

the Final EIS, contact Nanette Seto or Tara Zimmerman, Migratory Birds and Habitat Programs, 911 NE. 11th Avenue, Portland, OR, 97232, telephone (503) 231-6164, facsimile (503) 231-2019.

**SUPPLEMENTARY INFORMATION:** Copies of the Final EIS will be available for viewing and downloading online at:

1. <http://migratorybirds.pacific.fws.gov/CATE.htm>,
2. <http://www.nwp.usace.army.mil/pm/e/>, and
3. <http://nwr.noaa.gov>.

Printed documents will also be available for review at the following libraries:

1. North Olympic Library System, Port Angeles Branch, Port Angeles, WA,
2. North Olympic Library System, Sequim Branch, Sequim, WA,
3. Astoria Public Library, Astoria, OR,
4. Multnomah County Central Library, Portland, OR,
5. Eugene Public Library, Eugene, OR,
6. Lake County Library, Lakeview, OR,
7. San Francisco Public Library, San Francisco, CA, and
8. Oakland Main Public Library, Oakland, CA

Copies of the Final EIS may be obtained by writing to U.S. Fish and Wildlife Service, Migratory Birds and Habitat Programs, Attn: Nanette Seto, 911 NE. 11th Avenue, Portland, OR, 97232, or [cateeis@fws.gov](mailto:cateeis@fws.gov).

#### Background

Recent increases in the number of Caspian terns nesting in the Columbia River estuary, Oregon, have led to concerns over their potential impact on the recovery of threatened and endangered Columbia River salmon. In 2000, Seattle Audubon, National Audubon, American Bird Conservancy, and Defenders of Wildlife filed a lawsuit against the Corps alleging that compliance with NEPA for a proposed action of relocating the large colony of Caspian terns from Rice Island to East Sand Island was insufficient, and against the Service in objection to the potential take of eggs as a means to prevent nesting on Rice Island. In 2002, all parties reached a settlement agreement. The settlement agreement stipulates that the Service, Corps, and NOAA Fisheries prepare an EIS to address Caspian tern management in the Columbia River estuary and juvenile salmonid predation.

The three cooperating agencies analyzed four alternatives for future Caspian tern management in the Columbia River estuary; of these, Alternative C has been identified as the preferred alternative.

Alternative C has not been modified from the Draft EIS which was released on July 23, 2004 for public review. This alternative proposes management actions that would reduce tern predation on juvenile salmonids in the Columbia River estuary by redistributing a portion of the tern colony on East Sand Island throughout the Pacific Coast/Western region. This would be achieved by reducing the tern nesting site on East Sand Island to approximately 1 to 1.5 acres and managing sites in Washington, Oregon, and California specifically for displaced Caspian terns. Future management sites include Dungeness National Wildlife Refuge, Washington; Summer, Crump, and Fern Ridge lakes, Oregon; and Brooks Island, Hayward Regional Shoreline, and Don Edwards San Francisco Bay National Wildlife Refuge in San Francisco Bay, California. We expect a colony size of approximately 2,500 to 3,125 nesting pairs to remain on East Sand Island.

The Corps would continue efforts, such as hazing (e.g., disturbance to terns prior to the nesting season), to prevent Caspian tern nesting on upper estuary islands (e.g., Rice Island, Miller Sands Spit, Pillar Rock Island) of the Columbia River estuary to prevent high tern predation rates of juvenile salmonids and comply with the 1999 Corps Columbia River Channel Operation and Maintenance Program Biological Opinion. The Service would issue an egg take permit to the Corps for upper estuary islands (not including East Sand Island) if the efforts to prevent tern nesting at these sites fail. Additionally, the Corps would resume dredged material (e.g., sand) disposal on the downstream end of Rice Island, on the former Caspian tern nesting site.

Public comments were requested, considered, and incorporated throughout the planning process in numerous ways. Public outreach has included open houses, planning updates, *Federal Register* notices, and a project website. Two previous notices were published in the *Federal Register* concerning this EIS (68 FR 16826, April 7, 2003 and 69 FR 44053, July 23, 2004). During the Draft EIS comment period (July 23, 2004 to September 21, 2004), the Service received a total of 37 comments (e-mails, letters, faxes, or postcards). All substantive issues raised in the comments have been addressed through revisions incorporated into the Final EIS text or in responses to comments contained in Appendix J of the Final EIS.

Dated: December 3, 2004.

David J. Wesley,  
Regional Director, U.S. Fish and Wildlife Service, Region 1, Portland, Oregon.  
[FR Doc. 05-4 Filed 1-13-05; 8:45 am]  
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## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### Indian Gaming

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

**ACTION:** Notice of Third Extension to Tribal-State Compact.

**SUMMARY:** This notice publishes the Third Extension of the Tribal-State Compact between the Pyramid Lake Paiute Indian Tribe and the State of Nevada. The Compact is extended until January 5, 2006.

**EFFECTIVE DATE:** January 14, 2005.

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

**SUPPLEMENTARY INFORMATION:** Under Section 11 of the Indian Gaming Regulatory Act of 1988 (IGRA), Public Law 100-497, 25 U.S.C. 2710, the Secretary of the Interior shall publish in the *Federal Register* notice of approved Tribal-State Compacts for the purpose of engaging in Class III gaming activities on Indian lands.

On January 6, 1998, the Assistant Secretary-Indian Affairs, Department of the Interior, through his delegated authority, approved the Compact between the Pyramid Lake Paiute Tribe and the State of Nevada, which was executed on August 4, 1997. The Compact is extended until January 5, 2006.

Dated: December 22, 2004.

Michael D. Olsen,  
Principal Deputy Assistant Secretary—Indian Affairs.

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BILLING CODE 4310-4N-P

THIRD EXTENSION  
TO THE  
COMPACT BETWEEN  
THE PYRAMID LAKE PAIUTE INDIAN TRIBE  
AND THE STATE OF NEVADA  
GOVERNING CLASS III GAMING

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COMPACT BETWEEN  
THE PYRAMID LAKE PAIUTE INDIAN TRIBE  
AND THE STATE OF NEVADA  
GOVERNING CLASS III GAMING**

This Third Extension is made by and between the PYRAMID LAKE PAIUTE INDIAN TRIBE (Tribe) and the STATE OF NEVADA (State), pursuant to Public Law 100-497, the Indian Gaming Regulatory Act, codified at 25 U.S.C. §§ 2701-2721 and 18 U.S.C. §§ 1166-1168.

RECITALS

WHEREAS, in 1997, the Tribe and the State as separate sovereigns, each recognizing and respecting the laws and authority of the other, entered into a Tribal-State Gaming Compact (Compact), a copy of which is attached and made a part hereof, to provide a regulatory framework for the operation of certain Class III gaming on the Indian lands of the Tribe; and

WHEREAS, Article X of the Compact provides in pertinent part that “[t]his Agreement shall take effect upon approval by the Secretary of the Interior (or his designee) and shall remain in effect for a period of four (4) years from commencement of gaming operations or until modified or terminated by mutual agreement, provided, that the term of this Agreement may be extended for additional periods of up to 20 years upon the mutual written consent of the parties. . .”; and

WHEREAS, on December 12, 1997, the Secretary of the Interior approved the Compact, including the provision which allowed for its extension for additional periods of up to 20 years upon the mutual written consent of the Tribe and the State; and

WHEREAS, on November 1, 2001, the Tribe and the State invoked the authority provided within Article X and extended the Compact for an additional two (2) year period which expired on January 6, 2004; and

WHEREAS, on or about August 15, 2003, the Tribe and the State again invoked the authority provided within Article X and extended the Compact for an additional one (1) year period which will expire in January 6, 2005; and

WHEREAS, the Tribe and the State wish to invoke the authority provided within Article X and extend the Compact for an additional one (1) year period, and to have all of the terms, conditions and requirements of the Compact remain in full force and effect.

NOW, THEREFORE, in consideration of the foregoing and other good and valuable consideration, the parties agree as follows:

1. The PYRAMID LAKE PAIUTE INDIAN TRIBE and the STATE OF NEVADA as separate sovereigns, hereby invoke the authority set forth within Article X of the Tribal-State Gaming Compact, which provides for the operation of certain Class III gaming on the Indian lands of the Pyramid Lake Paiute Tribe, and approved by the Secretary of the Interior, and extend the Compact for an additional one (1) year term; and

2. All terms, conditions, requirements and obligations as set forth within the Compact as originally agreed upon by the PYRAMID LAKE PAIUTE INDIAN TRIBE and the STATE OF NEVADA shall remain in full force and effect in all respects.

IN WITNESS THEREOF, the parties hereto have caused this Third Extension to the Compact to be duly executed.

PYRAMID LAKE PAIUTE TRIBE OF INDIANS

Bonnie Akaka-Smith  
BONNIE AKAKA-SMITH, Chairwoman

Dated: 9-20-04

STATE OF NEVADA

Dennis Neilander  
DENNIS NEILANDER, Gaming Control Board Chairman

Dated: 9/20/04

Kenny Guinn  
KENNY GUINN, Governor

Dated: 10/11/04

Brian Sandoval  
BRIAN SANDOVAL, Attorney General

Dated: 10/15/04

Michael E. Wilson  
MICHAEL WILSON, Assistant Chief Deputy Attorney General

Dated: 11/02/04

John F. Curney  
BOARD OF EXAMINERS

Dated: 10-29-04

State of Nevada  
Carson City

This instrument was acknowledged before me on this 2<sup>nd</sup> day of November, 2003<sup>4</sup>, by Michael E. Wilson, as Assistant Chief Deputy Attorney General.

Melissa Mendoza  
Notary Public

