

addition, the BLM and the U.S. Army Corps of Engineers (Corps) entered into an MOU to formalize the Corps as a Federal cooperating agency in developing the EIS. The BLM and CEC, in coordination with the Corps, have prepared the Draft EIS/SA evaluating the potential impacts of the proposed Solar Two Project on air quality, biological resources, cultural resources, water resources, geological resources and hazards, land use, noise, paleontological resources, public health, socioeconomics, soils, traffic and transportation, visual resources, and other resources. The Corps requirements under the Clean Water Act (CWA), Section 404(b)(1) Guidelines are to identify and authorize only the Least Environmentally Damaging Practicable Alternative which maximizes avoidance and minimization of impacts to aquatic resources of the U.S. The Corps and the applicant are working with the BLM and CEC to identify the project proposal that would reasonably comply with the Corps' requirements under the CWA and 404(b)(1) Guidelines. The applicant has applied to the Department of Energy (DOE) for a loan guarantee under Title XVII of the Energy Policy Act of 2005, as amended by Section 406 of the American Recovery and Reinvestment Act of 2009, Public Law 111-5. Should the DOE decide to enter into negotiation of a possible loan guarantee with the applicant, the DOE would become a cooperating agency in developing the final EIS. A Notice of Intent to Prepare an EIS/SA and Proposed Land Use Plan Amendment for the Proposed SES Solar Two Project in Imperial County, California was published October 17, 2008 (see 73 FR 61902). The BLM held two public scoping meetings in El Centro, California, on November 24 and December 18, 2008. The formal scoping period ended January 2, 2009.

Please note that public comments will be available for public review and disclosure at the above address during regular business hours (8 a.m. to 4 p.m.), Monday through Friday, except holidays.

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.

**Authority:** 40 CFR 1506.6; 40 CFR 1506.10; and 43 CFR 1610.2.

**Vickie Weed,**

*Field Manager, El Centro Field Office.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

**[FWS-R2-ES-2010-N016; 20124-1113-0000-C2]**

#### Endangered and Threatened Wildlife and Plants; Rio Grande Silvery Minnow (*Hybognathus amarus*) Recovery Plan, First Revision

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

**ACTION:** Notice of document availability; revised recovery plan.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce the availability of the Rio Grande Silvery Minnow (*Hybognathus amarus*) Recovery Plan, First Revision. The Rio Grande silvery minnow was listed as endangered in 1994, its first recovery plan was approved in 1999, and critical habitat was designated in 2003.

**ADDRESSES:** An electronic copy of the recovery plan can be obtained from our website at <http://www.fws.gov/southwest/es/Library/>. Copies of the recovery plan are also available by request. To obtain a copy, contact Jennifer Bachus by U.S. mail at U.S. Fish and Wildlife Service, New Mexico Ecological Services Field Office, 2105 Osuna Road, New Mexico 87113; by phone at (505) 761-4714; or by e-mail at [Jennifer\\_Bachus@fws.gov](mailto:Jennifer_Bachus@fws.gov).

**FOR FURTHER INFORMATION CONTACT:** Jennifer Bachus (see **ADDRESSES**).

#### SUPPLEMENTARY INFORMATION:

##### Background

The Rio Grande silvery minnow was listed as federally endangered in 1994 (July 20, 1994; 59 FR 36988) and critical habitat was designated in 2003 (February 19, 2003; 68 FR 8087). The species was extirpated from about 93 percent of its historical range, currently persisting in only one 280-kilometer (km) (174-mile (mi)) reach of the Rio Grande River in New Mexico, downstream of Cochiti Dam to the headwaters of Elephant Butte Reservoir. In December 2008, silvery minnows were introduced into the Rio Grande River near Big Bend, Texas, as a nonessential, experimental population under section 10(j) of the ESA (December 8, 2008; 73 FR 74357).

Throughout much of its historic range, the decline of the Rio Grande silvery minnow is attributed primarily to destruction and modification of its habitat due to dewatering and diversion of water, water impoundment, and modification of the river (channelization). Competition and predation by introduced non-native species, water quality degradation, and other factors also have contributed to its decline.

The Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*), requires the development of recovery plans for listed species, unless such a plan would not promote the conservation of a particular species. Recovery plans help guide the recovery effort by describing actions considered necessary for the conservation of the species, establishing criteria for downlisting or delisting, and estimating time and costs for implementing the recovery measures. The recovery criteria form the basis from which to gauge the species' recovery and subsequent risk of extinction.

The Rio Grande Silvery Minnow Recovery Plan includes updated scientific information about the species and provides criteria and actions needed to downlist and delist the species. We may consider downlisting the Rio Grande silvery minnow from endangered to threatened when three populations (including a stable middle Rio Grande population and at least two additional populations that are self-sustaining) have been established within the historical range of the species and have been maintained for at least five years, as well as habitat sufficient to support three such populations. We may consider delisting the species when three self-sustaining populations have been established within the historical range of the species and have been maintained for at least 10 years, as well as habitat sufficient to support three such populations. The revised recovery criteria provide objective measures by which populations of silvery minnow is determined to be self-sustaining.

The Rio Grande Silvery Minnow Recovery Plan also describes actions needed to recover the Rio Grande silvery minnow. These include developing a thorough knowledge of the Rio Grande silvery minnow's life history, ecology, and behavior, and the current status of its habitat. It is also necessary to restore, protect, and alter habitats as necessary to alleviate threats to the Rio Grande silvery minnow, to ensure the survival of the species in its current habitat, and to reestablish the species in suitable habitats within its historical range. By implementation and

maintaining an adaptive management program, appropriate research and management activities will be implemented in a timely manner to achieve recovery of the Rio Grande silvery minnow. Lastly, recovery actions also include designing and implementing public awareness and education programs about this species.

Section 4(f) of the Act requires that we provide public notice and an opportunity for public review and comment during recovery plan development. In fulfillment of this requirement, we made the draft revision of the recovery plan for Rio Grande silvery minnow available for public comment from January 18, 2007, through April 18, 2007 (January 18, 2007; 72 FR 2301). We also conducted peer review at this time. Revised recovery criteria were developed in response to public and peer review comments on the original draft plan. We released these revised criteria for a second round of public comment from April 9, 2009, through May 26, 2009 (April 9, 2009; 74 FR 16232). We also conducted additional peer review. After consideration of comments received during both public and peer review comment periods, the recovery plan has been updated and finalized.

**Authority:** The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: January 15, 2010.

**Benjamin N. Tuggle,**

*Regional Director, Region 2.*

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[LLCONO3400 L17110000.AL0000]

#### Notice of Establishment of the Dominguez-Escalante National Conservation Area Advisory Council (Colorado)

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

**ACTION:** Notice.

**SUMMARY:** This notice is published in accordance with Section 9(a)(2) of the Federal Advisory Committee Act of 1972. Notice is hereby given that the Secretary of the Interior (Secretary) has established the Bureau of Land Management's Dominguez-Escalante National Conservation Area Advisory Council.

**FOR FURTHER INFORMATION CONTACT:** Allison Sandoval, Legislative Affairs

and Correspondence (600), Bureau of Land Management, 1620 L Street, NW., MS-LS-401, Washington, DC 20036, telephone (202) 912-7434.

**SUPPLEMENTARY INFORMATION:** The purpose of the Council is to provide advice to the Secretary with respect to the preparation and implementation of the management plan for the long term protection and management of the Dominguez-Escalante National Conservation Area.

#### Certification Statement

I hereby certify that the establishment of the Dominguez-Escalante National Conservation Area Advisory Council is necessary and in the public interest in connection with the Secretary of the Interior's responsibilities to manage the lands, resources, and facilities administered by the Bureau of Land Management.

Dated: February 5, 2010.

**Ken Salazar,**

*Secretary of the Interior.*

[FR Doc. 2010-3388 Filed 2-19-10; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Pursuant to the Clean Water Act

Notice is hereby given that on January 19, 2010, a proposed Consent Decree in *United States v. Magellan Pipeline Company LP*, No. 10-CV-28-CVE-FHM, was lodged with the United States Court for the Northern District of Oklahoma.

In this action, the United States sought the penalties pursuant to Section 311 of the Clean Water Act, 33 U.S.C. 1321 against Magellan Pipeline Company, LP. The Complaint alleges that a discharge of gasoline occurred in Oologah, Oklahoma on January 5, 2008 from a pipeline owned and operated by Defendant Magellan. Pursuant to the proposed Consent Decree, the Settling Defendants will pay to the United States a civil penalty of \$418,000 for the discharge. 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 Pipeline Company*,

(N.D. Okla.) No. 10-CV-28-CVE-FHM, D.J. Ref. 90-5-1-1-09674.

During the public comment period, the Consent Decree may be examined at the Office of the United States Attorney, Northern District of Oklahoma, 110 W. 7th Street, Suite 300, Tulsa, OK 74119. 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 \$3.75 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**Maureen Katz,**

*Assistant Section Chief.*

[FR Doc. 2010-3318 Filed 2-19-10; 8:45 am]

**BILLING CODE 4410-15-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 January 29, 2010, a proposed consent decree in *United States v. Reading Company*, Civil Action No. 10-413 was lodged with the United States District Court for the Eastern District of Pennsylvania.

In this action the United States sought reimbursement of response costs incurred in response to the release or threatened release of hazardous substances at the Modena Yard site in Chester County, Pennsylvania. The consent decree resolves the defendants' liability for the response costs specified in the appendix to the consent decree in exchange for payment of \$93,295.

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. Reading Company*, D.J. Ref. 90-11-3-08567/3.