

“taking” of threatened or endangered species. However, under limited circumstances, we may issue permits to take listed wildlife species incidental to, and not the purpose of, otherwise lawful activities.

### Proposed Action

The proposed action involves the issuance of an ITP by the Service for covered activities in Hays County, under section 10(a)(1)(B) of the Act. The activities that would be covered by the ITP are construction, use, or maintenance of public or private land development projects; construction, maintenance, or improvement of transportation infrastructure; installation or maintenance of utility infrastructure; construction, use, or maintenance of institutional projects or public infrastructure; and management activities in RHCP preserves necessary to manage habitat for the covered species. The requested ITP will cover Hays County, Texas. The requested term of the permit is 30 years.

To meet the requirements of a section 10(a)(1)(B) ITP, the Applicant has developed and will implement the dRHCP, which describes the conservation measures the Applicant has agreed to undertake to minimize and mitigate for incidental take of the golden-cheeked warbler and black-capped vireo to the maximum extent practicable, and anticipates that incidental take will not appreciably reduce the likelihood of the survival and recovery of these species in the wild.

### Alternatives

We are considering three alternatives to the proposed action as part of this process:

1. *No Action*—No ITP would be issued. This alternative would require individuals to seek authorization through section 7 or section 10(a)(1)(B) to address incidental take resulting from their actions in Hays County or avoid taking actions that would result in incidental take of federally listed species.

2. *Moderate Preserve/Limited Take*—This alternative would create an RHCP for the golden-cheeked warbler and black-capped vireo, but would limit incidental take to no more than 3,600 acres of impact to habitat for these two species. A preserve system of 3,000 acres with a pre-determined location and configuration would mitigate for the impacts of the authorized take.

3. *Large-Scale Preserve System*—This alternative would create an RHCP for the golden-cheeked warbler and black-capped vireo, and would allow

incidental take of any potential habitat for the covered species during the term of the ITP outside of a predetermined 30,000-acre preserve.

### Reviewing Documents and Submitting Comments

Please refer to TE-220793-0 when requesting documents or submitting comments.

You may obtain copies of the dEIS and dRHCP by going to the Hays County Regional Habitat Conservation Plan Web site at <http://hayscountyhcp.com/documents>. Alternatively, you may obtain compact disks with electronic copies of these documents by writing to Mr. Adam Zerrenner, Field Supervisor, 10711 Burnet Road, Suite 200, Austin, TX 78758; telephone 512-490-0057; facsimile 512-490-0974. The application, dRHCP, and dEIS will also be available for public inspection, by appointment, during normal business hours (8 a.m. to 4:30 p.m.) at the Austin office. During the public comment period (see **DATES**), submit your written comments or data to the Field Supervisor at the Austin address.

A limited number of printed copies of the dEIS and dRHCP are also available for public inspection and review at the following locations (by appointment only at government offices):

- Department of the Interior, Natural Resources Library, 1849 C St., NW., Washington, DC 20240;
- U.S. Fish and Wildlife Service, 500 Gold Avenue, SW., Room 4012, Albuquerque, NM 87102;
- San Marcos Public Library, 625 E. Hopkins Street, San Marcos, TX;
- Hays County Precinct 3 Office, 14306 Ranch Rd 12, Wimberley, TX; and
- Hays County Precinct 4 Office, 195 Roger Hanks Parkway, Dripping Springs, TX.

Persons wishing to review the application may obtain a copy by writing to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Room 4012, Albuquerque, NM 87103.

### Public Meeting

A public meeting will take place on Wednesday, November 18, 2009, to be held at the San Marcos Activity Center (see **DATES**) from 6 p.m. to 8 p.m. CDT.

### Public Availability of Comments

Written comments we receive become part of the public record associated with this action. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that the 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.

### Authority

We provide this notice under section 10(c) of the Act (16 U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.22) and NEPA (42 U.S.C. 4371 *et seq.*) and its implementing regulations (40 CFR 1506.6).

Dated: August 20, 2009.

### Brian A. Millsap,

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

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## DEPARTMENT OF THE INTERIOR

### Bureau of Reclamation

#### New Melones Lake Area Resource Management Plan, Tuolumne and Calaveras Counties, CA

**AGENCY:** Bureau of Reclamation, Interior.

**ACTION:** Notice of availability of the Draft Resource Management Plan/ Environmental Impact Statement (RMP/EIS) and notice of public meetings.

**SUMMARY:** Pursuant to the National Environmental Policy Act of 1969 (as amended), the Bureau of Reclamation (Reclamation) has made available for public review and comment a Draft RMP/EIS for the New Melones Lake Area. The Draft RMP/EIS describes and presents the environmental effects of four alternatives, including no action, for future use of the project area for recreation and resource protection and management. The purpose of the public meetings is to provide the public with an opportunity to comment on management and environmental issues addressed in the Draft RMP/EIS. Written comments will be accepted from individuals and organizations on the Draft RMP/EIS.

**DATES:** Two public open houses will be held on Wednesday, December 2, 2009, one from 1 to 4 p.m. and the other from 6 to 9 p.m. in Sonora, California.

Submit written comments on the Draft RMP/EIS to Ms. Melissa Vignau at the address below by *January 4, 2010*.

**ADDRESSES:** The public open houses will be held at New Melones Visitor Center, 6850 Studhorse Flat Road, Sonora, California 95370.

Send written comments on the Draft RMP/EIS to Melissa Vignau, Natural Resources Specialist, 7794 Folsom Dam Road, Folsom, CA 95630. Send requests for a compact disk or a bound copy of the Draft RMP/EIS to Melissa Vignau, at the above address; telephone: 916-989-7182. Copies of the Draft RMP/EIS will be available for review at: [http://www.usbr.gov/mp/nepa/nepa\\_projdetails.cfm?Project\\_ID=2536](http://www.usbr.gov/mp/nepa/nepa_projdetails.cfm?Project_ID=2536).

See **SUPPLEMENTARY INFORMATION** Section for locations where copies of the Draft RMP/EIS are available for public review.

**FOR FURTHER INFORMATION CONTACT:** Melissa Vignau, Natural Resources Specialist, Reclamation, at 916-989-7182 or Dan Holsapple, Acting New Melones Resource Manager, Reclamation, at 209-536-9094.

**SUPPLEMENTARY INFORMATION:** This planning activity encompasses approximately 30,000 acres of publicly accessible water and land owned and managed by Reclamation. The RMP, which will replace the New Melones Lake Area Master Plan of 1976, will be the primary management document for Reclamation's New Melones Lake Area, providing a defined purpose, vision, long-term goals, and management guidelines. It will be used by Reclamation as a framework for guiding decision-making related to future development potential, on-going management, public health and safety, and public use of the New Melones Lake Area.

The RMP attempts to enhance and expand the recreation opportunities while also providing more active protection and management of natural and cultural resources. The RMP is intended to be implemented over an extended period as determined by both user demand and need. To do so, the RMP provides goals and guidelines relating to natural, cultural and visual resources, water quality, circulation, visitor services, interpretation and operations.

The EIS is a program-level analysis of the potential environmental impacts associated with adoption of the RMP. The RMP is intended to be predominantly self-mitigating through implementation of RMP policies and management strategies, and the EIS will also include measures intended to reduce the adverse effects of the RMP. Copies of the Draft EIS are available for public review at the following locations:

- Bureau of Reclamation, Central California Area Office, New Melones Lake Office, 6850 Studhorse Flat Road, Sonora, California 95370.

- City of Angels Camp, City Hall, 584 S. Main Street, Angels Camp, CA 95222.
- Calaveras Planning Department, Calaveras County Government Center, 891 Mountain Ranch Road, San Andreas, CA 95249.

- San Andreas Central Library, 1299 Gold Hunter Road, San Andreas, CA 95249.

- Tuolumne County Administrator's Office, Administration Building, 2 South Green St., 4th Floor, Sonora, CA 95370.

- Sonora Main Branch Library, 480 Greenley Rd., Sonora, CA 95370.

If special assistance is required at the public hearings, please contact Mrs. Melissa Vignau at 916-989-7182 (e-mail: [mbrockman@usbr.gov](mailto:mbrockman@usbr.gov)). Please notify Mrs. Vignau as far in advance of the open houses as possible to enable Reclamation to secure the needed services. If a request cannot be honored, the requestor will be notified.

Before including your name, 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.

Dated: October 23, 2009.

**Pablo R. Arroyave,**

*Deputy Regional Director, Mid-Pacific Region.*

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[LLNV930000-L1430000.LET0000; NVN-83979; 10-08807:TAS:14x1109]**

### Public Land Order No. 7737; Withdrawal of Public Lands, 24 Areas of Critical Environmental Concern, Clark and Nye Counties; NV

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

**ACTION:** Public Land Order.

**SUMMARY:** This order withdraws approximately 944,343 acres of public lands from location and entry under the United States mining laws for a period of 20 years to protect desert tortoise habitat, archaeological and cultural resources, and special wildlife and riparian values on 24 Areas of Critical Environmental Concern located in Clark and Nye Counties, Nevada.

**DATES:** *Effective Date:* October 30, 2009.

**FOR FURTHER INFORMATION CONTACT:** Jacqueline Gratton, Bureau of Land Management, Nevada State Office, (775) 861-6532.

### 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. Subject to valid existing rights, the following described public lands are hereby withdrawn from location and entry under the United States mining laws (30 U.S.C. Ch. 2), to protect the following described Areas of Critical Environmental Concern (ACEC) sites:

#### Mount Diablo Meridian, Nevada

##### Amargosa Mesquite Trees ACEC (NVN 76865)

T. 16 S., R. 51 E.,

Sec. 35;

Sec. 36, SW<sup>1</sup>/<sub>4</sub>.

T. 17 S., R. 51 E.,

Sec. 1, lots 3 and 4, S<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>, and S<sup>1</sup>/<sub>2</sub>;

Sec. 2;

Sec. 11, E<sup>1</sup>/<sub>2</sub>;

Secs. 12 and 13;

Sec. 14, E<sup>1</sup>/<sub>2</sub>;

Sec. 23, E<sup>1</sup>/<sub>2</sub>;

Secs. 24 and 25;

Sec. 26, E<sup>1</sup>/<sub>2</sub>;

Secs. 35 and 36.

##### Ash Meadows ACEC (NVN 76868)

T. 17 S., R. 50 E.,

Secs. 7 and 8;

Sec. 9, lots 1 to 12, inclusive;

Sec. 10, lots 1 to 8, inclusive;

Sec. 11;

Sec. 12, lots 1 to 15, inclusive;

Sec. 13;

Sec. 14, lots 1 to 10, inclusive, and lots 12 to 16, inclusive;

Sec. 15, lots 1 to 4, inclusive;

Sec. 17, W<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>, and W<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>;

Sec. 18;

Sec. 19, lots 1, 2, and lots 5 to 10, inclusive, SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, and N<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>;

Sec. 20, NW<sup>1</sup>/<sub>4</sub> and N<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>;

Sec. 23, lots 1, 2, 5, and 6, N<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>,

E<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, and SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>;

Secs. 24 and 25;

Sec. 26, NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, E<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>,

S<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, and

S<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>;

Sec. 30, lots 3 to 10, inclusive, E<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>, and W<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>;

Sec. 31;

Sec. 32, W<sup>1</sup>/<sub>2</sub>W<sup>1</sup>/<sub>2</sub>;

Sec. 36, NE<sup>1</sup>/<sub>4</sub> and N<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>.

T. 18 S., R. 50 E.,

Sec. 5;

Sec. 6, lots 1 and 2, lots 8 to 12, inclusive, S<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, E<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>, and W<sup>1</sup>/<sub>2</sub>W<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>;

Sec. 7, lots 4 to 10, inclusive, S<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>,

E<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, and N<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>;

Sec. 8;

Sec. 9, W<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub> and SW<sup>1</sup>/<sub>4</sub>;