

**FOR FURTHER INFORMATION CONTACT:** Walt Ford, (218) 768-2402.

**SUPPLEMENTARY INFORMATION:**

**Introduction**

With this notice, we complete the CCP process for Rice Lake and Mille Lacs NWRs that began with the **Federal Register** notice 70 FR 5693 (February 3, 2005). For more about the process, see that notice. We released the draft CCP and environmental assessment (EA) to the public, announcing and requesting comments in a notice of availability in the **Federal Register** (72 FR 34711; June 25, 2007).

Rice Lake and Mille Lacs NWRs are located in east-central Minnesota. Both refuges are administered by the staff at Rice Lake NWR. Rice Lake NWR is a mosaic of lakes, marshes, forests, and grasslands that provide a variety of habitat for migrant and resident wildlife. The Refuge is especially noted for its fall concentrations of Ring-necked Ducks, which often number over 150,000 birds. The Refuge also includes pre-historic and historic cultural resources of recognized importance. Mille Lacs NWR is the smallest refuge in the National Wildlife Refuge System. The 0.57-acre Refuge consists of two islands in Mille Lacs Lake. One island is managed as a nesting colony for the State-listed threatened Common Tern. The other island is used by other colonial nesting species. The CCP will guide us in managing and administering Rice Lake and Mille Lacs Refuges for the 15 years following publication of the final CCP. Alternative B, as we described in the environmental assessment, is the foundation for the CCP.

**Background**

*The CCP Process*

The National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 668dd-668ee *et seq.*), requires the Service to develop a CCP for each National Wildlife Refuge. The purpose in developing a CCP is to provide refuge managers with a 15-year strategy for achieving refuge purposes and contributing toward the mission of the National Wildlife Refuge System, consistent with sound principles of fish and wildlife management, conservation, legal mandates, and Service policies. In addition to outlining broad management direction for conserving wildlife and their habitats, the CCP identifies wildlife-dependent recreational opportunities available to the public, including opportunities for hunting,

fishing, wildlife observation and photography, and environmental education and interpretation. We will review and update these CCPs at least every 15 years in accordance with the National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997, and the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4370d).

*CCP Alternatives*

Our draft CCP and NEPA document (72 FR 34711; June 25, 2007) addressed several priority issues raised by us and others. To address these priority issues, we developed and evaluated 2 alternatives during the planning process.

*Alternative A, Current Management*

Under Alternative A, Current Management, the 170 acres of grassland on the auto tour route would be maintained; stable water levels in Rice Lake would be maintained throughout the growing season and at sufficient level to allow rice harvest; the 1,400 acre area with the pending Wilderness recommendation would be managed as de facto wilderness; Native American ceremonies would be held under special use permit and wild rice harvest coordinated with a local Native American committee; cultural resources would not be interpreted on-site; demand for interpretation and environmental education would be responded to as staff and time permitted; the erosion of Hennepin Island would continue; and the 2005 landcover at the Sandstone Unit would be maintained while allowing for forest succession.

*Alternative B, Preferred Alternative*

Under Alternative B, Preferred Alternative, 85 acres would be maintained as grassland on the auto tour route to facilitate wildlife observation; water levels would be allowed to fluctuate in Rice Lake to more closely approximate a natural system; the 1,400 acre Wilderness recommendation would be withdrawn to allow for more active management; Native American ceremonies would be held under special use permit and wild rice harvest would be coordinated with a local Native American committee; additional interpretation of cultural resources would be developed in cooperation with the Mille Lacs Band of Ojibwe; demand for interpretation and environmental education would be responded to with additional interpretive opportunities and educational programs with the addition of a park ranger position; the

erosion of Hennepin Island would be reversed through rebuilding and protection with a constructed reef; and the 2005 landcover at the Sandstone Unit would be maintained while allowing for forest succession.

*Comments*

We solicited comments on the draft CCP and environmental assessment for Rice Lake and Mille Lacs NWRs from June 25, 2007 to July 30, 2007. We held an open house at the refuge headquarters on July 10, 2007, to receive comments. We received approximately 15 written comments during the 35 day comment period. We responded to all substantive comments in an appendix to the CCP.

*Our Preferred Alternative*

After considering the comments we received, we have chosen Alternative B as our preferred alternative. Management of the Refuges for the next 15 years will focus on: (1) Improving the long-term sustainability of wild rice in Rice Lake; (2) reestablishing the white pine super-canopy in Refuge forests; and (3) strengthening programs in wildlife-dependent recreation and cultural resources protection.

Dated: September 12, 2007.

**David R. Downes,**

*Acting Regional Director, Region 3, U.S. Fish and Wildlife Service, Fort Snelling, Minnesota.*

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**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**Yukon Flats National Wildlife Refuge, Alaska**

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

**ACTION:** Notice of availability of the draft Environmental Impact Statement (EIS) for a Proposed Land Exchange in Yukon Flats National Wildlife Refuge, Alaska, and announcement of Alaska National Interest Lands Conservation Act subsistence hearings.

**SUMMARY:** We, the Fish and Wildlife Service, announce that the Draft Environmental Impact Statement (DEIS) for a Proposed Land Exchange in the Yukon Flats National Wildlife Refuge, Alaska, is available for public comment. We prepared this DEIS pursuant to the National Environmental Policy Act of 1969 (NEPA) and its implementing regulations. The Service is furnishing this notice to advise the public and

other agencies of the availability of the DEIS and to solicit comments. We have amended our original schedule to provide 60 days for public comment, rather than the minimum 45 days required by regulation. This extension provides the latest date we can accept public comment and still meet our obligation to complete the EIS within the fiscal year. We believe that 60 days is adequate to meet the needs for public review. Public hearings will be held in February and March in the cities of Anchorage and Fairbanks, and the communities of Arctic Village, Beaver, Birch Creek, Central, Chalkyitsik, Circle, Fort Yukon, Stevens Village, and Venetie. In conjunction with the public hearings, we will hold subsistence hearings under Section 810 of the Alaska National Interest Lands Conservation Act (ANILCA) in the affected communities. The schedule for the hearings will be highly dependent on local weather conditions and other community activities and commitments. Dates, times, and locations will be announced locally at least two weeks prior to each hearing.

**DATES:** We must receive your comments on or before March 25, 2008.

**ADDRESSES:** Written comments may be submitted on-line at <http://yukonflatseis.ensr.com> or mailed to: Yukon Flats EIS Project Office, c/o ENSR, 1835 S. Bragaw Street, Suite 490, Anchorage, AK 99508-3438. To request a paper copy or compact disk of the DEIS, contact: Cyndie Wolfe, Project Coordinator, U.S. Fish and Wildlife Service, 1011 East Tudor Road, MS-231, Anchorage, AK 99503, or [yukonflats\\_noi@fws.gov](mailto:yukonflats_noi@fws.gov) or at 907-786-3463. You may view or download a copy of the DEIS at: <http://yukonflatseis.ensr.com>. Copies of the DEIS may be viewed at the Yukon Flats National Wildlife Refuge Office in Fairbanks, Alaska and at the U.S. Fish and Wildlife Service Regional Office in Anchorage, Alaska.

**FOR FURTHER INFORMATION CONTACT:** Cyndie Wolfe at the above address.

**SUPPLEMENTARY INFORMATION:** The Yukon Flats Refuge is located in eastern interior Alaska. The exterior boundaries encompass about 11.1 million acres, including 2.5 million acres owned or selected by Native corporations established under the Alaska Native Claims Settlement Act of 1971 (ANCSA; 43 U.S.C. 1601, *et seq.*). The Refuge includes the Yukon Flats, a vast wetland basin bisected by the Yukon River. The Refuge supports the highest density of breeding ducks in Alaska, and includes one of the greatest waterfowl breeding areas in North America.

Doyon, Limited (Doyon) is an Alaska Native Regional Corporation established under ANCSA. Under the authority of ANCSA, Congress granted to Doyon land entitlements within an area that later became the Yukon Flats National Wildlife Refuge (Refuge) in 1980. Doyon has ownership interests in nearly 2 million acres within the boundaries of the Refuge, including the surface and subsurface estates of 1.15 million acres of land, and the subsurface estate of another 782,000 acres. An additional 56,500 acres remain to be allocated by Doyon to Village Corporations located in the Refuge; Doyon would own the subsurface to these lands. Doyon is owned by over 14,000 Alaska Natives (Native Americans) with ties to a large portion of interior Alaska. Approximately 1,300 people reside in nine communities in or near the Yukon Flats Refuge. Most residents are Alaska Natives and many are Doyon shareholders.

Negotiators for Doyon and the Fish and Wildlife Service, Alaska Region, have agreed in principle to exchange certain lands within the Refuge. Under the agreement, the United States (U.S.) would convey to Doyon the title to Refuge lands that may hold developable oil and gas resources. In exchange, Doyon would convey to the U.S. certain lands owned by Doyon within the Refuge boundary. These lands include wetlands previously identified by the Service as priority fish and wildlife habitats. In addition, both parties have agreed to exchange nearly six townships (132,000 acres each) to consolidate ownerships and facilitate land management within the Refuge. All lands acquired by the U.S. would be managed as part of the Yukon Flats Refuge. Activities on Doyon-owned lands are not subject to regulation by the Service.

At the request of Doyon and the public, the Service has prepared a Draft Environmental Impact Statement (DEIS) to evaluate the effects of the exchange, in accordance with procedures for implementing the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321-4370d).

The DEIS evaluates a range of reasonable alternatives, including the following four alternatives:

Proposed Action: Equal-value land exchange (based on fair market appraisals) as described in the Agreement in Principle (for the full text of the Agreement, see Appendix A of the DEIS or the project Web site at [http://yukonflatseis.ensr.com/yukon\\_flats/documents\\_other.htm](http://yukonflatseis.ensr.com/yukon_flats/documents_other.htm)). Under Phase I of this agreement, Doyon would receive about 110,000 acres of

Refuge lands with oil and gas potential and 97,000 acres of oil and gas interests (no surface occupancy). In exchange, the U.S. would receive from Doyon a minimum of 150,000 acres with lowland fish and wildlife habitats. The actual amount of land received from Doyon would be more than 150,000 acres if appraisals (due in late spring 2008) indicate more lands are needed to equal the value of the Service lands. In addition, Doyon would reallocate 56,500 acres of its remaining land entitlement under Section 12(b) of ANCSA to areas outside the Refuge. Both parties would pursue additional township-level exchanges to consolidate ownerships. If Doyon were to produce oil or gas on lands acquired in the exchange, under Phase II of the Agreement the Service would receive a perpetual production payment equal to 1.25% of the value at the wellhead to be used to: (1) Purchase from Doyon up to 120,000 acres of additional lands or interests therein, within the Refuge, (2) purchase land or interests therein, from other willing sellers in other national wildlife refuges in Alaska, or to (3) construct facilities in Alaska Refuges.

**Alternative 1:** Land exchange with non-development easements. The land exchange would proceed as described in Phase I under the Proposed Action above. In addition, at the time of the initial exchange, Doyon would donate to the U.S. non-development easements that preclude development on up to 120,000 acres of Doyon-owned lands. Rather than selling these lands to the U.S. in Phase II (as provided for in the Proposed Action), Doyon would donate the non-development easements whether or not oil and gas is produced from the exchange lands. If Doyon were to produce oil or gas on lands received in the exchange, the U.S. would receive a perpetual production payment of 0.25% of the resource value at the wellhead rather than 1.25% as provided under the Proposed Action.

**Alternative 2:** Land exchange excluding White-Crazy Mountains. The Yukon Flats Comprehensive Conservation Plan and Environmental Impact Statement recommended Wilderness designation for a 658,000 acre area in the White-Crazy Mountains. Under the Proposed Action and Alternative 1, Doyon would receive title to about 26,500 acres of this land; under Alternative 2, these 26,500 acres would be excluded from the exchange. In Phase I of the exchange, Doyon would receive title to approximately 83,500 acres of Refuge lands (surface and subsurface) and 105,000 acres of oil and gas interests. About 21,000 acres of the latter would be within the area

proposed for Wilderness designation. However, only off-site drilling would be allowed; there would be no surface occupancy by Doyon. From Doyon, the U.S. would receive title to a minimum of 115,000 acres, but the actual amount could be adjusted upward to equalize values. The land consolidation exchange and 12(b) reallocation provisions of Phase I would proceed as detailed in the Agreement in Principle. Phase II of the exchange would proceed as detailed in the Agreement, however Doyon's commitment to sell additional lands to the U.S. would be reduced from about 120,000 acres to about 81,000 acres. Potential access rights-of-way would cross the proposed White-Crazy Mountains Wilderness Area. If Doyon were to produce oil or gas on the lands received in the exchange, the Service would receive a perpetual production payment equal to 1.25% of the value at the wellhead.

*Alternative 3:* No action (no exchange). The U.S. would not enter into a land exchange with Doyon.

Doyon currently owns about 1.055 million acres of land with oil and gas potential inside the Refuge. Therefore, any alternative, including the "no action" alternative, could result in oil and/or gas development on Doyon-owned lands. If Doyon develops any of its lands, including those received through exchange, the resulting infrastructure could facilitate development on other private lands in the Refuge. The impacts of development on Doyon's current land holdings, with or without a land exchange, are analyzed as Cumulative Effects in the DEIS. In most cases, access to Doyon lands would cross federally-owned lands. In these cases, Doyon would be required to apply for a right-of-way permit under Title XI of ANILCA. At that time, a separate NEPA process would evaluate various transportation/pipeline corridor alternatives as well as the proposed oil field development.

During scoping, the Service identified a number of issues that are analyzed in detail in the DEIS. Most of the public scoping comments focused on the potential impacts of oil and gas development in the Yukon Flats rather than the land exchange itself. Therefore much of the DEIS focuses on development impacts. Specifically, the DEIS addresses how the proposed alternatives could affect fish and wildlife; wetlands and aquatic habitats; the physical environment (water quality and quantity, hydrology, air quality, climate); subsistence; cultural/archaeological resources; socioeconomic; refuge purposes; biological integrity, diversity and

environmental health; land use (including special designation areas, recreation, visual resources) and environmental justice (including human health).

Section 810 of ANILCA requires the Service to evaluate the effects of the alternatives on subsistence activities and to hold public hearings if any alternative may significantly restrict subsistence activities. The Service analysis finds that the cumulative effects, considered in conjunction with the alternatives, meet the "may significantly restrict" threshold. Therefore, the Service will hold subsistence hearings in conjunction with the DEIS public hearings.

**Public availability of comments:** Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment-including your personal identifying information-may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: January 17, 2008.

**Thomas O. Melius,**

*Regional Director, U.S. Fish and Wildlife Service, Anchorage, Alaska.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Michigan DNR: Application for an Incidental Take Permit

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

**ACTION:** Notice of Availability of a Draft Habitat Conservation Plan and Draft Environmental Assessment for the Karner blue butterfly; receipt of application for an incidental take permit; request for comments.

**SUMMARY:** The Michigan Department of Natural Resources (Applicant) has applied to the U.S. Fish and Wildlife Service (Service) for a 20-year incidental take permit (ITP) for the federally endangered Karner blue butterfly (*Lycaeides melissa samuelis*) (KBB) pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The ITP would allow the Applicant to engage in habitat management, right-of-way maintenance, and certain development activities in occupied KBB habitat on non-Federal

land in Michigan. The permit application includes a draft Habitat Conservation Plan (HCP) and draft Environmental Assessment (EA) that describes the proposed action and measures the Applicant will undertake to minimize and mitigate take of KBB. Section 9 of the Act and its implementing regulations prohibit the take of animal species listed as endangered or threatened. The definition of take under the Act includes the following activities: to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect listed animal species, or attempt to engage in such conduct (16 U.S.C. 1538). Section 10 of the Act, 16 U.S.C. 1539, establishes a program whereby persons seeking to pursue activities that otherwise could give rise to liability for unlawful "take" of federally protected species may receive an ITP, which protects them from such liability. To obtain an ITP, an applicant must submit a HCP containing appropriate minimization and mitigation measures and ensure that the taking is incidental to, and not the purpose of, an otherwise lawful activity (16 U.S.C. 1539(a)(1)(B) and 1539(a)(2)(A)). Once we have determined the applicant has satisfied these and other statutory criteria, we may issue the ITP.

This notice, provided pursuant to section 10(a)(1)(B) of the Endangered Species Act, as amended, advises the public and other agencies of the availability of the draft HCP and draft EA for review and comment.

**DATES:** To ensure consideration, we must receive your written comments on or before March 25, 2008.

**ADDRESSES:** Send your comments or request information by any of the following methods:

- U.S. Mail: Comments should be sent to the Regional Director, U.S. Fish and Wildlife Service, Division of Ecological Services, 1 Federal Drive, Fort Snelling, Minnesota 55111-4056.
- Facsimile: 612-713-5292.
- E-Mail: [hcp\\_MichiganKBB@fws.gov](mailto:hcp_MichiganKBB@fws.gov).

All comments received become part of the official public record. Public requests for comments submitted will be handled in accordance with the Freedom of Information Act and the Council on Environmental Quality's NEPA regulations [40 CFR 1506.6(f)]. Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request we withhold their home address from the record, which we will honor to the extent allowable by law. If a respondent