

**Permit No. TE-098994**

*Applicant:* Kelly Goocher, Big Bear Lake, California

The applicant requests an amendment to take (harass by survey) the Southwestern willow flycatcher (*Empidonax traillii extimus*) in conjunction with surveys throughout the range of the species in California, for the purpose of enhancing its survival.

We solicit public review and comment on each of these recovery permit applications. 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 that we withhold their home addresses from the record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the record a respondent's identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment, but you should be aware that we may be required to disclose your name and address pursuant to the Freedom of Information Act. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

Dated: September 26, 2007.

**Michael Fris,**

*Acting Manager, California/Nevada Operations Office, Sacramento, California.*

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**DEPARTMENT OF THE INTERIOR**
**Fish and Wildlife Service**
**Receipt of an Application for Extension of an Incidental Take Permit for the Red-Cockaded Woodpecker by the Woodlands Group, LLC, in Livingston Parish, LA**

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

**ACTION:** Notice.

**SUMMARY:** On July 21, 2003, the Fish and Wildlife Service (Service) issued an incidental take permit (ITP) associated with a habitat conservation plan (HCP)

under section 10(a)(1)(B) of the Endangered Species Act of 1973 (Act) (16 U.S.C. 1539), as amended, for the incidental take of the federally endangered red-cockaded woodpecker (*Picoides borealis*) (RCW) to the Woodlands Group, LLC (Permittee). The permit (TE037661-0) was for a period of four years and expired on July 31, 2007. The requested permit extension by the Permittee will extend the permit expiration date nine years.

**DATES:** Written comments should be sent to the Fish and Wildlife Service's Regional Office (see **ADDRESSES**) and should be received on or before November 1, 2007.

**ADDRESSES:** Persons interested in reviewing the permit extension application or other related documents may obtain a copy by submitting a written request to James Boggs, Acting Field Office Supervisor, Fish and Wildlife Service, 646 Cajundome Boulevard, Suite 400, Lafayette, Louisiana 70506. Documents will be available for public inspection by appointment during normal business hours at the Fish and Wildlife Service's Regional Office, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345 (Attn: Aaron Valenta).

**FOR FURTHER INFORMATION CONTACT:** Aaron Valenta, Regional HCP Coordinator (see **ADDRESSES**), telephone: 404/679-4144, or James Boggs (see **ADDRESSES**), telephone 337/291-3115.

**SUPPLEMENTARY INFORMATION:** We specifically request information, views, and opinions from the public via this notice on the Federal action, including the identification of any other aspects of the human environment not already identified in the Environmental Assessment (EA). Further, we specifically solicit information regarding the adequacy of the HCP as measured against our ITP issuance criteria found in 50 CFR parts 13 and 17.

The permit authorizes take of RCWs on approximately 99 of 971 acres owned by the Permittee in Livingston Parish, Louisiana. The proposed take would be incidental to otherwise lawful activities, including timber harvest and typical forest management activities on the Permittee's property. The extension request covers the same activities covered by the HCP and existing permit. There will be no increase in take beyond that anticipated in the original permit.

The previously prepared HCP specifies the impacts that are likely to result from the taking and the measures the Permittee has taken to minimize and mitigate such impacts. The ITP authorized take of three RCW groups on

the Permittee's property incidental to timber management activities. The mitigation and minimization measures in the HCP include: No take of RCWs during the breeding season; establishment of three replacement groups on Big Branch Marsh National Wildlife Refuge by provisioning recruitment territories; translocating juveniles fledged on the Permittee's property; monitoring the formation of breeding pairs; funding an endowment for habitat management (prescribed burning); and, translocating adult RCWs from the Permittee's property to Fort Polk Military Reservation in Louisiana prior to harvesting timber. The Permittee successfully completed the required minimization and mitigation measures outlined in the HCP by July 2004.

RCW nesting and foraging habitat were removed in one cluster incidental to the timber harvest that was completed in that cluster. Due to poor market conditions, the Permittee had not harvested timber in the remaining two RCW clusters by the time the ITP expired and thus requests extension of the ITP. If renewed, annual reporting will no longer be required because the Permittee has completed the specified minimization and mitigation requirements. However, all other permit terms and conditions will remain the same, and no additional take will be authorized. The existing HCP satisfies all statutory issuance criteria and is therefore applicable to the extension of this ITP.

If you wish to comment, you may submit comments by any one of several methods. Please reference permit number TE037661-0, The Woodlands Group, LLC, in such comments. You may mail comments to the Fish and Wildlife Service's Regional Office (see **ADDRESSES**). You may also comment via the internet to [aaron\\_valenta@fws.gov](mailto:aaron_valenta@fws.gov). Please include your name and return address in your internet message. If you do not receive a confirmation from us that we have received your internet message, contact us directly at either telephone number listed previously (see **FOR FURTHER INFORMATION CONTACT**).

Finally, you may hand-deliver comments to either Fish and Wildlife Service office listed (see **ADDRESSES**). 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 that we withhold their home address from the administrative record. We will honor such requests to the extent allowable by law. There may also be other circumstances in which we would

withhold from the administrative record a respondent's identity, as allowable by law. If you wish us to withhold your name and address, you must state this prominently at the beginning of your comments. We will not, however, consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

We will evaluate whether the extension of the section 10(a)(1)(B) ITP complies with section 7 of the Act by reviewing our previously prepared intra-Service section 7 consultation. The results of the biological opinion, in combination with the above findings, will be used in the final analysis to determine whether or not to issue an extension of this ITP.

Dated: August 30, 2007.

**Cynthia K. Dohner,**

*Acting Regional Director, Southeast Region.*  
[FR Doc. E7-19402 Filed 10-1-07; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[MT-040-5101-ER-EO42]

#### Notice of Intent To Prepare an Environmental Impact Statement for the GCC Dacotah Cement Dewey Conveyor Project

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

**ACTION:** Notice of Intent (NOI) to Prepare an Environmental Impact Statement (EIS) and Initiate Public Scoping for the GCC Dacotah Cement Dewey Conveyor Project.

**SUMMARY:** Pursuant to 42 U.S.C. 4332, the National Environmental Policy Act of 1969, as amended (NEPA), the Bureau of Land Management (BLM) will direct the preparation of an EIS on a project proposed by GCC Dacotah, Inc., and conduct public scoping meetings to analyze (1) The application for right-of-way (ROW) on lands administered in part by the South Dakota Field Office of the BLM, and (2) an application for a special use permit within the Black Hills National Forest of the U.S. Forest Service. The proposed action is to construct, operate, maintain, and terminate approximately 7 miles of an enclosed above-ground conveyor belt to transfer crushed limestone from a quarry site to a rail loading facility near the town of Dewey in Custer County,

South Dakota. The proposed conveyor belt would cross about 1.5 miles of National Forest and about 1 mile of BLM-administered public lands. The BLM is the lead agency for this project, and the Forest Service is a cooperating agency with jurisdiction by law.

**DATES:** This notice initiates the public scoping process for the EIS. The public is invited to submit comments, resource information, and identify issues and concerns to be considered in the NEPA process. The BLM will accept written comments on the scope of the EIS within 60 days of the publication of this notice. Public scoping meetings to obtain comments on issues related to the EIS and the proposed action will be held in Custer and Edgemont, South Dakota, and Newcastle, Wyoming. Times and locations of the scoping meetings will be announced a minimum of 15 days prior to the meetings in the local news media.

**ADDRESSES:** You may submit comments, identified as "GCC Dacotah Cement Dewey Conveyor Project" by any of the following methods:

- *E-mail:* MT South Dakota FO@blm.gov—Include GCC Dacotah Cement Transportation Facility in the subject line of the message.
- *Fax:* 605-892-7015.
- *Mail:* South Dakota Field Office, 310 Roundup Street, Belle Fourche, SD 57717.
- *Hand Delivery/Courier:* South Dakota Field Office, 310 Roundup Street, Belle Fourche, SD 57717.

Documents pertinent to this proposal may be examined at the South Dakota Field Office in Belle Fourche during regular business hours from 7:45 a.m. to 4:30 p.m., Monday through Friday, except holidays. Respondents' comments, including their names and street addresses, will also be available for public review, and may be published as part of the EIS.

**FOR FURTHER INFORMATION CONTACT:** For further information, including information on how to comment, you may contact Marian Atkins, BLM, at 605-892-7001, or [marian\\_atkins@blm.gov](mailto:marian_atkins@blm.gov).

**SUPPLEMENTARY INFORMATION:** The EIS will assess the effects of the proposed action to permit a transportation facility on federal lands consisting of construction, operation, maintenance, and abandonment of a covered, above ground conveyor belt up to approximately 7 miles in length for the purpose of transporting crushed limestone from a quarry to a proposed rail load-out facility at Dewey, South Dakota. The analysis area includes BLM-administered public lands,

National Forest System lands administered by the Black Hills National Forest, and private lands along the proposed conveyor route in Custer County, South Dakota.

#### The EIS Process

NEPA requires the BLM to take into account the environmental impacts of its actions.

The EIS will be prepared in accordance with applicable Council on Environmental Quality regulations at 40 CFR parts 1500-1508, and applicable BLM and Forest Service regulations. The analysis will determine whether the proposed action is consistent with land use guidelines as set forth in the BLM RMP and the Forest Service's Revised Forest Plan for the Black Hills National Forest, as Amended, along with other state and federal laws and regulations.

The analysis in the EIS will serve the following two purposes: (1) Analyze the direct, indirect, and cumulative impacts of construction, operation, maintenance, and abandonment of the proposed covered conveyor belt transportation facility; and (2) Disclose the information used by the Responsible Officials in making their decisions on whether to approve or deny the application for a ROW grant.

#### Preliminary Issues and Alternatives

The following preliminary issues have been identified:

- Native American Concerns.
- Cultural Resources.
- Noise.
- Visual Quality.
- Public Safety.
- Land Use.
- Fish and Wildlife.
- Air Quality.
- Geology, Soils, and Minerals.
- Water Quality and Quantity.
- Vegetation.
- Social and Economic Values.

Alternatives will initially include the No Action Alternatives and the Proposed Action Alternative; however, other alternatives may be identified during the public scoping process.

#### Public Participation

Comments are being solicited so as to identify and define: (1) The scope of this analysis, (2) significant issues or concerns related to the proposed action, (3) reasonable alternatives to the proposed action, and (4) information having a bearing on the proposed action. Your response is important and will be considered in the EIS process.

The BLM and Forest Service will provide further information at the public scoping meetings regarding the locations of, and the areas that may be