concessioners will know not only the amount of money they will be obliged to pay the prior concessioner for existing LSI under the terms of the new contract, but also will know with a high degree of certainty how much money they will recover from this payment upon the expiration of the new contract (based on the 40-year amortization period). The proposed LSI alternative effectively eliminates the speculation about physical depreciation and CPI that is required for proposed contracts under the standard LSI formula. The resulting lower risk and greater certainty in the business opportunity will foster competition for the new contract by providing a reasonable opportunity to make a profit.

The proposed LSI alternative is projected to provide approximately the same rate of return for the new concessioner as the standard LSI formula. This is because, in developing the minimum franchise fee under the proposed LSI alternative, NPS estimated that the new contract would provide the new concessioner with a reasonable opportunity to make a net profit. This estimate took into consideration, among other matters, applicable industry rate of return expectations, the purchase price of the existing LSI improvements, and the LSI value that will be payable to the concessioner after contract expiration under the proposed LSI alternative. If the standard LSI formula were utilized, the projected LSI value payment to the new concessioner would necessarily be much higher, resulting in a much higher minimum franchise fee for the new contract.

In other words, the lower LSI value payment upon contract expiration under the proposed LSI alternative (as opposed to the standard LSI formula) results in a lower minimum franchise fee, and achieves the same approximate projected rate of return to the concessioner. The proposed LSI alternative results in increased cash flows to the concessioner during the entire term of the contract, while the standard LSI formula provides a higher payment of LSI at the expiration of the contract.

The proposed LSI alternative, if adopted by NPS, would be applicable only to the new contract, GRTE003–11. NPS has made no decision to apply the proposed LSI alternative or any other LSI alternative to future concession contracts. If the same or other alternative LSI formulas are considered for utilization in subsequent contracts pursuant to Section 405(a)(4) of the 1998 Act, opportunities for public comment will be provided as required. NPS will provide notice of its final decision regarding the LSI provisions of the new contract in the **Federal Register** and/or in FedBizOpps (*FedBizOpps.gov* under Solicitation No. CC–GRTE003–11).

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.

Daniel N. Wenk,

Deputy Director, Operations.

[FR Doc. 2010–12703 Filed 5–25–10; 8:45 am]

BILLING CODE 4312–53–P

DEPARTMENT OF THE INTERIOR

National Park Service

Final Legislative Environmental Impact Statement for the Harvest of Glaucous-Winged Gull Eggs by the Huna Tlingit in Glacier Bay National Park

AGENCY: National Park Service, Interior.

ACTION: Notice of Availability of the Final Legislative Environmental Impact Statement for the Harvest of Glaucous-Winged Gull Eggs by the Huna Tlingit in Glacier Bay National Park.

SUMMARY: The National Park Service (NPS) announces the availability of a final Legislative Environmental Impact Statement (LEIS) for the harvest of glaucous-winged gull eggs by the Huna Tlingit in Glacier Bay National Park. The document describes and analyzes the environmental impacts of a preferred alternative and one additional action alternative for managing a limited harvest of glaucous-winged gull eggs. A no action alternative is also evaluated. This notice announces the availability of the final LEIS.

DATES: A Record of Decision will be made no sooner than 30 days after the date the Environmental Protection Agency's Notice of Availability for this final LEIS appears in the **Federal Register**.

ADDRESSES: The final LEIS may be viewed online at *http://parkplanning.nps.gov*. Hard copies of the final LEIS are available on request from the address below.

FOR FURTHER INFORMATION CONTACT: Mary Beth Moss, Project Manager, Glacier Bay National Park and Preserve, *Telephone:* (907) 723–1777.

SUPPLEMENTARY INFORMATION: The NPS has prepared an LEIS to analyze the effects of authorizing the limited collection of glaucous-winged gull eggs within Glacier Bay National Park by Hoonah Indian Association (HIA; the federally recognized government of the Huna Tlingit) tribal members. Glacier Bay is the traditional homeland of the Huna Tlingit who traditionally harvested eggs there prior to park establishment. The practice was curtailed in the 1960s, as the Migratory Bird Treaty Act and federal regulations prohibit it. In the late 1990s, at the behest of tribal leaders, the NPS agreed to explore ways to authorize this important cultural tradition. Section 4 of the Glacier Bay National Park Resource Management Act of 2000 directed the Secretary of Interior, in consultation with local residents, to assess whether gull eggs could be collected in Glacier Bay National Park on a limited basis without impairing the biological sustainability of the gull population. The Act further requires that the Secretary submit recommendations for legislation to Congress if the study determines that gull egg harvest could occur without impairing the biological sustainability of the park's gull population. NPS commissioned ethnographic and biological studies to inform the analysis included in this LEIS.

The NPS outlined a range of alternatives based on project objectives, park resources and values, and public input and analyzed the impacts each would have on the biological and human environment.

Alternative 1: No Action: This alternative serves as a baseline for evaluating the impacts of the action alternatives. This alternative would not authorize the harvest of glaucous-winged gull eggs in Glacier Bay National Park. Glaucous-winged gulls would continue to breed in Glacier Bay without human disturbance.

Alternative 2: This alternative would propose legislation to authorize the annual harvest of glaucous-winged gull eggs at up to two designated locations on a single pre-selected date on or before June 9 of each year.

Alternative 3: NPS Preferred Alternative: Alternative 3 would propose legislation to authorize the annual harvest of glaucous-winged gull eggs at up to five designated locations in Glacier Bay National Park on two separate dates. A first harvest visit would be authorized to occur at each of the open sites on or before the 5th day following onset of laying as determined by NPS staff monitoring a reference site. A second harvest at the same sites

would be authorized to occur within nine days of the first harvest.

Both action alternatives would manage harvest activities under the guidelines of a harvest management plan cooperatively developed by the NPS and the HIA. NPS would conduct monitoring activities to ensure that park resources and values were not impacted. The Superintendent would retain the authority to close gull colonies to harvest.

Victor W. Knox,

Acting Regional Director, Alaska.

[FR Doc. 2010–12608 Filed 5–25–10; 8:45 am]

BILLING CODE 4312–HX–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R3–ES–2010–N094; 30120–1113–000–F6]

Endangered and Threatened Wildlife and Plants; Indiana Bat; Notice of Intent To Prepare a Draft Environmental Impact Statement for a Proposed Habitat Conservation Plan and Incidental Take Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of intent to prepare a draft environmental impact statement and draft habitat conservation plan; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service) intend to prepare a draft environmental impact statement (EIS) to evaluate the impacts of several alternatives relating to the proposed issuance of an Endangered Species Act Permit to EverPower Wind Holdings, Inc., its subsidiary Buckeye Wind LLC, and its affiliates (applicant) for incidental take of the Indiana bat (*Myotis sodalis*), a Federal endangered species, from activities associated with the construction and operation of a wind power project in Champaign County, Ohio. We also announce a public comment period.

DATES: To ensure consideration, please send your written comments by June 25, 2010.

ADDRESSES: You may submit comments by one of the following methods:

U.S. mail or hand-delivery: Ms. Megan Seymour, U.S. Fish and Wildlife Service, Ohio Field Office, 4625 Morse Rd., Suite 104, Columbus, OH 43230;

E-mail comments: EverPowerHCP@fws.gov; or

Fax: (614) 416–8994 (Attention: Megan Seymour).

FOR FURTHER INFORMATION CONTACT: Ms. Megan Seymour, at (614) 416–8993, extension 16. Individuals who are hearing-impaired or speech-impaired may call the Federal Relay Service at (800) 877–8337 for TTY assistance.

SUPPLEMENTARY INFORMATION: We publish this notice in compliance with the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 *et seq.*), and its implementing regulations (40 CFR 1506.6), and section 10(c) of the Endangered Species Act of 1973, as amended (Act; 16 U.S.C. 1531 *et seq.*). We intend to gather the information necessary to determine impacts and alternatives to support a decision regarding the potential issuance of an incidental take permit to the applicant, and the implementation of the supporting draft HCP. We intend to prepare an EIS to evaluate the impacts of several alternatives relating to the proposed issuance of an incidental take permit under the Act. The applicant proposes to apply for an incidental take permit through development and implementation of an HCP. The proposed HCP will cover take of the Indiana bat that is incidental to activities associated with the construction and operation of the applicant's Buckeye Wind Energy project and will include measures necessary to minimize and mitigate impacts to the Indiana bat and its habitat to the maximum extent practicable.

Public Comments

We request data, comments, new information, or suggestions from the public, other concerned governmental agencies, the scientific community, Tribes, industry, or any other interested party on this notice. These comments will be considered by the Service in developing a draft EIS and in the development of an HCP and ITP. We particularly seek comments concerning:

(1) Biological information concerning the Indiana bat;

(2) Relevant data concerning wind power and bat interactions;

(3) Additional information concerning the range, distribution, population size, and population trends of the Indiana bat;

(4) Current or planned activities in the subject area and their possible impacts on the Indiana bat;

(5) The presence of archeological sites, buildings and structures, historic events, sacred and traditional areas, and other historic preservation concerns, which are required to be considered in project planning by the National Historic Preservation Act; and

(6) Identification of any other environmental issues that should be considered with regard to the proposed development and permit action.

You may submit your comments and materials considering this notice by one of the methods listed in the **ADDRESSES** section. If you previously submitted comments on this project during the public comment period associated with **Federal Register** notice 75 FR 4840 (published January 29, 2010), you need not resubmit your comments. All previously received comments on this project will be considered in development of the draft EIS.

Comments and materials we receive, as well as supporting documentation we use in preparing the NEPA document, will be available for public inspection by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, Ohio Field Office (*see* **FOR FURTHER INFORMATION CONTACT** section). You may obtain copies of this notice on the Internet at: *http://www.fws.gov/midwest/Endangered/permits/hcp/r3hcps.html,* or by mail from the Ohio Field Office (*see* **FOR FURTHER INFORMATION CONTACT** section).

Background

Section 9 of the Act prohibits "taking" of fish and wildlife species listed as endangered under section 4 of the Act. The Act's implementing regulations extend, under certain circumstances, the prohibition of take to threatened species. Under section 3 of the Act, the term "take" means "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." The term "harm" is defined by regulation as "an act which actually kills or injures wildlife. Such act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering" (50 CFR 17.3). The term "harass" is defined in the regulations as "an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering" (50 CFR 17.3). Section 10(a)(1)(B) of the Act requires an applicant for an incidental take permit to prepare an HCP that describes: (1) The impact that will result from such taking; (2) the steps the applicant will take to minimize and mitigate that take to the maximum extent practicable, and the funding that will be available to implement such steps; (3) the