

The Regulatory Flexibility Act

The Manual is not subject to notice and comment under the Administrative Procedure Act, and, therefore, is not subject to the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* The Manual provides the BLM with instruction and information under the authority of the Secretary of the Interior and does not compel any other party to conduct any action.

Small Business Regulatory Enforcement Fairness Act

This Manual is not a “major rule” as defined at 5 U.S.C. 804(2). That is, the manual will not have an annual effect on the economy of \$100 million or more; it will not result in major cost or price increases for consumers, industries, government agencies, or regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Unfunded Mandates Reform Act of 1995

In accordance with the Unfunded Mandates Reform Act, 2 U.S.C. 1501, *et seq.*, the Manual will not significantly or uniquely affect small governments. A Small Government Agency Plan is not required. The Manual does not require any additional management responsibilities. Further, it is not a significant regulatory action under the Unfunded Mandates Reform Act because the Manual will not produce a Federal mandate of \$100 million or greater in any year. These policies and procedures are not expected to have significant economic impacts nor will they impose any unfunded mandates on other Federal, State, or local government agencies to carry out specific activities.

Federalism, Executive Order 13132

In accordance with Executive Order 13132, the Manual does not have significant Federalism effects, and therefore, a Federalism assessment is not required. The policies and procedures will not have substantial direct effects on the States, on the relationship between the Federal government and the States, or on the distribution of power and responsibilities among the various levels of government. No intrusion on State policy or administration is expected; roles or responsibilities of Federal or State governments will not change; and fiscal capacity will not be substantially, directly affected. Therefore, the Manual does not have significant effects on or implications for Federalism.

Paperwork Reduction Act of 1995

The Manual does not require information collection as defined under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* Therefore, the Manual does not constitute a new information collection system requiring Office of Management and Budget (OMB) approval.

National Environmental Policy Act (NEPA)

The BLM has determined that this 2009 edition of the Manual consists of general instructions of policy and procedure regarding the conduct of official surveys of Federal lands and ownership interests delineated on the ground and described in the official records of the United States. The BLM has developed the Manual in accordance with the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 *et seq.*, Council on Environmental Quality (CEQ) regulations, 40 CFR parts 1500–1508, and the Department of the Interior procedures for implementing NEPA, at 43 CFR part 46. The CEQ regulations at 40 CFR 1508.4 define a “categorical exclusion” as a category of actions that do not individually or cumulatively have a significant effect on the human environment. The BLM has determined that the Manual is categorically excluded from further environmental analysis under NEPA in accordance with 43 CFR 46.210(i), which categorically excludes “[p]olicies, directives, regulations and guidelines: that are of an administrative, financial, legal, technical, or procedural nature * * *.” In addition, the BLM has determined that none of the extraordinary circumstances listed in 43 CFR 46.215 applies to the Manual.

Consultation and Coordination With Indian Tribal Governments (Executive Order 13175)

In accordance with Executive Order 13175, and 512 DM 2, the BLM has assessed the Manual’s impact on Tribal trust resources and has determined that it does not directly affect Tribal resources since it describes the Department’s procedures compliant with extant law, regulation, policy, and procedures for surveys and resurveys.

Effects on the Nation’s Energy Supply (Executive Order 13211)

Executive Order 13211, requires a Statement of Energy Effects for significant energy actions. Significant energy actions are actions normally published in the **Federal Register** that lead to the promulgation of a final rule or regulation and may have any adverse

effects on energy supply, distribution, or use. We have explained above that the Manual provides the BLM with instruction and information under the authority of the Secretary of the Interior and does not compel any other party to conduct any action. This Manual is not a rulemaking; and therefore, not subject to Executive Order 13211.

Actions To Expedite Energy-Related Projects (Executive Order 13212)

Executive Order 13212 requires agencies to expedite energy-related projects by streamlining internal processes while maintaining safety, public health, and environmental protections. Today’s publication is in conformance with this requirement as it maintains streamlined processes and may enhance certainty as to the location of energy-related project boundaries.

Takings Implication Assessment (Executive Order 12630)

In accordance with Executive Order 12630, the Department has reviewed today’s notice to determine whether it would interfere with constitutionally-protected property rights. The Secretary of the Interior shall not execute a resurvey as to impair the bona fide rights or claims of any claimant, entryman, or owner of lands affected by such resurvey, 43 U.S.C. 772. The Manual describes how cadastral surveys are to be made in conformance with statutory law and its judicial interpretation and does not compel any other party to conduct any action.

Dated: September 8, 2009.

Robert V. Abbey,

Director, Bureau of Land Management.

[FR Doc. E9–23216 Filed 9–22–09; 4:15 pm]

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DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service**

[FWS–R7–R–2008–N0094; 70133–1265–0000–S3]

Togiak National Wildlife Refuge, Dillingham, AK

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of Availability of the Revised Comprehensive Conservation Plan and Finding of No Significant Impact for the Environmental Assessment.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service) announce the availability of our Revised Comprehensive Conservation Plan (CCP) and Finding of No Significant

Impact (FONSI) for the Environmental Assessment (EA) for the Togiak National Wildlife Refuge (Togiak Refuge). In this revised CCP, we describe how we will manage this refuge for the next 15 years.

ADDRESSES: You may view or obtain copies of the revised CCP and FONSI by any of the following methods. You may request a paper copy, a summary, or a CD-ROM containing both.

Agency Web Site: Download a copy of the documents at <http://alaska.fws.gov/nwr/planning/togpol.htm>.

E-mail: fw7_togiak_planning@fws.gov.

Mail: Maggi Arend, Planning Team Leader, U.S. Fish and Wildlife Service, 1011 East Tudor Road, MS 231, Anchorage, AK 99503-6199.

In-Person Viewing or Pickup: Call (907) 786-3393 to make an appointment during regular business hours at the USFWS Regional Office, 1011 E. Tudor Road, Anchorage, AK 99503 or call (907) 883-5312 to make an appointment during regular business hours at Togiak Refuge, 6 Main Street, Dillingham, AK 99576.

FOR FURTHER INFORMATION CONTACT:

Maggi Arend, Planning Team Leader, (907) 786-3393 or fw7_togiak_planning@fws.gov.

SUPPLEMENTARY INFORMATION:

Introduction

With this notice, we finalize the CCP process for the Togiak Refuge. We started this process with a Notice of Intent in the **Federal Register** (64 FR 25899, May. 13, 1999) and a revised Notice of Intent in the **Federal Register** (71 FR 42116, July 25, 2006). We announced the availability of the draft CCP and EA, and requested comments in a notice of availability in the **Federal Register** (72 FR 54921, Sept. 27, 2007).

Togiak Refuge is located 400 miles west of Anchorage, Alaska. The Refuge is bordered to the south by Bristol Bay, to the west by Kuskokwim Bay, to the north by Yukon Delta National Wildlife Refuge and to the east by Wood-Tikchik State Park. Of the 4.7 million acres within the boundary, 4.2 million acres is under management by the Service, including the 2.3 million-acre Togiak Wilderness. Three major watersheds, the Kanketok, Goodnews, and Togiak rivers, provide abundant fish habitat within the Refuge, where more than 1 million salmon come to spawn each year. The Refuge also includes coastal areas varying from sandy beaches to steep rocky cliffs, including rare protected haul outs for Pacific Walrus.

We announce our decision and the availability of the FONSI for the revised CCP for the Togiak Refuge in accordance with National Environmental Policy Act

(NEPA) (40 CFR 1506.6(b)) requirements. We completed a thorough analysis of impacts on the human environment in the EA that accompanied the draft revised CCP.

The CCP will guide us in managing and administering the Togiak Refuge for the next 15 years. The revised CCP is Alternative 1, the preferred alternative in the draft CCP, developed in response to public scoping comments.

Background

The Alaska National Interest Lands Conservation Act of 1980 (94 Stat. 2371; ANILCA) and the National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 668dd-668ee) require us to develop a CCP for each Alaska refuge. The purpose for developing a CCP is to provide refuge managers with a 15-year plan 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 our policies. We will review and update the CCP at least every 15 years in accordance with national policy and ANILCA.

ANILCA requires us to designate areas according to their respective resources and values and to specify programs and uses within the areas designated. To meet this requirement, the Alaska Region established management categories for refuges including Wilderness, Minimal, Moderate, Intensive, and Wild River management. In the past, additional categories, including Cooperative Management were also included but are no longer used. For each management category we identified appropriate activities, public uses, commercial uses, and facilities. This revision reclassifies Cooperative Management lands as Minimal Management. Only Minimal and Wilderness management categories are applied to Togiak Refuge.

Draft CCP Alternatives

The Draft Plan identified one significant planning issue, the effect of management on activities and uses within the Togiak Refuge. Two alternatives were considered in the environmental assessment. Alternative 1, the Proposed Action, includes implementation of updated management guidelines, converting lands in Cooperative Management into Minimal Management, and adds Refuge goals and objectives. Alternative 2, Current Management, would continue to implement current management as outlined in the 1987 Comprehensive Plan, including the use of the

Cooperative Management category. The Refuge would not have a clearly stated vision statement, goals and objectives to guide management.

Comments on the Draft CCP

Comments on the draft CCP/EA for Togiak Refuge were solicited by the Service from October 3, 2007, through January 18, 2008. During the public review and comment period the Service held public meetings in Anchorage, Dillingham, Quinhagak, Goodnews Bay, and Togiak, Alaska. The planning team reviewed, analyzed, and summarized all comments received at the public meetings and in writing.

Selected Alternative—Alternative 1

Two alternatives were considered in the environmental assessment. Alternative 1, the Proposed Action, encompasses policy development, changes, and clarifications made in the years since the implementation of the original Comprehensive Plan in 1987. It also converts lands in Cooperative Management into Minimal Management, and adds a Refuge vision statement, goals and objectives.

Dated: September 18, 2009.

Gary Edwards,

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

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWY-957400-09-L14200000-BJ0000]

Notice of Filing of Plats of Survey, Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Filing of Plats of Survey, Wyoming.

SUMMARY: The Bureau of Land Management (BLM) has filed the plats of survey of the lands described below in the BLM Wyoming State Office, Cheyenne, Wyoming, on the dates indicated.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, 5353 Yellowstone Road, P.O. Box 1828, Cheyenne, Wyoming 82003.

SUPPLEMENTARY INFORMATION: These surveys were executed at the request of the Bureau of Land Management, and are necessary for the management of resources. The lands surveyed are:

The supplemental plat representing the segregation of Tract 54 from Tract 52