

Marine Science Drive, Newport, OR 97365; South Tillamook Branch Library, 6200 Camp St., Pacific City, OR 97135; Port Orford Public Library, 555 W. 20th St., Port Orford, Oregon 97465; Reedsport Branch Library, 395 Winchester Ave., Reedsport, Oregon 97467; Seaside Public Library, 60 N. Roosevelt Blvd., Seaside, Oregon 97138; Tillamook County Library, 1716 3rd St., Tillamook, Oregon 97141; Waldport Public Library, 460 Hemlock, Waldport, Oregon 97394; Warrenton Community Library, 225 S. Main Ave., Warrenton, Oregon 97146; and the Yachats Public Library, 560 W. 7th St., P.O. Box 817, Yachats, OR 97498.

### Background

Section 9 of the ESA (16 U.S.C. 1538) and the implementing regulations prohibit the “take” of fish and wildlife species listed as endangered or threatened. The term “take” is defined under the ESA to mean harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct (16 U.S.C. 1532). “Harm” is defined by Service regulation to include significant habitat modification or degradation where it actually kills or injures listed wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, and sheltering (50 CFR 17.3(c)). However, under limited circumstances, the Service may issue permits to authorize the “incidental take” of listed 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 incidental take permits for threatened and endangered species are found at 50 CFR 17.32 and 17.22, respectively.

The OPRD has management responsibility on all Oregon coastal beaches, which extend for approximately 230 miles, for such activities as public use and recreation, beach management conducted by staff, and natural resource management. These activities may result in the incidental take of the threatened Pacific Coast population of the western snowy plover (*Charadrius alexandrinus nivosus*). As a result, the OPRD has prepared a 25-year HCP that addresses the incidental take of the western snowy plover. The HCP forms the basis of OPRD’s permit application that was submitted to the Service and is the proposed action in the Service’s FEIS.

Activities that the OPRD is proposing for permit coverage, and for which minimization and mitigation measures are described in the HCP include:

1. Public Use
  - a. Dog Exercising
  - b. Driving
  - c. Recreational Activities
  - d. Non-Motorized Vehicle Use
  - e. Other Dry Sand Activities
2. Beach Management
  - a. Public Safety
  - b. Law Enforcement
  - c. Boat and Marine Mammal Strandings
3. Natural Resource Management
  - a. Snowy Plover Management
  - b. Other Habitat Restoration

### Public Involvement

The Service formally initiated an environmental review of the project through publication of a Notice of Intent to prepare an Environmental Impact Statement in the **Federal Register** on March 20, 2003 (68 FR 13720). That notice also announced a public scoping period through April 28, 2003, during which interested parties were invited to provide written comments expressing their issues or concerns relating to the proposal. In a letter jointly signed by the OPRD and the Service, agencies and the public were notified of the opportunity to comment and the dates and locations of public meetings. The public meetings were also posted on the OPRD’s Web site. In March 2003, four public meetings were held in Coos Bay, Newport, Tillamook, and Portland. Utilizing the public scoping comments, the Service prepared a draft EIS to analyze the effects of the alternatives on the human environment. The draft EIS was released for a 60-day public comment on November 5, 2007, and the comment period was extended for an additional 15 days on February 26, 2008. The official comment period ended on March 12, 2008.

### Public Review

Copies of the final FEIS, HCP, and IA are available for review (see Availability of Documents above). Any comments we receive will become part of the administrative record and may be available to the public.

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. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. 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. We will honor your request to withhold your personal

information to the extent allowable by law.

This notice is provided pursuant to section 10(c) of the ESA and Service regulations for implementing NEPA, as amended (40 CFR 1506.6). We will evaluate the application, associated documents, and comments submitted to determine whether the application meets the requirements of section 10(a) of the ESA. A permit decision will be made no sooner than 30 days after the publication of the EPA’s FEIS notice in the **Federal Register** and completion of the Record of Decision. If we determine that all requirements are met, we will issue an incidental take permit under section 10(a)(1)(B) of the ESA to the OPRD for take of the western snowy plover, incidental to otherwise lawful activities in accordance with the HCP, the IA, and the permit.

Dated: August 11, 2010.

**Carolyn A. Bohan,**

*Acting Deputy Regional Director, U.S. Fish and Wildlife Service, Region 1, Portland, Oregon.*

[FR Doc. 2010–23108 Filed 9–16–10; 8:45 am]

**BILLING CODE 4310–55–P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS–R6–ES–2010–N175; 61130–1115–0000 F2]

### Montana Department of Natural Resources and Conservation Final Habitat Conservation Plan and Final Environmental Impact Statement

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

**ACTION:** Notice of availability.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce that we have received from the Montana Department of Natural Resources and Conservation (DNRC) a Final Habitat Conservation Plan (HCP) and prepared a Final Environmental Impact Statement (Final EIS). The purpose of the HCP is to provide measures for DNRC’s forest management activities on State forested trust lands to minimize and mitigate to the maximum extent practicable the impacts of authorized incidental take under the Endangered Species Act of 1973, as amended (Act).

**DATES:** The Final HCP/EIS will be released for public review on September 17, 2010. We will sign a Record of Decision no sooner than 30 days after the publication of the Environmental Protection Agency (EPA) notice of the Final EIS in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** For further information, or to receive the documents on CD-ROM, please contact Kathleen Ports, at 406-542-4330, or Tim Bodurtha, at 406-758-6882.

**SUPPLEMENTARY INFORMATION:** We have received the Final HCP and prepared the Final EIS for DNRC's forest management activities on State forested trust lands to minimize and mitigate the impacts of authorized incidental take under the Act (16 U.S.C. 1531 *et seq.*).

We are the lead agency for issuance of the incidental take permit (Permit). On June 26, 2009, we published our notice of receipt of a Permit application, Draft HCP, and Draft Implementation Agreement and notice of availability of the Draft EIS in the **Federal Register** (74 FR 30617). We are now releasing for public review the Final HCP and the Final HCP/EIS, which includes our responses to public comments and changes to the documents based on public comments and recent scientific data. We furnish this notice to allow other agencies and the public an opportunity to review the revised documents and our responses to comments. For locations to review the documents, please see the **SUPPLEMENTARY INFORMATION** section below. We are providing 30 days to allow the public sufficient time to review these final documents.

#### Availability of Documents

You may review the documents by requesting copies on CD-ROM from us (see **FOR FURTHER INFORMATION CONTACT** section). The documents are also available on the Internet at <http://www.dnrc.mt.gov/HCP/default.asp> or at the following libraries:

- Missoula Public Library, 301 East Main Street, Missoula, Montana 59802-4799; (406) 721-2665.
- Flathead County Public Library, 247 First Avenue East, Kalispell, Montana 59901-4560; (406) 758-5819.
- Lincoln County Public Library, 220 W. 6th Street, Libby, Montana 59823-1898; (406) 293-2778.
- Lewis and Clark Library, 120 South Last Chance Gulch, Helena, Montana 59601-4165; (406) 447-1690.

Persons needing reasonable accommodations to access the public review locations should contact Kathleen Ports or Tim Bodurtha, (see **FOR FURTHER INFORMATION CONTACT** section). To allow sufficient time to process requests, please call no later than 1 week before the desired review time. Information regarding the proposed action is available in alternative formats upon request.

#### Background

The HCP covers timber harvest and associated activities on approximately 548,500 acres (2, 220m<sup>2</sup>) of trust lands in western Montana, overseen by three of the six DNRC land offices. The DNRC manages scattered parcels and blocks of land in the Swan River State Forest and Stillwater State Forest.

The DNRC prepared a 50-year HCP to address impacts from incidental take of grizzly bear (*Ursus arctos horribilis*), Canada lynx (*Lynx canadensis*), and bull trout (*Salvelinus confluentus*), which are listed as threatened under the Act. Unlisted species included in DNRC's HCP and which would receive incidental take authorization, should they be listed during the term of the HCP, are the westslope cutthroat trout (*Oncorhynchus clarki lewisi*) and Columbia redband trout (*Oncorhynchus mykiss gairdneri*).

Substantive modifications to the proposed HCP, as well as any associated modifications to the EIS, were made based on: (1) Public comments on the 2009 Draft EIS/HCP public comment period; (2) information from Canada lynx researcher, Dr. John Squires, U.S. Forest Service, whose ongoing research was deemed relevant to finalizing the HCP/EIS; and (3) recent guidance from the Council on Environmental Quality and recent Service policy on how to address climate change in National Environmental Policy Act (NEPA) documents. The Service and DNRC made substantive modifications to lynx and aquatic conservation commitments in the Final HCP/EIS in light of public comment and recent research.

In the Final HCP, DNRC increased the acres subject to lynx conservation commitments, removed the commitment to retain a minimum of two piles of woody debris per square mile as potential lynx den sites, and changed the foraging commitment from maintaining 20 percent of a combination of winter and summer foraging habitat to maintaining 20 percent of winter foraging habitat. We revised the tables in the Final HCP/EIS and the Final EIS analysis to reflect the increase of potential lynx habitat.

In the Final HCP, DNRC revised the aquatic riparian timber harvest strategy to widen the no-harvest buffer along streams from 25 feet to 50 feet (8m to 15m) and expand the number of streams subject to HCP prescriptions from just streams bearing the fish species covered by the HCP to all fish-bearing streams. The EIS analysis was also revised to reflect these changes.

#### National Environmental Policy Act Compliance

Our proposal to issue a Permit is a Federal action that triggers the need for compliance with NEPA. Accordingly, as the Federal agency responsible for compliance under NEPA, we have prepared an EIS that analyzes alternatives associated with issuance of the Permit. In addition to the proposed Permit issuance alternative, other alternatives we considered in the EIS include the "No Action" alternative, an "Increased Conservation" alternative, and an "Increased Management Flexibility" alternative. The "No Action" alternative would reflect continued implementation of the DNRC's existing rules and regulations. The "increased conservation" alternative contains expanded conservation commitments relative to those in the proposed HCP. The "Increased Management Flexibility" alternative contains commitments that would allow for smaller habitat areas for some species and longer timelines for implementation relative to the proposed HCP.

The Final EIS includes all comments we received on the Draft EIS and our responses to those comments. After the 30-day waiting period, we will complete a Record of Decision that announces our decision on which action to take and discusses all factors leading to the decision.

#### Public Involvement

The Service initiated an environmental review of the project through publication of a notice of intent to prepare an EIS in the **Federal Register** on April 26, 2003 (68 FR 22412). Beginning April 28, 2003, the DNRC and the Service held a 60-day scoping period for the proposed HCP and EIS to gather public comments on the proposed action. In October 2005, the DNRC opened a 45-day public review period to allow interested parties to review and comment on the conservation strategies. On June 26, 2009, we published a notice of availability in the **Federal Register** (74 FR 30617) of the Draft EIS/HCP. The draft documents were available for public review and comment for a 90-day period ending on October 9, 2009.

#### Public Review

Copies of the Final HCP/EIS, and Implementing Agreement are available for review (see Availability of Documents). Any comments we receive will become part of the administrative record and may be available to the public. Before submitting comments that include your address, telephone

number, e-mail address, or other personal identifying information, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you may 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.

We will evaluate the application, associated documents, and comments submitted to determine whether the application meets the requirements of section 10(a) of the Act. We will make a permit decision no sooner than 30 days after the publication of the EPA's Final EIS notice in the **Federal Register** and our completion of a biological opinion under section 7 of the Act and the Record of Decision.

Dated: August 24, 2010.

**Hugh Morrison,**

*Acting Regional Director.*

[FR Doc. 2010-23099 Filed 9-16-10; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[WY-920-1430-ET; WYW 109115]

#### Public Land Order No. 7748; Extension of Public Land Order No. 6797; Wyoming

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

**ACTION:** Public land order.

**SUMMARY:** This order extends the withdrawal created by Public Land Order No. 6797 for an additional 20-year period. This extension is necessary to continue the protection of the Whiskey Mountain Bighorn Sheep Winter Range in Fremont County.

**DATES:** *Effective Date:* September 14, 2010.

**FOR FURTHER INFORMATION CONTACT:**

Janelle Wrigley, BLM Wyoming State Office, 5353 N. Yellowstone Road, P.O. Box 1828, Cheyenne, Wyoming 82003, 307-775-6257.

**SUPPLEMENTARY INFORMATION:** The purpose for which the withdrawal was first made requires this extension to continue the protection of the Whiskey Mountain Bighorn Sheep Winter Range. The withdrawal extended by this order will expire on September 13, 2030, unless, as a result of a review conducted prior to the expiration date pursuant to Section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f), the Secretary determines

that the withdrawal shall be further extended.

#### Order

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714, it is ordered as follows:

Public Land Order No. 6797 (55 FR 37878 (1990)), which withdrew 9,609.74 acres of public mineral estate from location or entry under the United States mining laws (30 U.S.C. Ch. 2) to protect the Whiskey Mountain Bighorn Sheep Winter Range, is hereby extended for an additional 20-year period until September 13, 2030.

(Authority: 43 CFR 2310.4)

Dated: September 9, 2010.

**Wilma A. Lewis,**

*Assistant Secretary—Land and Minerals Management.*

[FR Doc. 2010-23328 Filed 9-16-10; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[AZA22647 and AZA23294]

#### Public Land Order No. 7749; Extension of Public Land Order Nos. 6801 and 6812; Arizona

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

**ACTION:** Public land order.

**SUMMARY:** This order extends the duration of two withdrawals created by Public Land Order Nos. 6801 and 6812 for an additional 20-year period. The extensions are necessary to continue to protect valuable facilities and improvements associated with the Smithsonian Institution's Fred Lawrence Whipple Observatory and Base Camp site.

**DATES:** *Effective Date:* September 19, 2010 (PLO No. 6801) and October 31, 2010 (PLO No. 6812).

**FOR FURTHER INFORMATION CONTACT:** Karl Sandwell-Weiss, U.S. Forest Service Coronado National Forest Office, Federal Building, 300 West Congress Street, Tucson, Arizona 85701, (520) 388-8348, or Vivian Titus, Bureau of Land Management, Arizona State Office, One North Central, Suite 800, Phoenix, Arizona 85004, (602) 417-9598.

**SUPPLEMENTARY INFORMATION:** To maintain the purpose for which the withdrawals were first made, an extension is required to continue to protect valuable facilities and improvements associated with the

Smithsonian Institution's Fred Lawrence Whipple Observatory and Base Camp site. The facilities include the observatory, a visitor center, the administrative offices, a motor pool, and the picnic area. The lands continue to be used for the purpose for which they were withdrawn.

#### Order

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 6801 (55 FR 38550, (1990)) that withdrew 61.356 acres of National Forest System lands from location or entry under the United States mining laws (30 U.S.C. chapter 2) on behalf of the U.S. Forest Service to protect valuable facilities and improvements for scientific work associated with the Smithsonian Institution's Fred Lawrence Whipple Observatory, is hereby extended for an additional 20-year period. Public Land Order No. 6801 will expire on September 18, 2030, unless, as a result of a new review conducted prior to the expiration date pursuant to Section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f), the Secretary determines that the withdrawal shall be further extended.

2. Public Land Order No. 6812 (55 FR 45805, (1990)) that withdrew 40 acres of National Forest System lands from location or entry under the United States mining laws (30 U.S.C. chapter 2) on behalf of the U.S. Forest Service to protect valuable facilities and improvements associated with the Smithsonian Institution's Fred Lawrence Whipple Observatory Base Camp Site, is hereby extended for an additional 20-year period. Public Land Order No. 6812 will expire on October 30, 2030, unless, as a result of a new review conducted prior to the expiration date pursuant to Section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f), the Secretary determines that the withdrawal shall be further extended.

Dated: September 7, 2010.

**Wilma A. Lewis,**

*Assistant Secretary—Land and Minerals Management.*

[FR Doc. 2010-23326 Filed 9-16-10; 8:45 am]

**BILLING CODE 3410-11-P**