Powell for use in droughts, to considering that experimental releases are triggered by Lake Powell water levels, to considering how water in Lake Powell might be used to assist Nevada to meet its water supply needs.

The long-term experimental plan is not a water supply study. Modifying the annual release from Lake Powell is outside the scope of the experimental plan. Because of this, the proposed experimental plan is not likely to impact the water supply of the Colorado River. Adjustments to monthly, daily, and hourly releases are likely to be included in the proposed experimental plan. These changes would take place, however, under the constraint that the annual release of water from Lake Powell, as measured by the water year release, would remain unchanged. While changes to water supply are not an anticipated impact of the experimental plan, analyses on water supply will be prepared in the EIS to verify that there are no effects from the experimental plan on water supply.

Issue 6. What effects will the water supply in the Colorado River Basin have on the plan?

Indicators for this issue:

- Glen Canyon annual releases
- Lake Powell storage
- Lake Powell evaporation

Natural Hydrograph

Twelve unique comments were received suggesting that releases from Glen Canyon Dam be patterned to match the pre-dam hydrograph[3] or that the flow of the Colorado River through the Grand Canyon be returned to a natural, unregulated state. While there may be some experimental regimes that may have elements that mimic some of the pre-dam hydrograph (possibly lower, steadier late-summer and fall flows and high flows), a complete and total return to a pre-dam hydrograph is not consistent with the statutory requirements of the 1956 Colorado River Storage Project Act or the 1968 Colorado River Basin Project Act. Consideration of a return to the pre-dam hydrograph is outside of the scope of the proposed federal action.

NEPA Process and the Statutory Framework (17 percent)

The category of compliance with NEPA and related federal laws was the area of second greatest public concern. Twenty-seven comments directed Reclamation to ensure the plan was designed and implemented in compliance with the Grand Canyon Protection Act of 1992, the Colorado River Storage Project Act of 1956, and the Law of the River. Comments requested that alternatives should not be included in the EIS that would impair the ability or rights of the states granted under the Law of the River or that would increase salinity in the water delivered to Mexico under the 1944 Treaty. From these comments about process and statutory framework, three summary comments or issues were identified.

Issue 7. Rigorously explore and objectively evaluate all reasonable alternatives to meet purpose and need; do not rely exclusively on options developed by the AMP.

Within this broad procedural category of NEPA process and the statutory framework for action, twenty-two comments concerned the AMP. The AMWG had prepared four options, formulated as recommendations to the Secretary of the Interior, for actions that could be taken under this EIS. During scoping, four of the twenty-two comments were that the EIS should analyze a broader range of alternatives than those prepared by the AMWG.

Twelve of the AMP-related comments expressed dissatisfaction with the performance of the AMP. These comments included requests to eliminate, restructure, or refocus the AMP or its work products. These comments are beyond the scope of this analysis because while the AMP and AMWG will continue to provide input to the Department of the Interior, they cannot supplant the Department's decision-making function. The evaluation of the effectiveness of the AMP is not the purpose of the proposed federal action, but will be addressed within the AMP.

Indicators for this issue:

- Alternatives meet the requirements of all relevant laws, regulations, or policies
- Alternatives address the purpose of and need for the plan
- Alternatives not within the jurisdiction of the lead agency shall be included

A theme that emerged within this category was balance, with thirteen comments addressing the need to balance federal mandates. One comment opposed balancing mandates and said the priority should be ecosystem restoration.

[3] Where release equals inflow.

Issue 8. The EIS must address requirements of the Grand Canyon Protection Act of 1992 and assess effects on national park resources and values, while also complying fully with the Law of the River.

Most of the comments regarding balance encouraged consideration of both natural resource protection and human uses such as power generation and water delivery. Many referenced the concept of balance contained in the 1996 Record of Decision. Most called for developing alternatives to meet the requirements of the Grand Canyon Protection Act, Colorado Storage Project Act, and Law of the River. Comments stated that based on the Grand Canyon Protection Act, alternatives should not contain actions that are inconsistent with national park values. In addition, commenters indicated that the EIS should clearly identify park resources and values downstream of the dam that will be addressed in the impact assessment.

Some comments were concerned the EIS would not analyze effects on all relevant resources. Other comments were skeptical that the knowledge gained through the AMP would be used effectively in development of the EIS. Other comments were that Reclamation and the National Park Service should not subdivide the resources of Grand Canyon to satisfy their respective compliance responsibilities, but that the Colorado River should be treated as an ecosystem. In response to these comments, these agencies will work together to meet the responsibilities of the Department of the Interior.

Indicators for this issue:

- Determining whether adverse effects to any one resource are temporary in duration
- Status and trends of resources in Glen Canyon National Recreation Area and Grand Canyon National Park, utilizing an ecosystem perspective
- Balance mandates of the Grand Canyon Protection Act and the Law of the River

Fish, Including Threatened and Endangered Species (14 percent)

Fourteen percent of the comments concerned fish, especially endangered humpback chub and Endangered Species Act compliance. Forty-one percent of the fish comments endorsed taking actions to benefit the endangered humpback chub, with the majority of these comments calling for efforts to restore or conserve the endangered species. Approximately thirty percent of the fish comments called for conservation or recovery of endangered fish, but it is unclear whether these comments meant recovery in the regulatory sense of 50 CFR 402.02, meaning improvement in the status of a listed species to the point at which listing is not longer appropriate. (The comments used restoration, recovery, or conservation interchangeably.)

Sixteen percent of the fish comments favored actions to improve the trout fishery in the Lees Ferry reach of the river in Glen Canyon National Recreation Area. Comments also addressed the process of compliance with the Endangered Species Act and the Fish and Wildlife Coordination Act. A number of comments concerned the validity of fish population data, the prior effects of handling fish as part of scientific studies, and prior programs of mechanical removal of non-native fish. Eleven percent of all fish comments were concerns about the foodbase. From these comments, four key issues were identified.

Issue 9. Would warming the water through flow or temperature modifications be sufficiently beneficial for humpback chub to overcome the potential negative effects, including the socioeconomic costs?

The comments indicated the public recognizes that increasing river temperatures would likely enhance populations of both native and non-native warm water fish species below Glen Canyon Dam. Warm water non-native fish not currently found below Glen Canyon Dam could invade from neighboring water bodies (Lakes Powell and Mead, for example) and exert predatory or competitive pressure on humpback chub and other native fish. Additionally, fish parasites and diseases currently disadvantaged by cooler river temperatures (Asian fish tapeworm, *Lernea*) will likely benefit from warming. It is unknown whether the response of humpback chub to warmer water (main channel spawning, enhanced survival of larvae and juvenile fish, enhanced recruitment) would be sufficient to sustain the population without mitigative measures such as nonnative fish removal.

Public concern with respect to impacts to humpback chub was primarily related to water temperature rather than flow. However, the few comments about the pattern of releases were generally against high flows due to the potential to adversely impact humpback chub.

Indicators for this issue:

- Spatial and temporal trends in native and nonnative fish abundance
- Spatial and temporal trends in the size structure of native and nonnative fish populations
- Recruitment rate of humpback chub
- Success (exploitation) rate of nonnative fish removal efforts
- Frequency and distribution of warm water fish parasites

Issue 10. How would the rainbow trout fishery be affected by flow and temperature modification?

Operations of Glen Canyon Dam (particularly daily flow fluctuations and minimum flow elevations) directly affect rainbow trout spawning and rearing success. Thus, alternatives calling for altered restrictions on daily fluctuations to benefit humpback chub or sediment could have consequences for trout abundance, condition, and growth. Few scoping comments addressed this relationship directly. Instead, trout scoping concerns included impacts of experimental flows such as beach/habitat building flows or low steady flows, stocking programs as mitigation for unintended negative consequences, dissolved oxygen levels, increasing water temperature, and trout removal efforts at Bright Angel Creek and in the vicinity of the Little Colorado River.

Warming the water below Glen Canyon Dam for the benefit of native fish could have consequences for the rainbow trout fishery. Temperature directly governs trout metabolic processes and defines their scope for growth. Increased temperature may also impact lower trophic levels, and it is uncertain whether the interaction between thermally-altered growth potential and food availability will widen or narrow the scope for growth.

Indicators for this issue:

- Temporal trends in trout abundance, condition, and growth
- Food availability and trout bioenergetic parameters

Issue 11. How would the aquatic food base be affected by flow and temperature modification?

Operation of Glen Canyon Dam (particularly daily fluctuations, seasonal minimum flow elevations, and high flows) directly influences benthic plant and invertebrate communities, particularly in the perennially clear fifteen mile section immediately below the dam. Additionally, cold temperatures and low thermal variability in the discharge (8-11 degrees C annual range) have helped shape an invertebrate community comprised of few taxa in comparison to less regulated systems.

Changes in flow, temperature, or both factors as a result of the preferred alternative could alter benthic community structure or function. Of particular concern is whether these actions will create a more favorable environment for invasive plant or invertebrate species such as quagga mussels (recently documented in Lake Mead and points downstream).

Indicators for this issue:

- Spatial and temporal trends in benthic community composition and standing crops, including invasive species
- Life history parameters of key invertebrate taxa (size at maturity, fecundity, emergence timing)
- Rates of primary productivity

Issue 12. What are the impacts of the existing powerplant daily operating criteria, severally and in combination, and how might they be changed to benefit the humpback chub without causing adverse impacts to other resources?

Comments also were raised with respect to impacts of research (handling of fish in prior scientific studies), translocation, chub refugia, and population augmentation. Many of the comments specified alternatives that the public believe should be implemented, i.e., high flows, temperature modification, nonnative fish management, and a recovery program pursuant to the Endangered Species Act.

Aquatic Communities (10 percent)

This category included twenty-one comments about the ecosystem; mostly requests to modify the purpose and need to include ecosystem restoration or recovery, a theme in the Fish category as well. Four comments asked that the purpose include restoration of natural processes. Five comments were concerned with preserving the riparian vegetation that has arisen since the dam was built. Nine comments concerned controlling invasive and non-native plant species, particularly tamarisk (*Tamarix ramosissima*). Altogether, there were seventeen comments asking that action be taken to reduce the spread of all invasive species, including the newly reported quagga mussel (*Dreissena rostriformis bugensis*).

Issue 13. How will the riparian vegetation along the Colorado River be affected by high or low flows or other alternatives?

Issue 14. What can be done to reduce the spread of invasive species including tamarisk, New Zealand mudsnails, and quagga mussels?

Indicators for these issues:

- Permanent or temporary loss of acres of wetlands
- Probability of spreading weeds and invasive species

Water Quality (9 percent)

Many of the commenters had previously written to Reclamation regarding prior proposals to modify the penstocks at Glen Canyon Dam to warm the water to benefit native fish. Fifty-nine comments were received about water quality or temperature for the long-term experimental plan. Forty comments concerned water temperature in the Colorado River below Glen Canyon Dam; and of these, thirty focused on various alternative means of warming the water, whether by manipulating the surface level of Lake Powell or through structural modifications to the dam. Sixteen comments were more generally directed at water quality parameters, including salinity and the quality of drinking water in Lake Mead. The comments on Lake Mead led Reclamation to define the geographic scope from Lake Powell and the Colorado River to Hoover Dam.

Issue 15. How can the water temperature below Glen Canyon Dam be raised to benefit native fish and to avoid impacting other resources?

Issue 16. What would be the effect, beneficial or adverse, of warming releases from Glen Canyon Dam on water quality downstream through Lake Mead?

Comments suggested that modifications to the penstocks on the dam could restore the seasonally variable water temperature in the mainstream of the Colorado River through Grand Canyon and might have positive recruitment and growth potential for native fish. Other comments indicated that warming temperature in the summer could increase non-native fish populations that could prey on or compete with native fish. The public was also concerned about how warmer water might increase fish (and human) diseases and parasites. Many of the comments expressed uncertainty whether the potential benefits to native fish outweighed the cost of modifying the penstocks and reducing hydropower generation and the potential increase in adverse impacts to the aquatic communities. Reclamation anticipates that these issues and concerns will be addressed in the EIS.

Indicators for these issues:

- Change in water temperature at particular locations below the dam and over particular seasons of year
- Changes in the Lake Powell heat budget
- Changes in water quality parameters such as nutrients, salinity, total dissolved solids, and dissolved oxygen in the Colorado River downstream of the dam and through Lake Mead

Sediment (8 percent)

Eight percent of all comments addressed the loss of sediment below Glen Canyon Dam, in particular the reduction in size and distribution of beaches. Some comments also referenced the link between sediment and riparian vegetation and aquatic backwater habitats. Some comments tied sediment loss to the construction of Glen Canyon Dam and suggested dam decommissioning as a remedy. Others suggested the construction of a sediment slurry pipeline to increase the sediment balance below Glen Canyon Dam, while others raised the possibility of dredging sediment from Lake Mead and placing it upstream. Concerns were raised that increased sediment

would also increase turbidity which could affect the trout population and the food base in the Lees Ferry reach.

High flows or beach/habitat building flows were cited as a mechanism to restore beaches, but some commenters believed succeeding fluctuating flows would erode the positive impact of high flows. Other comments were concerned about the high cost to power users of high flows and suggested flows within powerplant capacity. The issue of balance among resources and benefits was raised from both the perspective of economics and prioritization of resources.

Issue 17. How will sediment conservation in Grand Canyon be affected by the plan?

Indicators for this issue:

- Comparison of sediment conserved in Grand Canyon to the amount exported to Lake Mead
- Percent change of beach area and volume from the start to the end of the plan
- Percentile comparison of tributary inputs during the plan compared to the long-term average
- Effects of sediment conservation on biological resources (such as native fish, trout, food base, vegetation), camping beaches, and archeological sites

Experimental Design (7 percent)

Comments in this category mentioned that Reclamation has been studying the downstream effects of Glen Canyon Dam since 1982, but most studies have not effectively differentiated between effects of dam existence and the discretionary effects of dam operations or releases to meet the Law of the River. Comments in this category suggest the plan should be very specific about how new knowledge would be integrated into the AMP. Respondents were also concerned about the costs of experimentation (see Socioeconomics).

Issue 18. The experimental design and alternatives must be based on science.

Commenters are concerned that the EIS have a scientific and statistical foundation and that there should be a logical flow from tests of clearly stated hypotheses, through experimental design, to results. They believe that independent, external review is essential to ensuring the objectivity and credibility of the science being used for the EIS (and the AMP). Some commenters are concerned that the amount of science is excessive, over-costly, and that endangered native fish may be harmed through excessive sampling. Commenters also were concerned that the science being done in the AMP must be applied to hypotheses that are relevant to managers and should account for hydrologic variability during the period of the long-term experimental plan.

The EIS will build upon the scientific learning with has occurred during the course of the AMP, including efforts leading up to the development of the AMWG options. In addition, the U.S. Geological Survey and the independent science advisors to the AMP will help ensure that the experimental design will meet the purpose and need for the proposed federal action.

Indicators for this issue:

- Alternatives based on falsifiable null hypotheses that address the purpose and need

- Peer reviewers review the alternatives and plan and agree they are based on best available science
- Modeling, laboratory, or off-site experiments and field experiments included in the experimental design

Energy (Hydropower) (5 percent)

Of the thirty-five comments in this category, seventeen thought that alternatives should focus on protecting or enhancing hydropower production, or at the least, limiting adverse impacts of hydropower production only to the extent necessary to achieve the recovery and long-term sustainability referenced in the 1996 Record of Decision. Several of the hydropower comments emphasized the importance of maximizing available capacity and flexibility in operations, recognizing the role hydropower plays in regulation control.

Eight of the hydropower comments were requests to fully analyze the effects of the alternatives on this resource and under Socioeconomics. For example, one commenter suggested that some experimental flows would be economically infeasible due to impacts on hydropower generation, and if the same result could be achieved through installation of a temperature control device at a lower cost, while providing enhanced hydropower generation, the temperature control device should be preferred. Another comment was that the experimental program should look at the impacts of the existing daily power operation criteria and how they might be changed to enhance power production without significantly causing increased adverse impacts to the humpback chub or some other downstream environmental asset and that consideration be given to other measures that might reduce or offset these impacts.

Four of the hydropower comments identified the affected interests, the hydropower customers in the western United States, who would be affected by the alternatives. Concern was expressed that power customers would be directly affected by restrictions to hydropower because of changes to electrical power generation rates and revenues.

Four of the comments recognized hydropower as a clean, renewable resource that should be enhanced to lessen the dependence of the United States on foreign and unsustainable energy resources. A related comment expressed concern that rising energy prices could threaten the nation's economic recovery. Conversely, one comment objected to the identification of hydropower as a clean and renewable energy source.

Issue 19. How will hydropower production be affected by the plan and what is the associated impact to power customers, regulation control, and power system reliability?

Indicators for this issue:

- Change in energy generation
- Change in available capacity
- Change in economic value of energy generation and capacity
- Change in power revenues and associated impacts to the Basin Fund and power rates
- Effect on regulation control

Socioeconomics (5 percent)

Recreation and socioeconomics are closely related in the comments, but any comment specific to costs or financial impacts to the recreation or tourism industry was coded as a socioeconomic concern. Many comments were received about the costs of the AMP and about the costs of the long-term plan. (Comments about the impacts to the hydropower industry were separated and synthesized under that category.) The following socioeconomic issues were raised.

Issue 20. What is the cost of the alternatives in the EIS and are the costs justifiable? In particular, what is the cost of constructing and operating a temperature control device designed to warm the water to benefit native fish?

The major concern centers on the cost effectiveness of the alternatives in the EIS and the need for assurance that those studying alternatives and impacts are qualified scientists and engineers. Public comment also concentrated on the issue of wasting tax payer money on scientific study, experimentation, or adaptive management. The perception is that the costs of taking action outweigh the benefits. Many feel there needs to be a thorough cost-benefit analysis done. More specifically, the cost of the temperature control device is mentioned often because of the significant cost of installation and operation, currently estimated at about $100 million. Thus commenters felt the cost of the temperature control device should be fully warranted before the decision is made to construct it.

Issue 21. What are the effects of the alternatives on the recreation industry and how would these effects ripple through the local and regional economy?

The majority of public opinion is that socioeconomic effects are as important as analyzing the economic effects of hydropower. Specifically, some feel the alternatives could pose human health and safety risks that could have negative effects on recreation and tourism. Local economies need to be protected and some version of a social impact assessment that looks at regional economic impacts including, but not limited to non-market values, should be conducted.

Indicators for this issue:

- Projected cost of modifying the dam to warm the water, compared to costs of manipulating storage or releases
- Projected change in revenue in the commercial boating industry
- Projected change in revenue in the fishing industry
- Projected loss or benefit to the regional tourism industry
- Projected costs of all alternatives (see Energy)

Recreation and Visitor Experience (5 percent)

Comments received in this category focus on the visitors experience in Grand Canyon National Park and Glen Canyon National Recreation Area. The most frequent public concern is how changes in dam operations might affect boating in the Grand Canyon. The next most common concerns are with the sport fisheries in Lake Powell and in the Colorado River.

In terms of potential changes in releases from Glen Canyon Dam, one comment indicated a concern that flows not go below 5,000 cubic feet per second to avoid treacherous rapids from becoming more dangerous. Another comment was concerned that high flows could create “life-threatening conditions” from turbulence, flotsam, and high water volume. Many comments were

focused on how beaches and beach access affect the recreational experience in Grand Canyon. As a summary comment, boaters are concerned about the size and distribution of camping beaches as related to recreational carrying capacity.

Some private boaters wrote in with concerns that the plan or alternatives could impact their ability to obtain a permit from the National Park Service. It should be noted that the National Park Service's permitting process is beyond the scope of this analysis: it is covered in their Colorado River Management Plan. Another boater suggested having a better communication system to alert boaters about what the conditions might be like over the duration of their visit. This too is considered a National Park Service management concern already covered under the Colorado River Management Plan and it is out of the scope of this analysis.

Issue 22. What are the effects of the alternatives on the visitor use experience?

Indicators for this issue:

- Change in catch rates
- Change in navigational safety
- Increase in the use of motorized boats by researchers

Cultural Resources and Indian Trust Assets (3 percent)

Twenty comments concerned cultural resources or American Indian tribal concerns. The comments focused on two issues.

Issue 23. How will the alternative dam operations affect natural and cultural resources of concern to Indian tribes?

At this time, no Indian trust assets are believed to be within the affected environment; however, six comments were concerned with effects of the alternatives on traditional cultural properties (cultural resources) located within Grand Canyon and other tribal resources of concern. The Bureau of Indian Affairs referenced the trust responsibility toward Indian tribes and mentioned that tribes can provide special expertise for the successful development and conclusion of environmental documentation for this EIS. (Several tribes are serving as cooperating agencies in this EIS, and any tribe with an interest in Glen Canyon Dam operations or the affected environment is being consulted on a government-to-government basis regarding this proposed federal action.)

Issue 24. Will operation of the dam under the experimental plan exacerbate historic and ongoing deterioration of cultural resources in Grand Canyon?

Eleven comments addressed the public interest in archaeological sites in Grand Canyon, and asked for alternatives designed to preserve sediment, which in turn should protect sites. One comment concerned the National Historic Preservation Act. Four comments were made asking Reclamation to develop alternatives that meet the intent of the Grand Canyon Protection Act, which includes cultural resources.

Other Concerns

Other comments were unique or only two or three comments were received on the category. For example, three comments were complaints about administrative use of motor boats in Grand

Canyon. Only one specific comment was received during this scoping process about human health concerns, but a prior scoping for a temperature control device resulted in several public concerns over water-borne bacteria, viruses, and pathogens. These concerns will be analyzed in this EIS.

The geographic scope of this analysis will be extended through Lake Mead National Recreation Area, but it should be noted that there were no specific concerns raised with Lake Mead as a park unit. Rather, the concern was with those organizations and individuals obtaining their drinking water from Lake Mead and how releases of water from Lake Mead meet or exceed Treaty obligations with Mexico. No changes in annual release volumes or reservoir elevations are anticipated.

Impact Topics Dismissed from Further Consideration

The following impact topics or comments are considered beyond the scope of the EIS and Reclamation anticipates that these will be dismissed from further analysis. Reclamation's current views on each of these topics are identified.

Air Quality

Only negligible emissions of pollutants are anticipated from any of the alternatives. This issue was thoroughly covered in the 2007 *Colorado River Interim Guidelines for Lower Basin Shortages and Coordinated Operations for Lake Powell and Lake Mead* draft EIS, so the analysis will only be repeated as appropriate here.

Decommissioning the Dam

Despite receiving twenty-one unique comments for or against removing Glen Canyon Dam and draining Lake Powell, this is considered outside the purpose and need for action. Decommissioning will not be analyzed in this EIS. Lake Powell and Glen Canyon Dam have been designated parts of the nation's critical infrastructure. In particular, the ability to store water in Lake Powell during periods of high flows enables the states of Utah, Colorado, Wyoming, and New Mexico to utilize their apportionment of Colorado River water while meeting their obligations for water delivery to the states of Arizona, California, and Nevada, particularly during periods of drought.

In addition, the hydropower generated by Glen Canyon Dam is a critical element in meeting the electricity demands in the southwestern states. Furthermore, hydropower revenues from Glen Canyon and other Colorado River Storage Project dams are an important part of the funding mechanism for numerous participating water supply projects and several important environmental initiatives, including the Upper Colorado Basin and San Juan River Recovery Programs and the Glen Canyon Dam AMP.

Finally, Section 120 of Public Law 107-63, enacted November 5, 2001, and in subsequent years, bars the use of funds appropriated for the Department of the Interior by any Act to study or implement any plan to drain Lake Powell or to reduce its water level below the range required for the operation of Glen Canyon Dam. Consistent with this, Reclamation will not consider the request to evaluate the feasibility of decommissioning Glen Canyon Dam.

Geologic and Seismic Concerns
No public concerns were raised with geologic resources, aside from sediment. Seismic concerns will be addressed in the design of the temperature control device.

Hazardous Materials
No concerns were raised with hazardous materials.

Paleontological Resources
No public concerns or concerns from cooperating agencies were raised about paleontological resources. Given that the area is covered by Holocene alluvium, there is no probability of encountering a fossil resource.

Prime and Unique Farmland
There is no prime or unique farmland in the affected environment.

Transportation and Traffic
There are no concerns with transportation or traffic resulting from the proposed action.

Urban Quality and Design of the Built Environment
There is no urban area within the affected environment; consequently, there would be no effects to an urban resource from this action.

Visual Quality
A few comments were received about the public's appreciation for the features of Lake Powell, but these were fairly general comments. No specific concerns with visual resources or view sheds were raised.

Wetland and Floodplain Analysis
The U.S. Army Corps of Engineers will be contacted to ensure no jurisdictional wetlands are involved in the proposed action or affected environment and that no Department of the Army permit is required.

Geographic Scope

During scoping, several comments were received on the effect of the action on water quality in Lake Mead and downstream in the Lower Colorado River. Two comments were received about extending the action area into tributaries of the Colorado River. Generally the project area is defined as Lake Powell, Glen Canyon Dam, the Colorado River mainstream from the dam to the upper slack water of Lake Mead, and Lake Mead; however, the geographic scope for each affected resource has not yet been defined. Reclamation expects that the area of potential cumulative effects will differ from resource to resource and that the geographic scope will be defined following the development of alternatives and after consideration of the effects of the action on specific resources.

Alternatives

Two hundred and seven comments or 32 percent of all comments received during scoping suggested various alternatives or potential actions that should be analyzed in the EIS. Of these, 41 percent concerned dam operations, 18 percent concerned water quality, and 11 percent concerned sediment. Based on these comments, Reclamation will develop the alternatives to be considered and evaluated in the EIS. Reclamation will also develop alternatives with the assistance of cooperating agencies, the interdisciplinary team that has been assembled to prepare the analysis, and in consultation with the public.

Reclamation intends to develop a range of reasonable alternatives, including possible actions that are not within the jurisdiction of Reclamation (40 CFR 1502.14(c)); the alternative of no action (40 CFR 1502.14(d)); and appropriate mitigation measures that will be included in the alternatives (40 CFR 1502.14(f)).

Appendix A

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Glen Canyon Dam Adaptive Management Work Group (AMWG)

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of intent and notice of public meeting.

SUMMARY: The Adaptive Management Program (AMP) was implemented as a result of the Record of Decision on the Operation of Glen Canyon Dam Final Environmental Impact Statement to comply with consultation requirements of the Grand Canyon Protection Act (Pub. L. 102–575) of 1992. The AMP includes a federal advisory committee (AMWG), a technical work group (TWG), a monitoring and research center, and independent review panels. The AMWG makes recommendations to the Secretary of the Interior concerning Glen Canyon Dam operations and other management actions to protect resources downstream of Glen Canyon Dam consistent with the Grand Canyon Protection Act. The TWG is a subcommittee of the AMWG and provides technical advice and recommendations to the AMWG.

Dates and Addresses: The AMWG will conduct the following public meeting:

Phoenix, Arizona—December 5–6, 2006. The meeting will begin at 9:30 a.m. and conclude at 5 p.m. on the first day and begin at 8 a.m. and conclude at 3 p.m. on the second day. The meeting will be held at the Fiesta Inn Resort (Encantada Ballroom) located at 2100 South Priest Drive in Tempe, Arizona.

Agenda: The purpose of the meeting will be to (1) review and develop a recommendation to the Secretary of the Interior for a Long-Term Experimental Plan; (2) receive an update on progress for development of a Lower Colorado River recovery program and related work/goals for the endangered humpback chub; (3) discuss a selective withdrawal structure for Glen Canyon Dam; (4) review fiscal year 2006 program expenditures; (5) approve the public outreach Web site; and (6) discuss research and monitoring reports, basin hydrology, and other administrative and resource issues pertaining to the AMP. To view a copy of the draft agenda, please visit Reclamation's Web site at: *http://www.usbr.gov/uc/rm/amp/amwg/mtgs/06dec05/index.html.*

SUPPLEMENTARY INFORMATION:

Anticipated Approach Regarding Adoption of Long-Term Experimental Plan

Based upon the foregoing agenda, the Department of the Interior anticipates utilizing the information developed through, and any recommendation(s) from, the TWG and the AMWG in preparing appropriate environmental compliance documentation to analyze the alternatives for a Long-Term Experimental Plan for the future operation of Glen Canyon Dam and other potential associated management activities. The Long-Term Experimental Plan is intended to ensure a continued, structured application of adaptive management in such a manner as to protect, mitigate adverse impacts to, and improve the values for which Grand Canyon National Park and Glen Canyon National Recreation Area were established, including, but not limited to natural and cultural resources and visitor use, consistent with applicable federal law.

The Long-Term Experimental Plan will build on a decade of scientific experimentation and monitoring that has taken place as part of the AMP, and will build on the knowledge gained by experiments, operations, and management actions taken under the AMP. Accordingly, the Department intends to tier from earlier National Environmental Policy Act (NEPA) compliance documents prepared as part of the Department's Glen Canyon AMP efforts, see 40 CFR §§ 1500.4(i), 1502.20, and 1508.20(b), such as the 2002 Environmental Assessment prepared on adaptive management experimental actions at Glen Canyon Dam (Proposed Experimental Releases from Glen Canyon Dam and Removal of Non-Native Fish).

Notice of Intent

Pursuant to 40 CFR § 1508.22, the Department of the Interior, through this **Federal Register** notice, announces its notice of intent to prepare and consider an environmental impact statement on the adoption of a Long-Term Experimental Plan for the future operation of Glen Canyon Dam and other associated management activities. The Long-Term Experimental Plan is proposed to implement a structured, long-term, program of experimentation (including dam operations, potential modifications to Glen Canyon Dam intake structures, and other potential management actions, such as removal of non-native fish species) in the Colorado River below Glen Canyon Dam. The range of alternatives for the proposed action will be developed following recommendations provided by the AMWG. The Department anticipates initiation of consultation through the U.S. Fish and Wildlife Service, as appropriate, on the consideration and implementation of the Long-Term Experimental Plan.

Scoping

Pursuant to 40 CFR 1501.7(a)(1), 1501.7(b)(4), the Department of the Interior intends to utilize the information presented at the upcoming AMWG meeting as part of the scoping process in the NEPA process that is intended to address adoption and implementation of a Long-Term Experimental Plan pursuant to this **Federal Register** notice. In addition, Reclamation will also utilize the information developed through prior meetings of the AMWG, TWG, and Science Planning Group as relevant information for the purposes of scoping the upcoming NEPA process and to develop the appropriate scope of analysis pursuant to 40 CFR 1508.25. Opportunities for additional public comment will be described in a subsequent **Federal Register** notice.

Relationship With Settlement Agreement in Center for Biodiversity v. Kempthorne

Recently, the Center for Biodiversity and others filed suit against the U.S. Department of the Interior regarding operations of Glen Canyon Dam. In a Settlement Agreement approved by the United States District Court for the District of Arizona, the United States and Plaintiffs agreed to the following provision:

> 1. Not later than January 31, 2007, Reclamation shall initiate environmental documentation activities pursuant to NEPA and the ESA with respect to modification of current, or other prospective, operations of Glen Canyon Dam and associated management actions of Reclamation and other agencies with the Department of the Interior; * * * (Settlement Agreement at section 1, pg. 3)

It is the intention of the Department of the Interior to comply with this provision of the Settlement Agreement through this Notice of Intent published in the **Federal Register**. The Settlement Agreement can be found at the following Internet location: *http://www.usbr.gov/uc/rm/amp/amwg/mtgs/06sep06CC/Attach_07.pdf.*

FOR FURTHER INFORMATION CONTACT: Dennis Kubly, Bureau of Reclamation, telephone (801) 524–3715; faxogram (801) 524–3858; e-mail at *dkubly@uc.usbr.gov.*

To allow full consideration of information by the AMWG members,

written notice must be provided to Dennis Kubly, Bureau of Reclamation, Upper Colorado Regional Office, 125 South State Street, Room 6107, Salt Lake City, Utah 84138; telephone (801) 524–3715; faxogram (801) 524–3858; e-mail at *dkubly@uc.usbr.gov* at least five (5) days prior to the meeting. Any written comments received will be provided to the AMWG members.

Public Disclosure

It is our practice to make comments, including names, home addresses, home telephone numbers, and e-mail addresses of respondents, available for public review. Individual respondents may request that we withhold their names and/or home addresses, etc., but if you wish us to consider withholding this information you must state this prominently at the beginning of your comments. In addition, you must present a rationale for withholding this information. This rationale must demonstrate that disclosure would constitute a clearly unwarranted invasion of privacy. Unsupported assertions will not meet this burden. In the absence of exceptional, documentable circumstances, this information will be released. We will always make submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

Dated: October 24, 2006.

Darryl Beckmann,

Deputy Regional Director—UC Region, Bureau of Reclamation.

[FR Doc. E6–18575 Filed 11–3–06; 8:45 am]

BILLING CODE 4310–MN–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–444–446 and 731–TA–1107–1109 (Preliminary)]

Coated Free Sheet Paper From China, Indonesia, and Korea

AGENCY: United States International Trade Commission.

ACTION: Institution of countervailing duty and antidumping investigations and scheduling of preliminary phase investigations.

SUMMARY: The Commission hereby gives notice of the institution of investigations and commencement of preliminary phase countervailing duty investigation Nos. 701–TA–444–446 (Preliminary) and preliminary phase antidumping investigation Nos. 731–TA–1107–1109 (Preliminary) under sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 1673b(a)) (the Act) to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from China, Indonesia, and Korea of coated free sheet paper, provided for in subheadings 4810.13.19, 4810.13.20, 4810.13.50, 4810.13.70, 4810.14.19, 4810.14.20, 4810.14.50, 4810.14.70, 4810.19.19, and 4810.19.20 of the Harmonized Tariff Schedule of the United States, that are alleged to be subsidized by the Governments of China, Indonesia, and Korea and that are alleged to be sold in the United States at less than fair value. Unless the Department of Commerce extends the time for initiation pursuant to sections 702(c)(1)(B) and 732(c)(1)(B) of the Act (19 U.S.C. 1671a(c)(1)(B) and 1673a(c)(1)(B)), the Commission must reach preliminary determinations in countervailing duty and antidumping investigations in 45 days, or in this case by December 15, 2006. The Commission's views are due at Commerce within five business days thereafter, or by December 22, 2006.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

DATES: *Effective Date:* October 31, 2006.

FOR FURTHER INFORMATION CONTACT: Debra Baker (202–205–3180), Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*http://www.usitc.gov*). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted in response to a petition filed on October 31, 2006, by NewPage Corporation, Dayton, OH.

Participation in the investigations and public service list.—Persons (other than petitioners) wishing to participate in the investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in sections 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these investigations available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigations under the APO issued in the investigations, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference.—The Commission's Director of Operations has scheduled a conference in connection with these investigations for 9:30 a.m. on November 21, 2006, at the U.S. International Trade Commission Building, 500 E Street, SW., Washington, DC. Parties wishing to participate in the conference should contact Debra Baker (202–205–3180) not later than November 16, 2006, to arrange for their appearance. Parties in support of the imposition of countervailing and antidumping duties in these investigations and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the conference.

Written submissions.—As provided in sections 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before November 27, 2006, a written brief

regulations as the Secretary of the Interior (Secretary) may prescribe, including all necessary access and exit rights.

3. A reversionary interest as further defined in the above terms, covenants and conditions.

When patented, title to the land will be subject to:

1. Valid existing rights of record, including, but not limited to those documented on the BLM public land records at the time of sale, and,

2. By accepting the patent, Clark County, subject to the limitations of law and to the extent allowed by law, shall be responsible for the acts or omissions of its officers, directors and employees in connection with the use or occupancy of the patented real property. Successors-in-interests of the patented real property, except Clark County, shall indemnify, defend, and hold the United States and Clark County harmless from any costs, damages, claims, causes of action, penalties, fines, liabilities, and judgments of any kind or nature arising from the past, present, and future acts or omissions of the successors-in-interest, excluding Clark County, or its employees, agents, contractors, or lessees, or any third-party, arising out of or in connection with the successor-in-interests, excluding Clark County, use, occupancy, or operations on the patented real property. This indemnification and hold harmless agreement includes, but is not limited to, acts and omissions of the successor-in-interests, excluding Clark County, and its employees, agents, contractors, or lessees, or any third party, arising out of or in connection with the use and/or occupancy of the patented real property which has already resulted or does hereafter result in: (1) Violations of Federal, State, and local laws and regulations that are now or may in the future become, applicable to the real property; (2) Judgments, claims or demands of any kind assessed against the United States or Clark County; (3) Costs, expenses, or damages of any kind incurred by the United States or Clark County; (4) Other releases or threatened releases of solid or hazardous waste(s) and/or hazardous substances(s), as defined by Federal or State environmental laws, off, on, into or under land, property and other interests of the United States or Clark County; (5) Other activities by which solids or hazardous substances or wastes, as defined by Federal and State environmental laws are generated, released, stored, used or otherwise disposed of on the patented real property, and any cleanup response, remedial action or other actions related in any manner to said solid or hazardous substances or wastes; or (6) Natural resource damages as defined by Federal and State law. This covenant shall be construed as running with the parcels of land patented or otherwise conveyed by the United States, and may be enforced against successors-in-interest, excluding Clark County, by the United States or Clark County in a court of competent jurisdiction.

No warranty of any kind, express or implied is given or will be given by the United States as to the title, physical condition or potential uses of the land proposed for sale. However, to the extent required by law, such land is subject to the requirements of Section 120(h) of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), as amended (42 U.S.C. 9620(h)).

Publication of this notice in the **Federal Register** temporarily segregates the above described land from appropriation under the public land laws, including the mining laws. The segregation effect of this notice will terminate in the future as specified in 43 CFR 2711.1–3(c)). The above described land was previously segregated from mineral entry under BLM case file number N–66364, with record notation as of October 19, 1998. This previous segregation will terminate upon publication of this notice in the **Federal Register**.

Detailed information concerning the proposed sale, including an environmental studies and documents, approved appraisal report and supporting documents, is available for review at the BLM Las Vegas Field Office at the address above. Interested parties may submit written comments regarding the sale, including the EA, to the address above. No facsimiles, e-mails, or telephone calls will be considered as validly submitted comments. The Field Manager, BLM, Las Vegas Field Office, will review the comments of all interested parties concerning the sale. To be considered, comments must be received at the BLM Las Vegas Field Office on or before the date stated above in this notice for that purpose. Comments received during this process, including respondent's name, address, and other contact information will be available for public review. Individual respondents may request confidentiality. If you wish to request that BLM consider withholding your name, address, and other contact information from public review or disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your comment. The BLM will honor requests for confidentiality on a case-by-case basis to the extent allowed by law. The BLM will make available for public review, in their entirety, all comments submitted by businesses or organizations, including comments by individuals in their capacity as an official or representative of a business or organization. Any adverse comments will be reviewed by the BLM, Nevada State Director who may sustain, vacate, or modify this realty action.

In the absence of any adverse comments, the decision will become effective on February 12, 2007. The lands will not be offered for sale until after the decision becomes effective.

(Authority: 43 CFR 2711.1–2(a)).

Dated: November 24, 2006.

Sharon DiPinto,

Assistant Field Manager, Division of Lands, Las Vegas, NV.

[FR Doc. E6–21041 Filed 12–11–06; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Long-Term Experimental Plan for the Operation of Glen Canyon Dam and Other Associated Management Activities

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of intent to prepare an environmental impact statement (EIS) and notice to solicit comments and hold additional public scoping meetings on the adoption of a Long-Term Experimental Plan for the operation of Glen Canyon Dam and other associated management activities under the authority of the Secretary of the Interior (Secretary).

SUMMARY: In a **Federal Register** notice published on November 6, 2006 (71 FR 64982–64983), and pursuant to § 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969, as amended, and 40 CFR 1508.22, the Department of the Interior (Department), acting through the Bureau of Reclamation (Reclamation), provided notice that the Department intends to prepare an EIS and conduct public scoping meetings for the adoption of a Long-Term Experimental Plan for the operation of Glen Canyon Dam and other associated management activities. This **Federal Register** notice, prepared pursuant to 40 CFR 1508.22, provides information on additional public scoping meetings, the purpose and need for the proposed action, and additional

background on the Long-Term Experimental Plan.

The purpose of the Long-Term Experimental Plan is to increase understanding of the ecosystem downstream from Glen Canyon Dam and to improve and protect important downstream resources. The NEPA process would evaluate the implications and impacts of each of the alternatives on all of the purposes and benefits of Glen Canyon Dam as well as on downstream resources. The proposed plan would implement a structured, long-term program of experimentation (including dam operations, modifications to Glen Canyon Dam intake structures, and other non-flow management actions, such as removal of non-native fish species) and monitoring in the Colorado River below Glen Canyon Dam.

The proposed Long-Term Experimental Plan is intended to ensure a continued, structured application of adaptive management in such a manner as to protect, mitigate adverse impacts to, and improve the values for which Grand Canyon National Park and Glen Canyon National Recreation Area were established, including, but not limited to natural and cultural resources and visitor use, consistent with applicable Federal law.

The Long-Term Experimental Plan will build on a decade of scientific experimentation and monitoring that has taken place as part of the Glen Canyon Dam Adaptive Management Program, and will build on the knowledge gained by experiments, operations, and management actions taken under the program. Accordingly, Reclamation intends to tier from earlier NEPA compliance documents prepared as part of the Department's Glen Canyon Adaptive Management Program efforts, see 40 CFR 1500.4(i), 1502.20, and 1508.20(b), such as the 2002 Environmental Assessment prepared on adaptive management experimental actions at Glen Canyon Dam (Proposed Experimental Releases from Glen Canyon Dam and Removal of Non-Native Fish).

Dates and Addresses: Two additional public scoping meetings will be held to solicit comments on the scope of the Long-Term Experimental Plan and the issues and alternatives that should be analyzed. The meetings will serve to expand upon the input received from the Glen Canyon Dam Adaptive Management Program meetings and the recommendations of the Adaptive Management Work Group (AMWG), a federal advisory committee. Oral and written comments will be accepted at the meetings to be held at the following locations:

- Thursday, January 4, 2007—6 p.m. to 8 p.m., Embassy Suites Phoenix Airport at 44th Street, 1515 North 44th Street, Cholla Room, Phoenix, Arizona.
- Friday, January 5, 2007—6 p.m. to 8 p.m., Hilton Salt Lake City Center, 255 South West Temple, Salon 1, Salt Lake City, Utah.

Written comments on the proposed development of the Long-Term Experimental Plan may be sent by close of business on Wednesday, February 28, 2007, to: Regional Director, Bureau of Reclamation, Upper Colorado Region, Attention: UC–402, 125 South State Street, Salt Lake City, Utah 84318–1147, faxogram at (801) 524–3858, or e-mail at *GCDExpPlan@uc.usbr.gov*.

FOR FURTHER INFORMATION CONTACT: Dennis Kubly, Bureau of Reclamation, telephone (801) 524–3715; faxogram (801) 524–3858; e-mail at *GCDExpPlan@uc.usbr.gov*. If special assistance is required regarding accommodations for attendance at either of the public meetings, please contact Jayne Kelleher at (801) 524–3680, faxogram at (801) 524–3858, or e-mail at *jkelleher@uc.usbr.gov* no less than 5 working days prior to the applicable meeting(s).

SUPPLEMENTARY INFORMATION: Glen Canyon Dam was authorized by the Colorado River Storage Project Act (CRSPA) of 1956 and completed by Reclamation in 1963. Below Glen Canyon Dam, the Colorado River flows for 15 miles through the Glen Canyon National Recreation Area which is managed by the National Park Service. Fifteen miles below Glen Canyon Dam, Lees Ferry, Arizona, marks the beginning of Marble Canyon and the northern boundary of Grand Canyon National Park.

The primary purpose and major function of Glen Canyon Dam is water conservation and storage. The dam is specifically managed to regulate releases of water from the Upper Colorado River Basin to the Lower Colorado River Basin to satisfy provisions of the 1922 Colorado River Compact and subsequent water delivery commitments, and thereby allow states within the Upper Basin to deplete water from the watershed upstream of Glen Canyon Dam and utilize their apportionments of Colorado River water.

In addition to the primary purpose of water delivery, another function of Glen Canyon Dam is to generate hydroelectric power. Between the dam's completion in 1963 and 1990, the dam's daily operations were primarily undertaken to maximize generation of hydroelectric power in accordance with Section 7 of the CRSPA, which requires production of the greatest practicable amount of power.

Over time, concerns arose with respect to the operation of Glen Canyon Dam, including effects of operations on species listed pursuant to the Endangered Species Act. In 1992, Congress passed and the President signed into law, the Grand Canyon Protection Act which addresses potential impacts of dam operations on downstream resources in Glen Canyon National Recreation Area and Grand Canyon National Park.

The Grand Canyon Protection Act of 1992 required the Secretary to complete an environmental impact statement evaluating alternative operating criteria, consistent with existing law, that would determine how Glen Canyon Dam would be operated to both meet the purposes for which the dam was authorized and meet the goals for protection of Glen Canyon National Recreation Area and Grand Canyon National Park. The final environmental impact statement was completed in March 1995. The Preferred Alternative (Modified Low Fluctuating Flow Alternative) was selected as the best means to operate Glen Canyon Dam in a Record of Decision (ROD) issued on October 9, 1996. In 1997 the Secretary adopted operating criteria for Glen Canyon Dam (62 FR 9447–9448) as required by Section 1804(c) of the Grand Canyon Protection Act of 1992.

Additionally, the Grand Canyon Protection Act of 1992 requires the Secretary to undertake research and monitoring to determine if revised dam operations were achieving the resource protection objectives of the final EIS and ROD. These provisions of the Grand Canyon Protection Act of 1992 were incorporated into the 1996 ROD and led to the establishment of the Glen Canyon Dam Adaptive Management Program, administered by Reclamation, and of the Grand Canyon Monitoring and Research Center within the U.S. Geological Survey (USGS).

The Adaptive Management Program includes a federal advisory committee known as the AMWG, a Technical Work Group, a monitoring and research center administered by the USGS, and independent review panels. The Technical Work Group is a subcommittee of the AMWG and provides technical advice and recommendations to the AMWG. The AMWG makes recommendations to the Secretary concerning Glen Canyon Dam operations and other management actions to protect resources downstream from Glen Canyon Dam consistent with

the Grand Canyon Protection Act and other applicable provisions of Federal law.

To improve scientific understanding of the downstream ecosystem, periodic experimental releases from Glen Canyon Dam were conducted in water years 1996 through 2006. Non-flow actions were also conducted, including removal of non-native fish and translocation of the endangered Kanab ambersnail and humpback chub. Specific experimental actions included:

- 1996 test of a Beach Habitat Building Flow (BHBF) at 45,000 cubic feet per second (cfs) and translocation of endangered Kanab ambersnail.
- 2000 test of Low Steady Summer Flows at 8,000 cfs.
- 2003—2005 block of experimental actions which included:
  - Translocation of endangered humpback chub above Chute Falls.
  - Winter fluctuating fish suppression releases (5,000 to 20,000 cfs).
  - Mechanical removal of non-native fish near the confluence of the Little Colorado River to benefit the humpback chub.
  - Fall constrained releases to test the conservation of sediment (6,500 to 9,000 cfs).
  - 2004 test of a BHBF at 42,000 cfs immediately following Paria River sediment inputs.

In addition, drought-induced reductions in Lake Powell elevations caused an increase in dam release temperatures during 2003 to 2005. Considerable monitoring and research on endangered fish, sediment conservation, and other resources in the Grand Canyon were conducted in concert with these actions. Among other documents related to adaptive management experimentation, two Environmental Assessments and Findings of No Significant Impacts were prepared: Proposed Experimental Releases from Glen Canyon Dam and Removal of Non-Native Fish (2002) and Proposed Experimental Actions for Water Years 2005–2006—Colorado River, Arizona, in Glen Canyon National Recreation Area and Grand Canyon National Park (2004). These two documents can be found at the following Internet location: *http://www.usbr.gov/uc/rm/gcdltep/index.html*.

Proposed Action

The proposed action is to develop and adopt a Long-Term Experimental Plan that will implement a structured, long-term program of experimentation (including dam operations, modifications to Glen Canyon Dam intake structures, and other non-flow management actions, such as removal of non-native fish species) in the Colorado River below Glen Canyon Dam.

Purpose and Need for Action

The purpose of the proposed action is to increase scientific understanding of the ecosystem downstream from Glen Canyon Dam and to improve and protect important downstream resources. Specific hypotheses to be addressed include the effect of dam release temperatures; ramp rates; non-native control; and the timing, duration, and magnitude of BHBF releases. Adoption of a Long-Term Experimental Plan is needed to ensure a continued, structured application of adaptive management in such a manner as to protect, mitigate adverse impacts to, and improve the values for which Grand Canyon National Park and Glen Canyon National Recreation Area were established, including, but not limited to natural and cultural resources and visitor use, consistent with applicable Federal law. Adoption of a Long-Term Experimental Plan will assist scientists, policy makers, and resource managers to better understand resource management options, tradeoffs and consequences, and assist in the long-term operations of Glen Canyon Dam.

Scoping

The range of alternatives for the proposed action will be developed following recommendations provided by the AMWG and through information received from upcoming public scoping meetings. In addition, Reclamation will utilize information developed through prior meetings of the AMWG, Technical Work Group, and Science Planning Group as relevant information for the purposes of scoping the upcoming NEPA process and to develop the appropriate scope of analysis pursuant to 40 CFR 1508.25.

Public Disclosure

It is our practice to make comments, including names, home addresses, home telephone numbers, and e-mail addresses of respondents, available for public review. Individual respondents may request that we withhold their names and/or home addresses, etc., but if you wish us to consider withholding this information you must state this prominently at the beginning of your comments. In addition, you must present a rationale for withholding this information. This rationale must demonstrate that disclosure would constitute a clearly unwarranted invasion of privacy. Unsupported assertions will not meet this burden. In the absence of exceptional, documentable circumstances, this information will be released. We will always make submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

Dated: November 17, 2006.

Rick L. Gold,

Regional Director—UC Region, Bureau of Reclamation.

[FR Doc. E6–20756 Filed 12–11–06; 8:45 am]

BILLING CODE 4310–MN–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–961 (Final) (Remand)]

Carbon and Certain Alloy Steel Wire Rod From Trinidad and Tobago; Notice and Scheduling of Remand Proceeding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: The United States International Trade Commission (Commission) gives notice of the court-ordered remand of its final antidumping duty investigation, Investigation No. 731–TA–961 (Final) (Remand).

FOR FURTHER INFORMATION CONTACT: Jonathan J. Engler, Esq., Office of the General Counsel, telephone (202) 205–3112, or Mary Messer, Office of Investigations, telephone (202) 205–3193, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*).

SUPPLEMENTARY INFORMATION:

Reopening the Record

In October 2002, the Commission made a final affirmative determination in the referenced investigation. 67 FR 66662 (Nov. 1, 2002). Respondent appealed the determination to the U.S. Court of International Trade (CIT), which affirmed the Commission's determination. *Caribbean Ispat Ltd.* v. *United States,* Slip Op. 05–37 (March 22, 2005). Respondent appealed to the U.S. Court of Appeals for the Federal Circuit, which vacated and remanded the Commission's determination. *Caribbean Ispat Ltd.* v. *United States,*