

Phoenix, Arizona 85004-4427, 602-417-9504.

**Helen M. Hankins,**

*Arizona Associate State Director.*

[FR Doc. E9-20052 Filed 8-19-09; 8:45 am]

**BILLING CODE 4310-32-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[MT-060-01-1020-PG]

#### Notice of Public Meeting; Central Montana Resource Advisory Council

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

**ACTION:** Notice of public meeting.

**SUMMARY:** In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management (BLM) Central Montana Resource Advisory Council (RAC) will meet as indicated below.

**DATES:** The meetings will be held September 15 & 16, 2009.

The meetings will be in the Best Western Great Northern Inn (1345 1st Street) in Havre, Montana.

The September 15 meeting will begin at 10 a.m. with a one-hour public comment period and will adjourn at 5 p.m.

The September 16 meeting will begin at 8 a.m. with a 30-minute public comment period and will adjourn at 12:15 p.m.

**SUPPLEMENTARY INFORMATION:** This 15-member council advises the Secretary of the Interior on a variety of management issues associated with public land management in Montana. During these meetings the council will participate in/discuss/act upon:

The bison initiative;

A review of the 2009 RAC work plan;

An oil and gas stakeholder presentation;

An update of the HiLine Resource Management Plan;

Field managers' updates;

A discussion of future RAC projects; and

Administrative details (next meeting agenda, location, etc.)

All RAC meetings are open to the public. The public may present written comments to the RAC. Each formal RAC meeting will also have time allocated for hearing public comments. Depending on the number of persons wishing to comment and time available, the time for individual oral comments may be limited.

**FOR FURTHER INFORMATION CONTACT:** Gary L. "Stan" Benes, Lewistown Field Manager, Lewistown Field Office, P.O. Box 1160, Lewistown, Montana 59457, 406/538-1900.

Dated: August 14, 2009.

**Gary L. "Stan" Benes,**

*Lewistown Field Manager.*

[FR Doc. E9-20002 Filed 8-19-09; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS-R8-ES-2009-N153; 1112-0000-80221-F2]

#### Proposed Low Effect Habitat Conservation Plan for the Pahrump Valley General Store Shopping Center, Nye County, NV

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

**ACTION:** Notice of availability; receipt of application.

**SUMMARY:** We, the Fish and Wildlife Service (Service), have received an application from Pahrump 194, LLC (Applicant) for an incidental take permit (permit), under the Endangered Species Act of 1973, as amended. The requested 7-year permit would authorize the incidental take of the threatened desert tortoise (*Gopherus agassizii*) on 60 acres of habitat associated with the development of a shopping center complex within the town limits of Pahrump, Nevada.

We request comments on the permit application and on whether the proposed Habitat Conservation Plan (HCP) qualifies as a "low-effect" HCP, eligible for a categorical exclusion under the National Environmental Policy Act (NEPA) of 1969, as amended. We explain the basis for this possible determination in a draft Environmental Action Statement (EAS), which is also available for public review.

**DATES:** We must receive comments in writing, no later than 5 p.m. on September 21, 2009.

**ADDRESSES:** Address comments to Robert D. Williams, State Supervisor, by U.S. mail at Fish and Wildlife Service, Nevada Fish and Wildlife Office, 4701 North Torrey Pines Drive, Las Vegas, NV 89130; or by fax at (702) 515-5231 (for further information and instruction on the reviewing and commenting process, see Public Review and Comment section below).

**FOR FURTHER INFORMATION CONTACT:** Jeri Krueger, Habitat Conservation Planning Coordinator, Fish and Wildlife Service

(see **ADDRESSES**), telephone (702) 515-5230.

#### SUPPLEMENTARY INFORMATION:

##### Availability of Documents

Individuals wishing copies of the application, proposed HCP, or EAS should contact us by telephone (see **FOR FURTHER INFORMATION CONTACT**) or by letter (see **ADDRESSES**). Copies of the subject documents are also available for public inspection during regular business hours at the Nevada Fish and Wildlife Office (see **ADDRESSES**).

##### Background

Section 9 of the Endangered Species Act of 1973, as amended (Act; 16 U.S.C. 1531 *et seq.*) and Federal regulations prohibit the "take" of a fish or wildlife species listed as endangered or threatened. Take of federally listed fish or wildlife is defined under section 3 of the Act as including to "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in such conduct" (16 U.S.C. 1538). We may, under limited circumstances, issue permits to authorize "incidental take" of listed species. "Incidental take" is defined by the Act as take that is incidental to, and not the purpose of, carrying out an otherwise lawful activity. Regulations governing permits for threatened species and endangered species, respectively, are at 50 CFR 17.32 and 50 CFR 17.22.

The Applicant is seeking a permit with a 7-year term for the incidental take of the desert tortoise. The Applicant proposes to develop and carry out construction activities on 60 acres of land, associated with the development of the shopping center, improvement of adjacent roadways, installation of utility services, and construction of flood control facilities. The shopping center complex is estimated to occupy 300,000 square feet with a 175,000 square-foot retail anchor tenant. The shopping center will be constructed within the General Commercial Zoning District located on the east side of State Route 160 in the town of Pahrump. Construction is expected to take approximately 3 to 5 years to complete. The Applicant is requesting a 7-year incidental take permit to include the estimated 5-year construction period and an additional 2 years in the event that construction delays occur. The entire 60-acre parcel will be developed, resulting in the incidental take of any desert tortoises that may occupy the site and the permanent loss of 60 acres of desert tortoise habitat.

To minimize and mitigate adverse effects to desert tortoise from the loss of

60 acres of desert tortoise habitat, the Applicant proposes to: (1) Survey for and remove all tortoises from the project site prior to surface disturbing activities; (2) install a temporary fence during construction activities to ensure tortoises do not gain access to the project site and wander into harm's way; (3) ensure trash and food items are disposed of properly to avoid attracting predators; (4) present a desert tortoise awareness program to all construction workers on the site; and (5) provide funding in the amount of \$550 per acre of habitat disturbed to the Desert Tortoise Conservation Center in Clark County, Nevada, to support development and implementation of conservation and recovery actions for the tortoise under the guidance of the Service's Desert Tortoise Recovery Office in Reno, Nevada.

Approval of the HCP may qualify as a categorical exclusion under NEPA, as provided by the Departmental Manual (516 DM 2 Appendix 1 and 516 DM 8) and as a "low-effect" plan as defined in the Habitat Conservation Planning Handbook (Service, November, 1996). Determination of low-effect HCPs is based upon the plan having: Minor or negligible effects on federally listed, proposed, or candidate species and their habitats; minor or negligible effects on other environmental values or resources; and impacts that, considered together with the impacts of other past, present, and reasonably foreseeable similarly situated projects, would not result, over time, in cumulative effects to the environmental values or resources which would be considered significant. If it is found to qualify as a low-effect HCP, further NEPA documentation would not be required.

#### Public Review and Comment

If you wish to comment on the permit application, draft EAS, or proposed HCP, you may submit your comments to the address listed in the **ADDRESSES** section of this document. We will evaluate this permit application, associated documents, and comments we receive to determine whether the permit application meets the requirements of section 10(a) of the Act and NEPA regulations. 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. If we determine that the requirements are met, we will issue an incidental take permit under section 10(a)(1)(B) of the Act to the Applicant for take of the desert tortoise, incidental to otherwise lawful activities in accordance with the terms of the permit. We will not make our final decision until after the end of the 30-day comment period and will fully consider all comments we receive during the comment period.

#### Authority

We provide this notice under section 10(c) of the Act and NEPA implementing regulations at 40 CFR 1506.6.

Dated: August 14, 2009.

#### Robert D. Williams,

State Supervisor, Nevada Fish and Wildlife Office, Reno, Nevada.

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**BILLING CODE 4310-55-P**

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree; Pursuant to the Clean Water Act and Comprehensive Environmental Response Compensation and Liability Act

Notice is hereby given that on August 14, 2009, a proposed Consent Decree in *United States v. Magellan Ammonia Pipeline et al.*, (D. Kan.), No. 02:09-cv-2425, was lodged with the United States Court for the District of Kansas.

In this action, the United States sought the penalties and injunctive relief pursuant to sections 301 and 311 of the Clean Water Act, 33 U.S.C. 1311, 1321, and section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9603, against Magellan Ammonia Pipeline, L.P. ("Magellan"), Enterprise Products Operating, L.P. ("Enterprise"), and Mid-America Pipeline Company, LLC ("MAPCO"). The Complaint alleges that two discharges of anhydrous ammonia occurred in Blair Nebraska on September 27, 2004, and Kingman, Kansas on October 27, 2004, from an ammonia pipeline owned by Defendant Magellan and operated by Defendants Enterprise and MAPCO and that Defendants failed to report the discharges in a timely fashion to the National Response Center.

Pursuant to the proposed Consent Decree, the Settling Defendants will pay to the United States \$3,650,000 in penalties for the discharges and reporting inadequacies. Defendant Magellan, which now both owns and

operates the ammonia pipeline, will undertake injunctive measures aimed at reducing the likelihood of such discharges in the future and at improving its detection of and response to such discharges if they do occur.

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](mailto: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 v. Magellan Ammonia Pipeline et al.*, (D. Kan.) No. 02:09-cv-2425, D.J. Ref. 90-5-1-1-06074/2.

During the public comment period, the Consent Decree may be examined at the Office of the United States Attorney, District of Kansas, 500 State Avenue, Suite 360, Kansas City, Kansas 66101. The Consent Decree may also be examined on the following Department of Justice Web site, [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](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](mailto: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 \$9.50 (25 cents per page reproduction cost) payable to the U.S. Treasury.

#### Maureen Katz,

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

[FR Doc. E9-19996 Filed 8-19-09; 8:45 am]

**BILLING CODE 4410-15-P**

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## DEPARTMENT OF JUSTICE

### Federal Bureau of Investigation

[OMB Number 1110-0021]

### Training Division; FBI National Academy Level III Evaluation; Proposed Collection, Comments Requested

**ACTION:** 30-Day Notice of Information Collection Under Review: Approval for a reinstated collection; FBI National Academy Post-Course Questionnaire for Graduates; FBI National Academy Post-