

throughout the range of the species in California for the purpose of enhancing its survival.

**Permit No. TE-225970**

*Applicant:* Charlotte M. Marks, Sacramento, California.

The applicant requests a permit to take (harass by survey, capture, handle, and release) the California tiger salamander (*Ambystoma californiense*) in conjunction with surveys and population monitoring throughout the range of the species in California for the purpose of enhancing its survival.

**Permit No. TE-225974**

*Applicant:* Midpeninsula Regional Open Space District, Los Altos, California.

The applicant requests a permit to take (survey, capture, handle, release, and conduct habitat enhancement activities) the San Francisco garter snake (*Thamnophis sirtalis*) in conjunction with population monitoring and habitat enhancement activities in San Mateo County, California, for the purpose of enhancing its survival.

**Permit No. TE-073205**

*Applicant:* Cristina P. Sandoval, Goleta, California.

The applicant requests an amendment to an existing permit, which we granted May 26, 2005, for a Federally threatened species. The original permit allowed the applicant to take (harass by survey, locate and monitor nests, erect nest enclosures, collect and incubate eggs that are abandoned and/or in danger of predation, captive-rear chicks, and release them into the wild) the western snowy plover (*Charadrius alexandrinus nivosus*) in conjunction with surveys and population monitoring activities at the Coal Point Reserve in Santa Barbara County, California, for the purpose of enhancing its survival. The applicant requests an amendment to take (survey, locate, population monitor, place decoys, and play taped vocalizations) the California least tern (*Sterna antillarum browni*) in conjunction with surveys and population monitoring activities at the Coal Point Reserve in Santa Barbara County, California for the purpose of enhancing their survival.

**Permit No. TE-117947**

*Applicant:* Kevin B. Clark, San Diego, California.

The applicant requests an amendment to an existing permit (February 13, 2006, 71 FR 7563) to take (capture, collect, and kill) the Conservancy fairy shrimp (*Branchinecta conservatio*), the longhorn fairy shrimp (*Branchinecta*

*longiantenna*), the Riverside fairy shrimp (*Streptocephalus wootoni*), the San Diego fairy shrimp (*Branchinecta sandiegonensis*), and the vernal pool tadpole shrimp (*Lepidurus packardii*) in conjunction with surveys throughout the range of each species in California for the purpose of enhancing their survival.

**Permit No. TE-227263**

*Applicant:* Emilie A. Strauss, San Rafael, California.

The applicant requests a permit to take (harass by survey) the California clapper rail (*Rallus longirostris obsoletus*) in conjunction with surveys and population monitoring studies throughout the range of the species in California, for the purpose of enhancing its survival.

**Permit No. TE-795930**

*Applicant:* Helm Biological Consulting, Lincoln, California.

The applicant requests an amendment to an existing permit (February 16, 1996, 61 FR 6253) to take (collect soil containing Federally listed fairy shrimp cysts, translocate, and inoculate cysts into restored vernal pools) the Conservancy fairy shrimp (*Branchinecta conservatio*), the longhorn fairy shrimp (*Branchinecta longiantenna*), the Riverside fairy shrimp (*Streptocephalus wootoni*), the San Diego fairy shrimp (*Branchinecta sandiegonensis*), and the vernal pool tadpole shrimp (*Lepidurus packardii*) in conjunction with vernal pool restoration and population enhancement activities throughout the range of each species in California for the purpose of enhancing their survival.

We invite public review and comment on each of these recovery permit applications. Comments and materials we receive will be available for public inspection, by appointment, during normal business hours at the address listed in the **ADDRESSES** section of this notice.

Dated: September 21, 2009.

**Michael Long,**

*Acting Regional Director, Region 8, Sacramento, California.*

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**BILLING CODE 4310-55-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### Final Environmental Impact Statement for the Mandan, Hidatsa, Arikara (MHA) Nation's Proposed Clean Fuels Refinery, Fort Berthold Indian Reservation, Ward County, ND

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

**ACTION:** Extension of comment period.

**SUMMARY:** On August 28, 2009, the Bureau of Indian Affairs (BIA) and the U.S. Environmental Protection Agency (EPA) as co-lead agencies; and the Mandan, Hidatsa and Arikara (MHA) Nation and the U.S. Army Corps of Engineers as cooperating agencies, published a Notice of Availability for a Final Environmental Impact Statement (FEIS) for the proposed Clean Fuels Refinery (74 FR 44380). This notice announces an extension of the public comment period until October 28, 2009.

**DATES:** Public comments on the FEIS must arrive on or before October 28, 2009.

**ADDRESSES:** You may mail or hand carry written comments to Mike Black, Regional Director, Bureau of Indian Affairs, Great Plains Regional Office, 115 4th Avenue, SE., Aberdeen, SD.

**FOR FURTHER INFORMATION CONTACT:** Mike Black, BIA, 605-226-7343, or Steve Wharton, EPA, 303-312-6935 or 800-227-8917.

#### SUPPLEMENTARY INFORMATION:

The Three Affiliated Tribes (MHA Nation) has requested that BIA accept into trust status 469 acres for the MHA Nation to construct, own, operate, and maintain a petroleum refinery on 190 acres of the 469-acre parcel. The remaining acres would be used to grow forage for buffalo. The land in the northeast corner of the Fort Berthold Indian Reservation is located along Highway 23, four miles west of the town of Makoti in Ward County, North Dakota.

The MHA Nation has also applied to EPA for a National Pollutant Discharge Elimination System (NPDES) permit under the Clean Water Act for discharges from the proposed refinery.

Feedstock for the proposed refinery would include 10,000 barrels per stream day (BPSD) of synthetic crude oil via existing pipeline from Alberta, Canada; 3,000 BPSD of field butane from local suppliers; 6 million standard cubic feet per day of natural gas via existing pipeline; and 300 barrels of bio-diesel or 8,500 bushels per day of soybeans. From the feedstock, the refinery would

produce about 5,750 BPSD of diesel fuel, 6,770 BPSD of gasoline, and 300 BPSD of propane.

The FEIS analyzes potential environmental effects of two Federal agency decisions: (1) Whether BIA should accept lands into trust in support of the MHA Nation's proposal to construct and operate a clean fuels refinery and produce buffalo forage; and (2) whether EPA should issue a Clean Water Act NPDES permit for the process water discharges associated with the operation of the proposed refinery. The FEIS has identified the Agencies' preferred alternatives. BIA and EPA will be making their decisions in separate Records of Decision (RODs), which will be issued after the 30-day wait period on the FEIS. The MHA Nation will be deciding whether to build and operate the refinery.

BIA has identified its preferred alternative as Alternative 3. In this alternative, BIA would not place the land into trust status and the refinery could be constructed by the Tribes. If the proposed refinery is constructed, EPA has identified Alternative A, issuance of an NPDES permit for effluent discharges associated with the refinery as its preferred water discharge alternative. EPA and BIA recommend that the design of the refinery, if constructed, be modified consistent with Alternative 4.

#### Public Availability of the FEIS

The FEIS is available on the Web at: <http://www.epa.gov/region8/compliance/nepa>.

Hard copies of the document are available for review for public review at the following locations:

- Bureau of Indian Affairs, Great Plains Regional Office, 115 4th Avenue, SE., Aberdeen, SD.
- Bureau of Indian Affairs, Fort Berthold Agency, 202 Main Street, New Town, ND.
- EPA Region 8 Library, 1595 Wynkoop Street, Denver, CO.
- Three Affiliated Tribes Governmental Offices, 404 Frontage Road, New Town, ND
- Each of the MHA Nation's Segment Offices: Four Bears (Tribal Gov. Center), Mandaree, Shell Creek (New Town), Lucky Mound (Parshall), Twin Buttes, and White Shield, and
- Rensch garage in Makoti, ND.

#### Authority

This notice is published in accordance with section 1506.10 of the Council on Environmental Quality Regulations (40 CFR parts 1500 through 1508) implementing the procedural requirements of the National

Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*), and related Department of the Interior requirements in the Department of the Interior Manual (516 DM 1–6), and is in exercise of authority delegated to the Principal Deputy Assistant Secretary—Indian Affairs by 209 DM 8.

Dated: September 22, 2009.

**Larry Echo Hawk,**

*Assistant Secretary—Indian Affairs.*

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[AZ–330–09–L12320000–AL0000–LVRCAZ070000]**

#### Notice of Final Supplementary Rules on Public Lands Managed by the Lake Havasu Field Office, Arizona and California

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Final supplementary rules.

**SUMMARY:** The Bureau of Land Management (BLM) Lake Havasu Field Office is issuing revised supplementary rules to implement decisions of the Lake Havasu Field Office Resource Management Plan (2007), to protect valuable and fragile natural and cultural resources, and to provide for public safety and enjoyment.

**DATES:** These supplementary rules are effective October 26, 2009.

**ADDRESSES:** Bureau of Land Management, Lake Havasu Field Office, 2610 Sweetwater Avenue, Lake Havasu City, Arizona 86406 or e-mail to [Lake\\_Havasu@blm.gov](mailto:Lake_Havasu@blm.gov).

#### FOR FURTHER INFORMATION CONTACT:

Mike Henderson, Assistant Field Manager, or Michael Dodson, Field Staff Law Enforcement Ranger, Bureau of Land Management, Lake Havasu Field Office, 2610 Sweetwater Avenue, Lake Havasu City, Arizona 86406; telephone 928–505–1200, e-mail [Mike\\_Henderson@blm.gov](mailto:Mike_Henderson@blm.gov) or [Michael\\_Dodson@blm.gov](mailto:Michael_Dodson@blm.gov).

#### SUPPLEMENTARY INFORMATION:

- I. Background
- II. Discussion of Supplementary Rules
- III. Procedural Matters

#### I. Background

The following supplementary rules cover 1.3 million acres of the public land in the States of Arizona and California within the jurisdiction of the BLM Lake Havasu Field Office. These lands were included in the Lake Havasu

Field Office Resource Management Plan (2007), and are adjacent to the Colorado River in the counties of Mohave, Maricopa, and La Paz (Arizona), and San Bernardino (California). The supplementary rules are created to implement the Lake Havasu Field Office Resource Management Plan on public lands within the planning area and to provide for continued management of these specific areas: Lake Havasu Shoreline, Parker Strip Recreation Management Area, Craggy Wash, and Swansea Townsite.

The primary purpose of the Lake Havasu Shoreline Program is to provide areas for boating, camping, and day-use. The recreation sites, designated as camps or day-use sites, are in areas traditionally used by boat-in camp visitors. This program was established to accommodate the increasing demand for shoreline recreational sites and to improve management of the natural resources. The designation of fee sites assures that specific locations are available for such use year after year.

The Parker Strip Recreation Management Area also experiences high visitor use. It contains campgrounds, day-use areas, off-highway vehicle use areas, boat ramps, picnic areas, concession operated resorts, and the Parker Dam Road National Backcountry Byway.

The Craggy Wash area is located directly adjacent to the north side of the Lake Havasu City Municipal Airport and east of State Route 95. It is heavily used for dispersed camping during the cooler months of the year (October to April). The area is also utilized by target shooters, off-highway vehicles, sightseers, bicyclists, and hikers. Frequently, as many as 300 visitors may be in the area at one time.

These supplementary rules replace existing rules for the Lake Havasu Shoreline, Aubrey Hills area, Craggy Wash area, Standard Wash area, Desert Bighorn Sheep Lambing Grounds (in Lake Havasu City, AZ), the Parker Strip Recreation Area (adjacent to the Colorado River in Arizona and California), and the Swansea Townsite (in La Paz County, Arizona). Existing supplementary rules were published in the **Federal Register** on September 15, 2003 (68 FR 54004–54007). These supplementary rules also replace previous supplementary rules published on May 21, 1998 (63 FR 27995), May 18, 1998 (63 FR 27316), and October 12, 1995 (60 FR 53194).

On March 4, 2008, the BLM published a notice of proposed supplementary rules and sought public comment, 73 FR 11662–11666. The public comment period closed May 5, 2008. BLM