

| Number | Name | County |
|--------|----------------------|------------|
| FL-19P | Birch Park | Broward. |
| FL-20P | Lloyd Beach | Broward. |
| P14A | North Beach | Broward. |
| FL-39 | Tavernier Key | Monroe. |
| FL-40 | Snake Creek | Monroe. |
| FL-43 | Channel Key | Monroe. |
| FL-44 | Toms Harbor Keys | Monroe. |
| FL-45 | Deer/Long Point Keys | Monroe. |
| FL-46 | Boot Key | Monroe. |
| FL-64P | Clam Pass | Collier. |
| P17A | Bowditch Point | Lee. |
| FL-67 | Bunche Beach | Lee. |
| FL-67P | Bunche Beach | Lee. |
| P21 | Bocilla Island | Charlotte. |
| P21P | Bocilla Island | Charlotte. |
| P22 | Casey Key | Sarasota. |
| FL-72P | Lido Key | Sarasota. |

Louisiana (13 Maps)

| | | |
|-------|-------------------|------------------------|
| LA-01 | Isle Au Pitre | St. Bernard. |
| LA-02 | Grand Island | St. Bernard. |
| S04 | Timbalier Bay | Lafourche. |
| S05 | Timbalier Islands | Terrebonne, Lafourche. |
| S06 | Isle Dernieres | Terrebonne. |
| S07 | Point au Fer | Terrebonne, St. Mary. |

Dated: June 18, 2009.
Marvin E. Moriarty,
Acting Director, U.S. Fish & Wildlife Service.
 [FR Doc. E9-15309 Filed 6-26-09; 8:45 am]
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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS-R1-R-2009-N109; 1265-0000-10137-S3]

Malheur National Wildlife Refuge, Harney County, OR

AGENCY: Fish and Wildlife Service, Interior.

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

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), intend to prepare a comprehensive conservation plan (CCP) for Malheur National Wildlife Refuge (refuge). We will also prepare an environmental impact statement (EIS) to evaluate the potential effects of various CCP alternatives. We provide this notice in compliance with our CCP policy to advise the public, other Federal and State agencies, and Tribes of our intentions, and to obtain suggestions and information on the scope of issues to consider during the planning process.

DATES: To ensure consideration, we must receive your written comments by

October 15, 2009. We will hold public meetings and will announce meeting details on the refuge's Web site (see **ADDRESSES**).

ADDRESSES: Additional information about the CCP planning process is available on the Internet at: <http://www.fws.gov/malheur>. Send your comments or requests for information by any of the following methods.

E-mail:
FW1PlanningComments@fws.gov.
 Include "Malheur CCP" in the subject line of the message.

Fax: Attn: Tim Bodeen, (541) 493-2405.

U.S. Mail: Tim Bodeen, Project Leader, Malheur National Wildlife Refuge, 36391 Sodhouse Lane, Princeton, OR 97221.

FOR FURTHER INFORMATION CONTACT: Tim Bodeen, Project Leader, Malheur National Wildlife Refuge, phone (541) 493-2612.

SUPPLEMENTARY INFORMATION:

Background

The CCP Process

The National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 668dd-668ee) (Administration Act), requires us to develop a CCP for each national wildlife 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. In addition to outlining broad management direction on conserving wildlife and their habitats, CCPs identify wildlife-dependent recreational opportunities available to the public, including opportunities for hunting, fishing, wildlife observation and photography, and environmental education and interpretation. We will review and update the CCP at least every 15 years in accordance with the Improvement Act.

Each unit of the National Wildlife Refuge System was established for specific purposes. We use these purposes as the foundation for developing and prioritizing the management goals and objectives for each refuge within the National Wildlife Refuge System mission, and to determine how the public can use each refuge. The planning process is a way for us and the public to evaluate management goals and objectives that will ensure the best possible approach to wildlife, plant, and habitat conservation, while providing for wildlife-dependent recreation opportunities that are compatible with each refuge's establishing purposes and the mission of the National Wildlife Refuge System.

Our CCP planning process provides participation opportunities for Tribal, State, and local governments; agencies; organizations; and the public. At this

time we encourage input in the form of issues, concerns, ideas, and suggestions for the future management of Malheur Refuge. The Service will manage the refuge's CCP process to maximize opportunities for public involvement and dialogue to help inform our decision-making. The Service will contract with the Oregon Consensus Program (OCP), a State-funded agency that assists public agencies and others in convening collaborative processes. The OCP will work with interested organizations, including the High Desert Partnership, a neutral, non-profit, and non-partisan organization that addresses challenges in Harney County, Oregon, to engage government agencies, non-profit groups, and interested individuals throughout the planning process to provide expertise, information, and feedback to the Service. Our intent is to develop a CCP that is consistent with refuge system law and policy and supported by the diverse parties with interests in the refuge.

We will conduct the environmental review of this project and develop an EIS in accordance with the requirements of the National Environmental Policy Act of 1969, as amended (NEPA) (42 U.S.C. 4321 *et seq.*); NEPA regulations (40 CFR parts 1500–1508); other appropriate Federal laws and regulations; and our policies and procedures for compliance with those laws and regulations.

Malheur National Wildlife Refuge

Malheur National Wildlife Refuge was established on August 18, 1908, by President Theodore Roosevelt as the Lake Malheur Bird Reservation. The refuge was originally set aside to prevent plume hunters from decimating colonial nesting bird populations. It protected unclaimed lands encompassed by Malheur, Mud, and Harney Lakes "as a preserve and breeding ground for native birds." The refuge was expanded to include the Blitzen Valley in 1935 and the Double-0 Unit in 1941.

The refuge consists of over 187,000 acres of open water (marsh, river, and stream), wetlands, springs, riparian areas, irrigated meadows and grain fields, and uplands. The uplands are dominated by big sagebrush, rabbitbrush, and greasewood interspersed with grasses, including basin wild rye and desert saltgrass.

Practices to manage and improve habitat on the refuge include vegetation manipulation through haying, burning, flooding, irrigation, farming, and grazing; and water management through flooding and drainage. Wetland and meadow habitat management is

accomplished by pooling water behind a series of dams; the water is then diverted via canals into numerous meadows and wetlands. In the Blitzen River Unit, some of the water returns to the Blitzen River by surface sheet flow, return flow pipes or ditches, or subsurface seepage.

Malheur Lake is one of the largest freshwater marshes in the country. The floor of the lake is only 8 feet below the surface at its deepest point. Together with the adjacent water bodies of Harney and Mud Lakes, Malheur Lake is the endpoint of an inland basin fed by waters from the Blitzen River, Silvies River, and Silver Creek. With its abundance of water in an otherwise arid landscape, the refuge attracts a significant portion of the Pacific Flyway's bird population during spring migration. The Audubon Society designated the refuge an Important Bird Area. Breeding season highlights include:

- Up to 20 percent of the world's population of White-faced Ibis;
- The highest known densities of Willow Flycatcher;
- One of the highest Breeding Bird Survey counts for the Brewer's Sparrow;
- Breeding populations of Western Snowy Plover (400 individuals), Long-billed Curlew, Franklin's Gull, Short-eared Owl, Greater Sage-Grouse, Bobolink, and Trumpeter Swan;
- Significant populations of American White Pelican, Cinnamon Teal, Redhead, and Greater Sandhill Crane (the latter being 20 percent of Oregon's breeding population);
- Up to 1,300 pairs of nesting Franklin's Gulls;
- Breeding Forster's Terns, up to 350 pairs of nesting Caspian Terns, and up to 6,000 nesting Black Terns;
- 100–600 pairs of nesting Great Blue Herons and similar numbers of Great Egrets, and more than 200 pairs of nesting Snowy Egrets; and
- Post-breeding concentrations of Ring-billed Gulls sometimes reaching 25,000 in August.

Migrant bird species highlights include:

- Passage of up to half of the world's population of Ross' geese;
- A significant proportion of the total populations of green-winged teal, American wigeon, northern shoveler, northern pintail, canvasback, and ruddy duck;
- Hundreds of thousands of waterfowl (including up to 100,000 snow geese; 15,000 green-winged teal; 15,000 mallards; 250,000 northern pintail; 250,000 northern shovelers; 4,000 canvasbacks; 2,000 ring-necked

ducks; 5,000 lesser scaup; and 50,000 ruddy ducks); and

- Concentrations of up to 25,000 western sandpipers; 350 pectoral sandpipers; 35,000 long-billed dowitchers; 15,000 Wilson's phalaropes; 15,000 American avocets; and 200 black-necked stilts.

The refuge provides hunting, fishing, wildlife viewing and photography, interpretation, and limited environmental education. Because there are a limited number of trails, most viewing and interpretation occurs from the refuge's auto tour route. An unsigned portion of the National Desert Scenic Trail crosses the refuge. Waterfowl hunting is available on approximately half of Malheur Lake. Upland bird hunting is available on approximately one quarter of the refuge's acreage. Fishing is allowed on Krumbo Reservoir, the Blitzen River, Bridge Creek, and the East Canal.

Preliminary Issues, Concerns, and Opportunities

We identified the following preliminary wildlife and habitat issues for consideration during the planning process: Decreased populations of colonial nesting birds and waterfowl compared to historic levels; carp infestation in the lakes, wetlands, and rivers adversely affecting habitat for colonial nesting waterbirds, waterfowl, native fish, and invertebrates; degraded water quality and quantity in the Blitzen River; degraded stream and riparian condition of the Blitzen River and tributaries; the presence and spread of aggressive noxious weeds such as perennial pepperweed and reed canary grass; achieving desired plant composition and structure in meadow habitats for target wildlife species; maintaining redband trout and other native fishes; and the potential effect of climate change on refuge habitats and species.

We identified the following preliminary public use issues for consideration during the planning process: Adequacy of access and facilities for all of the wildlife-dependent uses; opportunities to expand programs; impacts of public use programs on natural and cultural resources and refuge visitors; management of commercial outfitters or guides; and management of non-wildlife dependent uses.

In addition to wildlife, habitat, and public use issues, we will conduct a new wilderness review as part of this CCP/EIS. In 1973 we made a recommendation to designate 30,000 acres around Harney Lake as wilderness. In the new review we will

identify whether some or all of the areas proposed in 1973 still meet wilderness recommendation criteria, and if there are other refuge areas could meet the criteria.

Proper conservation, management, and interpretation of the refuge's cultural resources, including archaeological sites and historic buildings, constitute an additional management issue. Additional issues may be identified during public scoping.

Public Availability of Comments

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 to withhold it from public review, we cannot guarantee we will be able to do so.

Dated: May 22, 2009.

David J. Wesley,

Acting Regional Director, Region 1, Portland, Oregon.

[FR Doc. E9-15271 Filed 6-26-09; 8:45 am]

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DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Residential Lead-Based Paint Hazard Reduction Act

Notice is hereby given that on June 18, 2009 a proposed Consent Decree in *United States v. Carmen Neapolitan*, Civil Action No. 4:09CV1396 was lodged with the United States District Court for the Northern District of Ohio.

The consent decree settles claims against the owner of twenty-five residential properties located in or near Youngstown, Ohio. The claims were brought on behalf of the Environmental Protection Agency ("U.S. EPA") and the Department of Housing and Urban Development ("HUD") under the Residential Lead-Based Paint Hazard Reduction Act, 42 U.S.C. 4851 *et seq.* ("Lead Hazard Reduction Act"). The United States alleged in the complaint that the Defendant failed to make one or more of the disclosures or to complete one or more of the disclosure activities required by the Lead Hazard Reduction Act.

Under the Consent Decree, the Defendant will certify that it is complying with residential lead paint notification requirements. The Defendant will submit a plan for window replacement work and will replace all windows known to or

believed to contain lead-based paint in all residential properties owned by Defendant that are not certified lead-based paint free. In addition, Defendant will pay an administrative penalty of \$2,000.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to pubcomment-ees.enrd@usdoj.gov or mailed to U.S. Department of Justice, Washington, DC 20044-7611, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. Carmen Neapolitan*, D.J. Ref. #90-5-1-1-09432.

The Proposed Consent Decree may be examined at the Department of Housing and Urban Development, Office of General Counsel, 451 7th St., NW., Room 9262, Washington, DC 20410; at the office of the United States Attorney for the Northern District of Ohio, 801 West Superior Avenue, Suite 400, Cleveland, Ohio 44113 (Attn: Assistant United States Attorney Michelle L. Heyer); and at U.S. EPA Region 5, 77 W. Jackson Blvd., Chicago, IL 60604. During the public comment period, the Consent Decree may also be examined on the following Department of Justice Web site, to http://www.usdoj.gov/enrd/Consent_Decrees.html. A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611 or by faxing or e-mailing a request to Tonia Fleetwood (tonia.fleetwood@usdoj.gov), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$8.00 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

Maureen Katz,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. E9-15257 Filed 6-26-09; 8:45 am]

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DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Amendment to Consent Decree Under the Clean Water Act

Notice is hereby given that on June 23, 2009, a proposed Consent Decree, pertaining to *United States and State of Minnesota v. City of Duluth, Minnesota and the Western Lake Superior Sanitary District*, Civ. No. 09-cv-1590, was lodged with the United States District Court for the District of Minnesota.

In this action, the United States and the State seek civil penalties and injunctive relief for alleged violations of the Federal Water Pollution Control Act (also known as the Clean Water Act), 33 U.S.C. 1251, *et seq.*, applicable provisions of Minn. Stat. section 115 and Minnesota Rules, and certain terms and conditions of a National Pollution Discharge Elimination System/State Disposal System permit that MPCA issued jointly to Duluth and WLSSD, in connection with alleged wastewater discharges, into waters of the United States and the State, from a sanitary sewer system which is jointly owned and operated by Duluth and WLSSD.

The proposed Consent Decree would require the Defendants, by 2016, to complete a variety of programs and capital improvements, which are expected to cost a total of approximately \$130 million, and are intended to eliminate sanitary sewer overflows. The Decree also would require WLSSD and the City each to pay the United States \$106,000 and the State \$94,000 in civil penalties (total civil penalty is \$400,000).

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to pubcomment-ees.enrd@usdoj.gov or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States and State of Minnesota v. City of Duluth, Minnesota and the Western Lake Superior Sanitary Commission*, D.J. Ref. 90-5-1-1-08428. The proposed Consent Decree may be examined at the Office of the United States Attorney for the District of Minnesota, 600 U. S. Courthouse, 300 South Fourth Street, Minneapolis, Minnesota 55415 (contact Asst. U.S. Attorney Fred Siekert (612-664-5697)), and at U.S. EPA Region 5, 7th Floor Records Center, 77 West Jackson Blvd., Chicago, Illinois 60604 (contact Assoc. Regional Counsel