

construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the

flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at [https://www.floodsrp.org/pdfs/srp\\_overview.pdf](https://www.floodsrp.org/pdfs/srp_overview.pdf).

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where

applicable, FIS report for each community are available for inspection at both the online location <https://www.fema.gov/preliminaryfloodhazarddata> and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at <https://msc.fema.gov> for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

**Michael M. Grimm,**  
Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
<b>Somervell County, Texas and Incorporated Areas</b> <b>Project: 20-06-0058S Preliminary Date: June 9, 2020</b>	
City of Glen Rose .....	City Hall, 201 Northeast Vernon Street, Glen Rose, TX 76043.
Unincorporated Areas of Somervell County .....	Somervell County Annex Building, 102 Northeast Vine Street, Glen Rose, TX 76043.
<b>Fredericksburg City, Virginia (Independent City)</b> <b>Project: 18-03-0012S Preliminary Date: January 31, 2020</b>	
City of Fredericksburg .....	City Hall, 715 Princess Anne Street, Room 209, Fredericksburg, VA 22401.
<b>Spotsylvania County, Virginia (All Jurisdictions)</b> <b>Project: 18-03-0011S Preliminary Date: January 31, 2020</b>	
Spotsylvania County Unincorporated Areas .....	Spotsylvania County Planning and Zoning Department, 9019 Old Battlefield Boulevard, Suite 320, Spotsylvania, VA 22553.

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**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

[FWS-R2-ES-2020-N119;  
FXES111602C0000-201-FF02ENEH00]

**Candidate Conservation Agreement With Assurances for the False Spike and Texas Fawnsfoot in the Brazos River Basin**

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

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

**SUMMARY:** We, the U.S. Fish and Wildlife Service, have received an application from the Brazos River Authority, a special district of the State

of Texas responsible for development and management of the water resources of the Brazos River Basin in Texas. The application is for an enhancement of survival permit under the Endangered Species Act that would authorize incidental take of two candidate mussel species, false spike and Texas fawnsfoot. The application includes a candidate conservation agreement with assurances (CCAA) for freshwater mussel conservation and surface water supply and delivery operations and maintenance activities in the Brazos River Basin in Texas. We have made a preliminary determination that the CCAA is eligible for categorical exclusion under the National Environmental Policy Act (NEPA). The basis for this determination is contained in a low-effect screening form for a categorical exclusion (dCatEx form), which evaluates the impacts of

implementation of the proposed CCAA. The documents available for comment include the low-effect screening form that supports a categorical exclusion under NEPA, the CCAA, and an enhancement of survival permit application.

**DATES:** To ensure consideration, written comments must be received or postmarked on or before 11:59 p.m. eastern time on November 5, 2020. We may not consider any comments we receive after the closing date in the final decision on this action.

**ADDRESSES:**

*Accessing Documents:*  
*Internet:* The dCatEx form, CCAA, and permit application: You may obtain electronic copies of these documents on the Service's website at <https://www.fws.gov/southwest/es/AustinTexas/>.

*U.S. Mail:* You may obtain the documents at the following addresses. In your request for documents, please reference Brazos River Authority CCAA.

- *dCatEx form and CCAA:* A limited number of CD-ROM and printed copies of the dCatEx form and CCAA are available, by request, from Mr. Adam Zerrenner, Field Supervisor, Austin Ecological Services Field Office, Austin, TX 78758, telephone 512-490-0057.

- *EOS permit application:* The EOS permit application is available by mail from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Room 6034, Albuquerque, NM 87103, Attention: Environmental Review Branch.

*Submitting Comments:* Regarding any of the documents available for review, you may submit written comments by one of the following methods. In your comments, please reference Brazos River Authority CCAA.

- *Email:* Submit comments to [FW2\\_HCP\\_Permits@fws.gov](mailto:FW2_HCP_Permits@fws.gov).
- *U.S. Mail:* Field Supervisor, Austin Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, TX 78758.

We request that you send comments by only one of the methods described above.

#### FOR FURTHER INFORMATION CONTACT:

Adam Zerrenner, Field Supervisor, by mail at U.S. Fish and Wildlife Service, 10711 Burnet Road, Suite 200, Austin, TX 78758; via phone at 512-490-0057; or via the Federal Relay Service at 800-877-8339.

**SUPPLEMENTARY INFORMATION:** Section 9 of the Endangered Species Act (ESA; 16 U.S.C. 1531 *et seq.*) and its implementing regulations prohibit the “take” of animal species listed as endangered or threatened. Take is defined under the ESA as to “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect listed animal species, or to attempt to engage in such conduct” (16 U.S.C. 1538). However, under section 10(a) of the ESA, we may issue permits to authorize the enhancement of survival (EOS) of candidate species. “Incidental take” is defined by the ESA as take that is incidental to, and not the purpose of, carrying out an otherwise lawful activity. Regulations governing such take of endangered and threatened/ candidate species, respectively, are found in the Code of Federal Regulations at 50 CFR 17.22 and 50 CFR 17.32.

#### Background

The Brazos River Authority (BRA) has applied to the U.S. Fish and Wildlife

Service (Service) for an EOS under section 10(a)(1)(A) of the ESA. The requested EOS permit, which would become effective on the date the species may be listed in the future. If the EOS is issued, it would authorize incidental take of the false spike (*Fusconaia mitchelli*) and Texas fawnsfoot (*Truncilla macrodon*), two mussel species listed as candidates under the ESA. The permit would be in effect from the effective date of a listing for the remainder of the 20-year duration of the CCAA. The proposed incidental take would result from activities associated with otherwise lawful activities resulting from implementation of the measures in the CCAA’s conservation strategy, and ongoing and continuing water supply development activities. The CCAA and associated permit would implement a voluntary conservation strategy for freshwater mussels developed by the BRA informed by the National Strategy for the Conservation of Native Freshwater Mussels developed by the National Freshwater Mollusk Conservation Society. The conservation strategy includes avoidance and minimization measures to reduce impacts to candidate mussels and their habitats, a monitoring and adaptive management program, environmental flow standards, and a public outreach and education program about threats affecting the candidate mussels. In addition, it includes development of revised flow standards specific to candidate mussels, in conjunction with development of hydrologic modeling to inform adaptive management. There is also support for development of short-term refugia and research into propagation methods. The expected result of the implementation of the conservation strategy is likely a net conservation benefit to the candidate false spike and candidate Texas fawnsfoot.

The intent of the CCAA and associated permit is to provide the BRA with the opportunity to voluntarily conserve both species and their habitat, while carrying out their existing and ongoing water supply and water delivery operations and providing a net conservation benefit to the species. If approved, the EOS would be for a 20-year period following the signature of the CCAA and would authorize incidental take of the false spike and Texas fawnsfoot, if the species come to be listed under the ESA.

#### Proposed Action

The proposed action involves the issuance of an EOS by the Service for the covered activities in the permit area, under section 10(a)(1)(A) of the ESA.

The EOS would cover “take” of the covered species associated with implementation of a conservation strategy for freshwater mussels and the operation and maintenance of BRA’s water supply and distribution system within the permit area. An application for an EOS must include a CCAA that describes the conservation measures the applicant has agreed to undertake to minimize and mitigate for the impacts of the proposed taking of covered species to the maximum extent practicable. The applicant will fully implement the CCAA if approved by the Service.

#### Next Steps

We will evaluate the CCAA and comments we receive to determine whether the EOS application meets the requirements of section 10(a)(1)(A) of the ESA. We will also evaluate whether issuance of a section 10(a)(1)(A) permit would comply with section 7 of the ESA by conducting an intra-Service section 7 consultation. We will also evaluate the comments received to determine if the CCAA is eligible for categorical exclusion under the National Environmental Policy Act (NEPA). We will use the results of the combination of the above findings, in our final analysis to determine whether to issue an EOS. If all necessary requirements are met, we may issue the EOS to the applicant.

#### Public Availability of Comments

Written comments we receive become part of the public record associated with this action. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can request in your comment that we withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

#### Authority

We provide this notice under section 10(c) of the ESA and its implementing regulations (50 CFR 17.22 and 17.32) and the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its

implementing regulations (40 CFR 1506.6).

**Amy L. Lueders,**

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

[FR Doc. 2020-22063 Filed 10-5-20; 8:45 am]

**BILLING CODE 4333-15-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

[201A2100DD/AAKC001030/A0A51010.  
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### Land Acquisitions; Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota

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

**ACTION:** Notice.

**SUMMARY:** The Assistant Secretary—Indian Affairs has made a final determination to acquire 9,303.79 acres, more or less, into trust for the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota.

**DATES:** This determination was made on May 22, 2019.

**FOR FURTHER INFORMATION CONTACT:** Ms. Sharlene M. Round Face, Bureau of Indian Affairs, Division of Real Estate Services, 1001 Indian School Road NW, Albuquerque, NM 87104, telephone (505) 563-3132, *Sharlene.roundface@bia.gov*.

**SUPPLEMENTARY INFORMATION:** This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by part 209 of the Departmental Manual, and is published to comply with the requirement of 25 CFR 151.12(c)(2)(ii) that notice of the decision to acquire land in trust be promptly published in the **Federal Register**.

On May 22, 2019, the Assistant Secretary—Indian Affairs issued a decision to accept land in trust for the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota under the authority of Section 5 of the Indian Reorganization Act of 1934 (48 Stat. 984).

### Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota Dunn and McKenzie Counties, North Dakota Legal Description Containing 9,303.79 Acres, More or Less

#### Dunn County

Township 148 North, Range 95 West, 5th P.M.

Section 4: Lots 1, 2, 3, 4, 5, S $\frac{1}{2}$ NW $\frac{1}{4}$  and SW $\frac{1}{4}$

Section 5: Lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$  Section 6: Lots 1, 2, 3, 4, 5, 6, 7, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 7: Lots 2, 3, 4, N $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Lot 1, E $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$

Section 8: N $\frac{1}{2}$ S $\frac{1}{2}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 9: Lot 4, S $\frac{1}{2}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$

Section 17: SW $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 18: Lots 1, 3, 4, S $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 19: NW $\frac{1}{4}$ , Lots 3, 4, E $\frac{1}{2}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$

Section 20: SW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 28: Lots 3, 4, E $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 29: SE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ , less lands taken by the United States of America, and less a tract of land situated in the SE $\frac{1}{4}$ SW $\frac{1}{4}$  more particularly described as follows: Beginning at a point on the south line of said section 29, said point being 3,301.65 feet west of southeast corner of said section 29, thence westerly along the said south line, 658.35 feet; thence north, 400.00 feet, thence east 300.00 feet, thence southeasterly to the point of beginning.

Section 30: Lot 4, E $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 30: Lot 5, less a tract more particularly described as follows: Beginning at the southeast corner of lot 5, thence westerly along the south line of said lot 5, 732.95 feet thence northeasterly to a point 455.08 feet north and 400.00 feet west of the said southeast corner, thence easterly parallel with the said south line to the east line of said lot 5; thence southerly along the said east line to the point of beginning.

Section 31: Lot 3, NE $\frac{1}{4}$ NW $\frac{1}{4}$

Section 32: NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$ , being parts of Lots 1, 2, and 3, less a tract of land in lot 3, more particularly described as follows: Beginning at a point 660.00 feet south and 3,100.00 feet west of the northeast corner of said section 32, thence west 200.00 feet, thence north, to the north line of said lot 3, thence southeasterly to the point of beginning.

Section 33: Lot 1, N $\frac{1}{2}$ NW $\frac{1}{4}$

Township 148 North, Range 96 West, 5th P.M.

Section 1: Lots 1, 2, 3, S $\frac{1}{2}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$

Section 2: SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 12: NE $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$

Section 13: SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ , NW $\frac{1}{4}$ , N $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 14: SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 23: N $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$

Section 24: NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 25: E $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ NE $\frac{1}{4}$ , Lots 1, 2, W $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$

Section 26: Lots 5, 6, 10, N $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$

#### McKenzie County

Township 149 North, Range 95 West

Section 25: Lot 4

Section 26: SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 33: S $\frac{1}{2}$

Section 34: S $\frac{1}{2}$ , less all that portion of the S $\frac{1}{2}$ SE $\frac{1}{4}$  of said section 34, lying within a strip of land, said strip being 80 feet wide, lying 40 feet on each side of the following described center line: Beginning at a point on the east line of the said S $\frac{1}{2}$ SE $\frac{1}{4}$  of section 34, 305.2 feet from the SE corner thereof, said point being on the centerline of the state highway as surveyed and staked over and across the said S $\frac{1}{2}$ SE $\frac{1}{4}$ , section 34, thence running S 25°31' W 339.8 feet to the south line of the said S $\frac{1}{2}$ SE $\frac{1}{4}$ , section 34, excepting all that portion lying within 33 feet of the section line.

Section 35: S $\frac{1}{2}$ , less all that portion of the SW $\frac{1}{4}$  of said section 35, lying within a strip of land, said strip being 80 feet wide, lying 40 feet on each side of the following described center line: Beginning at a point on the west line of the said SW $\frac{1}{4}$  of Section 35, 305.2 feet from the SW corner thereof, said point being on the center line of the state highway as surveyed and staked over and across the said SW $\frac{1}{4}$  of Section 35, thence running N 25°31' E 315 feet, excepting all that portion lying within 33 feet of a section line.

Section 35: NE $\frac{1}{4}$

Better described as:

#### Dunn County

Township 148 North, Range 95 West, 5th Principal Meridian

Section 4: Lots 1, 2, 3, 4, 5, S $\frac{1}{2}$ NW $\frac{1}{4}$ , and SW $\frac{1}{4}$

Section 5: ALL

Section 6: ALL

Section 7: Lots 2, 3, 4, N $\frac{1}{2}$ NE $\frac{1}{4}$ ,

SE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Lot 1, E $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$

Section 8: N $\frac{1}{2}$ S $\frac{1}{2}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 9: Lot 4, S $\frac{1}{2}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$

Section 17: SW $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 18: Lots 1, 3, 4, S $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 19: NW $\frac{1}{4}$ , Lots 3, 4, E $\frac{1}{2}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$

Section 20: SW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 28: Lots 3, 4, E $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 29: S $\frac{1}{2}$ SE $\frac{1}{4}$ , W $\frac{1}{2}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ , LOT 1 and the SE $\frac{1}{4}$ SW $\frac{1}{4}$

EXCEPT a tract of land described as follows: Beginning at the Southwest corner of Section 29, thence north on the West line of Lot 1 a distance of 662.13 feet, thence N 89°53'25" E on an assumed bearing a distance of 1317.08 feet to the East line of Lot 1, thence S 0°08'33" E on said East line of Lot 1 for distance of 261.6 feet, thence N 89°52'02" E a distance of 300 feet, thence Southeasterly to a point on the South line of Section 29, said point being 658.35 feet easterly of the W $\frac{1}{16}$  corner common to sections 29 and 32, thence S 89°52'02" W a distance of 658.35 feet to said W $\frac{1}{16}$  corner, thence continue S