

4371 *et seq.*) and its implementing regulations (40 CFR 1506.6).

**Thomas L. Bauer,**

*Acting Regional Director, Region 2,  
Albuquerque, New Mexico.*

[FR Doc. E7-22819 Filed 11-21-07; 8:45 am]

**BILLING CODE 4510-55-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Receipt of an Application for an Incidental Take Permit for Residential Construction in Charlotte County, FL

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

**ACTION:** Notice.

**SUMMARY:** We, the Fish and Wildlife Service (Service), announce the availability of an incidental take permit (ITP) and Habitat Conservation Plan (HCP). The Carlisle Group (applicant) requests an ITP pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The applicant anticipates taking about 12.72 acres of Florida scrub-jay (*Aphelocoma coerulescens*) (scrub-jay) foraging, sheltering, and nesting habitat incidental to lot preparation for the construction of a multiple-family apartment complex and supporting infrastructure in Charlotte County, Florida (project). The applicant's HCP describes the mitigation and minimization measures proposed to address the effects of the project on the scrub-jay.

**DATES:** We must receive your written comments on the ITP application and HCP on or before December 24, 2007.

**ADDRESSES:** See the **SUPPLEMENTARY INFORMATION** section below for information on how to submit your comments on the ITP application and HCP. You may obtain a copy of the ITP application and HCP by writing the South Florida Ecological Services Office, *Attn:* Permit number TE168754-0, U.S. Fish and Wildlife Service, 1339 20th Street, Vero Beach, FL 32960-3559. In addition, we will make the ITP application and HCP available for public inspection by appointment during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Ms. Trish Adams, Fish and Wildlife Biologist, South Florida Ecological Services Office (see **ADDRESSES**); telephone: (772) 562-3909, ext. 232.

**SUPPLEMENTARY INFORMATION:** If you wish to comment on the ITP application and HCP, you may submit comments by

any one of the following methods. Please reference permit number TE168754-0 in such comments.

1. Mail or hand-deliver comments to our South Florida Ecological Services Office address (see **ADDRESSES**).

2. E-mail comments to *trish\_adams@fws.gov*. If you do not receive a confirmation that we have received your e-mail message, contact us directly at the telephone number listed under **FOR FURTHER INFORMATION CONTACT**.

Before including your address, phone number, e-mail address, or other personal identifying information in your comments, 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.

Multiple-family apartment complex construction for the applicant's HCP will take place within Sections 04 and 5, Township 40, Range 23, Punta Gorda, Charlotte County, Florida, at the lot identified by property identification number 00952621460004. This lot is within scrub-jay-occupied habitat.

The lot encompasses about 20.11 acres. The project will be constructed in two phases. Phase I consists of construction on 5.08 acres of the western 12.47 acres, and Phase II consists of the eastern 7.64 acres. Phase II construction is not expected to begin until Phase I is complete. The applicant proposes to place 2.85 acres of occupied scrub-jay habitat located in Phase I under a perpetual conservation easement. In order to minimize take on site, the applicant has reduced the site plan, will clear vegetation outside of the scrub-jay nesting season (March 1 through June 30) or will conduct a nest survey prior to vegetation clearing, and will landscape with native vegetation. The applicant proposes to mitigate for the loss of 12.72 acres of scrub-jay habitat by acquiring 25.44 acres of credit at a Service approved scrub-jay conservation bank, or contributing a total of \$569,417 to the Florida Scrub-jay Conservation Fund administered by The Nature Conservancy for Phase I impacts and an amount determined by multiplying 15.28 acres and the cost per acre determined by the Florida Scrub-jay Conservation Fund at the time of Phase II impacts. Funds in the Florida Scrub-jay Conservation Fund are earmarked for use in the conservation and recovery of scrub-jays and may include habitat acquisition, restoration, and/or management.

We have determined that the applicants' proposal, including the proposed mitigation and minimization measures, will have a minor or negligible effect on the species covered in the HCP. Therefore, the ITP is a "low-effect" project and qualifies as a categorical exclusion under the National Environmental Policy Act (NEPA), as provided by the Department of the Interior Manual (516 DM 2 Appendix 1 and 516 DM 6 Appendix 1). Low-effect HCPs are those involving (1) minor or negligible effects on federally listed or candidate species and their habitats and (2) minor or negligible effects on other environmental values or resources. Based on our review of public comments that we receive in response to this notice, we may revise this preliminary determination.

We will evaluate the HCP and comments submitted thereon to determine whether the application meets the requirements of section 10(a) of the Act (16 U.S.C. 1531 *et seq.*). If we determine that the application meets the requirements, we will issue the ITP for incidental take of the scrub-jay. We will also evaluate whether issuance of the section 10(a)(1)(B) ITP complies with section 7 of the Act by conducting an intra-Service section 7 consultation. We will use the results of this consultation, in combination with the above findings, in the final analysis to determine whether or not to issue the ITP.

**Authority:** We provide this notice pursuant to Section 10 of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and NEPA regulations (40 CFR 1506.6).

Dated: November 1, 2007.

**Paul Souza,**

*Field Supervisor, South Florida Ecological Services Office.*

[FR Doc. E7-22816 Filed 11-21-07; 8:45 am]

**BILLING CODE 4310-55-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[MT-030-1430-HN; NDM 032161]

#### Opening Order for Reconveyed Land; North Dakota

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

**ACTION:** Notice.

**SUMMARY:** This order opens 3.61 acres of reconveyed land to appropriation under the public land laws.

**DATES:** *Effective Date:* November 23, 2007.

**FOR FURTHER INFORMATION CONTACT:**  
Linda Gisvold, Bureau of Land

Management, North Dakota Field Office, 99 23rd Avenue West, Suite A, Dickinson, ND 58601, (701) 227-7711.

**SUPPLEMENTARY INFORMATION:** The land described below was patented under the Recreation and Public Purposes Act. The patentee no longer needed the land and agreed to a voluntary relinquishment. A quitclaim deed was issued to the United States on August 2, 2006.

#### Fifth Principal Meridian

T. 138 N., R. 80 W.,  
Sec. 34, lot 18.

The area described contains 3.61 acres.

At 8 a.m. on November 23, 2007, the land will be opened to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. All valid applications received at or after 8 a.m. on November 23, 2007, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Dated: November 16, 2007.

**Theresa M. Hanley,**

*Deputy State Director, Division of Resources.*  
[FR Doc. E7-22813 Filed 11-21-07; 8:45 am]

**BILLING CODE 4310--SS-P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### National Park System Advisory Board Reestablishment

**AGENCY:** National Park Service, Interior.  
**ACTION:** Notice of Reestablishment of the National Park System Advisory Board.

**SUMMARY:** The Secretary of the Interior intends to administratively reestablish the National Park System Advisory Board. This action is necessary and in the public interest in connection with the performance of statutory duties imposed upon the Department of the Interior and the National Park Service.

**FOR FURTHER INFORMATION CONTACT:** Bernard Fagan, 202-208-7456; or Shirley Sears Smith, 202-208-7456; or Jennifer Lee, 202-219-1689.

**SUPPLEMENTARY INFORMATION:** The National Park System Advisory Board was first established by section 3 of the Act of August 21, 1935 (49 Stat. 667; 16 U.S.C. 463). The Board has been statutorily reauthorized several times since then. However, the Board's current statutory authorization expired January 1, 2007. The advice and recommendations provided by the

Board and its subcommittees fulfill an important need within the Department of the Interior and the National Park Service, and it therefore is necessary to administratively reestablish the Board to ensure that its work is not disrupted. The Board's 12 members will be balanced to represent a cross-section of disciplines and expertise relevant to the National Park Service mission. The administrative reestablishment of the Board comports with the requirements of the Federal Advisory Committee Act, as amended (5 U.S.C., Appendix), and follows consultation with the General Services Administration. The reestablishment will be effective on the date the charter is filed pursuant to section 9(c) of the Act and 41 CFR 102-3.70.

**Certification:** I hereby certify that the administrative reestablishment of the National Park System Advisory Board is necessary and in the public interest in connection with the performance of duties imposed on the Department of the Interior by the Act of August 25, 1916, 16 U.S.C. 1 *et seq.*, and other statutes relating to the administration of the National Park System.

**Dirk Kempthorne,**

*Secretary of the Interior.*

[FR Doc. E7-22877 Filed 11-21-07; 8:45 am]

**BILLING CODE 4312-52-P**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that on November 8, 2007, a proposed Consent Decree in *United States v. American Standard Inc., et al.*, Civil Action No. 1:07 CV 05334 (RBK), was lodged with the United States District Court for the District of New Jersey.

The proposed Consent Decree will settle the United States' claims on behalf of the U.S. Environmental Protection Agency ("EPA") under sections 106 and 107 of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. 9606 and 9607, against all of the defendants in *United States v. American Standard Inc., et al.*, Civil Action No. 1:07 CV 05334 (RBK), for performance of the soils remedy and recovery of past United States response costs relating to the Martin Aaron Superfund Site ("Martin Aaron Site" or "Site"), in Camden, New Jersey. The proposed Consent Decree will also settle the

claims of the New Jersey Department of Environmental Protection ("NJDEP"), the Commissioner of NJDEP as Trustee for Natural Resources, and the Administrator of the New Jersey Spill Compensation Fund ("State Plaintiffs") under CERCLA and State law against these same defendants in a related complaint filed on behalf of the State Plaintiffs in the United States District Court for the District of New Jersey, for performance of the soils remedy, recovery of State past costs, and payment for State natural resource damages relating to the Site.

The settling defendants consist of eleven Settling Performing Defendants and thirty one Settling Non Performing Defendants. The eleven Settling Performing Defendants are: American Standard Inc., Ashland Inc., Atlantic Richfield Company, BP Lubricants USA Inc., Brenntag Northeast Inc., Clean Earth of North Jersey, Inc., Crown Cork & Seal Company, Inc., E.I. duPont de Nemours & Co., Exxon Mobil Corporation, Quaker City Inc., and Rohm and Haas Company. The thirty one Settling Non-Performing Defendants are: 3M Company, American Inks and Coatings Corp., Avery Dennison Corporation, The Boeing Company, BTA North East Inc., Chevron Environmental Management Company, Continental Holdings Inc., FMC Corporation, General Motors Corporation, Goodall Rubber Company, Gould, Inc., Hatco Corporation, Loos & Dilworth, Inc., Mack Trucks, Inc., Marisol, Inc., New England Container Company, Inc., Novelis Corporation, Occidental Chemical Corporation, Owens Corning, Prior Coated Metals, Inc., Reichhold, Inc., Rexam Beverage Can Company, RÜTGERS Organics Corp., The Sherwin-Williams Company, Simpson Paper Company, Southeastern Pennsylvania Transportation Authority, Stepan Company, Stevens Industries, Inc., Sun Chemical Corporation, Union Carbide Corporation, and Wyeth.

Pursuant to the Consent Decree, the Settling Performing Defendants will perform Phase 1 of the Remedial Action for the Martin Aaron Site, consisting primarily of soils remediation work, and will receive approximately \$5,504,000 from the Settling Non Performing Defendants to offset the costs of the work. In addition, the Performing Settling Defendants will pay the United States \$156,680 for past costs and pay the State Plaintiffs \$1,300,000 for past costs and \$175,898 for State natural resource damages. The Consent Decree also resolves the matters addressed in the Consent Decree with regard to the Defense Department ("Settling Federal Agency"). Pursuant to the Consent