

the project area. Due to these authorities, USACE is acting as the lead agency for the EIS pursuant to NEPA. SBFCA will be acting as the lead agency for the EIR according to CEQA as an agency of the State of California with delegated authority to approve the project.

2. *Alternatives.* The EIS/EIRs will consider several alternatives for reducing flood damage. Alternatives analyzed during the investigation will consist of a combination of one or more measures to reduce the risk of flooding. These measures include installing cutoff walls, and constructing seepage berms.

3. *Scoping Process.*

a. A series of public scoping meetings will be held on June 27 and 28, 2011, to present information to the public and to receive comments from the public on both the feasibility study and the FRWLP. These meetings are intended to initiate the process to involve concerned individuals, and local, state, and Federal agencies.

b. Significant issues to be analyzed in depth in the environmental documents include effects on hydraulics, wetlands and other waters of the U.S., vegetation and wildlife resources, special-status species, aesthetics, cultural resources, recreation, land use, fisheries, water quality, air quality, transportation, and socioeconomics; and cumulative effects of related projects in the study area.

c. USACE is consulting with the State Historic Preservation Officer to comply with the National Historic Preservation Act and with the U.S. Fish and Wildlife Service and National Marine Fisheries Service to comply with the Endangered Species Act. USACE also is coordinating with the U.S. Fish and Wildlife Service to comply with the Fish and Wildlife Coordination Act.

d. A 45-day public review period will be provided for individuals and agencies to review and comment on the draft environmental documents. All interested parties are encouraged to respond to this notice and provide a current address if they wish to be notified of the draft EIS/EIR circulation.

4. *Availability.* The draft EIS/EIR for the FRWLP is scheduled to be available for public review and comment in late 2011. The draft EIS/EIR for the Sutter Basin Feasibility Study is scheduled to be available for public review and comment in mid 2012.

Dated: May 12, 2011.

Andrew B. Kiger,
LTC, EN, Commanding.

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DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Notice of Availability of the Final Programmatic Environmental Impact Statement for the Mechanical and Artificial Creation and Maintenance of Emergent Sandbar Habitat in the Riverine Segments of the Upper Missouri River, Missouri River Basin, United States

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of Availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969, as amended, the U.S. Army Corps of Engineers intends to file a Final Programmatic Environmental Impact Statement (FPEIS) for the Mechanical and Artificial Creation and Maintenance of Emergent Sandbar Habitat on the Riverine Segments of the Upper Missouri River with the U.S. Environmental Protection Agency. The FEIS is available for final public review. Details on the proposed action, location and areas of environmental concern addressed in the FPEIS are provided below under **SUPPLEMENTARY INFORMATION.**

DATES: The review period will be open 30 days from the date of this notice. The Record of Decision is anticipated to be issued in August, 2011.

ADDRESSES: Written comments should be sent to: Department of the Army; Corps of Engineers, Omaha District; CENWO-PM-AC; ATTN: Emergent Sandbar Habitat Programmatic EIS; 1616 Capitol Avenue; Omaha, NE 68102-4901, or e-mailed to:

Cynthia.s.upah@usace.army.mil.

Comments must be postmarked, e-mailed, or otherwise submitted no later than June 13, 2011. Copies of the FPEIS have been sent to all agencies and individuals who participated in the scoping process or public hearings and to those requesting copies. The FEIS is available online at: http://www.moriverrecovery.org/mrrp/MRRP_PUB_DEV.download_documentation_peis. To obtain a copy, please contact Ms. Cynthia Upah.

FOR FURTHER INFORMATION CONTACT: Ms. Cynthia Upah, Project Manager, by telephone: (402) 995-2672, by mail: 1616 Capitol Avenue, Omaha, NE 68102-4901, or by e-mail: *Cynthia.s.upah@usace.army.mil.* For inquiries from the media, please contact the USACE Omaha District Public Affairs Officer (PAO), Ms. Monique Farmer by telephone: (402) 995-2416,

by mail: 1616 Capitol Avenue, Omaha, NE 68102, or by e-mail:

Monique.l.farmer@usace.army.mil.

SUPPLEMENTARY INFORMATION: 1.

Background. The Emergent Sandbar Habitat (ESH) program is being implemented by the U.S. Army Corps of Engineers (Corps) for the benefit of the interior population of the Interior least tern (least tern) and the northern Great Plains piping plover (piping plover). This implementation program resulted from a Biological Opinion (BiOp) issued by the U.S. Fish and Wildlife Service (USFWS) in which the Reasonable and Prudent Alternative (RPA) called for the Corps to provide sufficient ESH acreage in order to meet biological metrics (fledge ratios) to avoid jeopardizing continued existence of the species, as defined by the Endangered Species Act (ESA).

The FPEIS is needed to provide National Environmental Policy Act (NEPA) coverage for the mechanical and artificial construction of ESH in the riverine segments of the Upper Missouri River, pursuant to the 2003 BiOp Amendment RPA IV(b) 3, and to compare impacts among a range of alternatives. The goal is to inform the selection of a preferred alternative that allows for the creation and replacement of sufficient habitat to support tern and plover populations on the Missouri River in a safe, efficient and cost-effective manner that minimizes negative environmental consequences.

Alternatives to the proposed project that are considered in the FPEIS include (1) no action, including existing program activities and no action; (2) and 6 action alternatives of various acreage creation. Environmental issues addressed in the FPEIS include hydrology, water quality, aggradation and degradation, biological resources, air quality, noise and recreation.

After detailed consideration of the environmental and social impacts, and cumulative effects, of the Alternatives, the Corps has identified an Adaptive Management Implementation Process (AMIP) as the preferred alternative, and not one of the specific acreage alternatives. The key aspect of the AMIP is that, rather than selecting a specific acreage alternative and pursuing such construction, actions would be progressively implemented with the focus on monitoring a combination of biological and physical metrics (measurements). Implementation of progressively larger acreage amounts of habitat would continue until the desired biological response is attained and sustained.

However, the exact number of acres needed to be constructed and maintained is uncertain at this time. Based on the analysis in the PEIS, the impacts of the larger alternatives (3, 2 and 1) are deemed to be moderate to high. The Corps has chosen a maximum construction ceiling of Alternative 3.5 (4,370 acres) at this time. Impacts of lesser alternatives (3.5, 4 and 5) are deemed to be moderate to low. This checkpoint of Alternative 3.5 is proposed because it represents a midrange of habitat available at a time when the birds were productive (biological metric), and it is anticipated that a positive, sustainable biological response will be met before fully implementing up to Alternative 3.5. If Alternative 3.5 is fully implemented and the birds are not meeting biological metrics, the Corps can consider continuing to higher acreage alternatives or look at other methodologies. Appropriate coordination and disclosure would be pursued if Alternative 3.5 was exceeded (potential amended Record of Decision or additional NEPA).

2. *Document Availability.* The Emergent Sandbar Habitat Programmatic EIS is available online at http://www.moriverrecovery.org/mrrp/MRRP_PUB_DEV.download_documentation_peis, or see the **ADDRESSES** section. For more information about the Emergent Sandbar Habitat program, please visit <http://www.moriverrecovery.org> under "BiOp/Mit Efforts."

Dated: May 9, 2011.

Kayla Eckert Uptmor,

Chief Planning Branch, Omaha District.

[FR Doc. 2011-12511 Filed 5-19-11; 8:45 am]

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DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Availability of a Final Environmental Impact Statement To Consider Issuance of a Department of the Army Permit Pursuant to Section 404 of the Clean Water Act for the Sabine Mining Company's Proposal To Construct, Operate, and Reclaim the Rusk Permit Area, Rusk, Panola, and Harrison Counties, TX (USACE Project No. SWF-2007-00560)

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of availability.

SUMMARY: In accordance with the requirements of the National Environmental Policy Act (NEPA), the

U.S. Army Corps of Engineers (USACE) Fort Worth District has prepared a Final Environmental Impact Statement (FEIS). This FEIS evaluates project alternatives and potential impacts to the natural, physical and human environment as a result of the Sabine Mining Company's proposal to construct, operate and reclaim the Rusk Permit Area. The USACE regulates this proposed project pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. The proposed activity would involve the discharge of dredged and fill material into waters of the United States associated with the proposed construction, operation and reclamation of the Rusk Permit Area.

DATES: Submit comments no later than 60 days from the date of publication of this notice.

ADDRESSES: Send written comments and suggestions concerning this proposal to Mr. Darvin Messer, Regulatory Project Manager, Regulatory Branch, CESWF-PER-R, U.S. Army Corps of Engineers, Fort Worth District, P.O. Box 17300, Fort Worth, TX 76102-0300 or via e-mail: Darvin.Messer@usace.army.mil.

Requests to be placed on the mailing list should also be sent to this address. Please reference USACE Project No. SWF-2007-00560.

FOR FURTHER INFORMATION CONTACT: Mr. Darvin Messer, Regulatory Project Manager at (817) 886-1744 or via e-mail: Darvin.Messer@usace.army.mil.

SUPPLEMENTARY INFORMATION: Discharges of fill material into waters of the United States are regulated under Section 404 of the Clean Water Act, with the permitting responsibility administered by the USACE. The proposed project must also address environmental impacts relative to the Clean Air Act, Clean Water Act, Endangered Species Act and the Fish and Wildlife Coordination Act (FWCA). In accordance with the NEPA, the FEIS evaluates practicable alternatives for the USACE's decision making process. As required by NEPA, the USACE also analyzes the "no action" alternative as a baseline for gauging potential impacts.

Written comments should be sent to Mr. Darvin Messer (see **ADDRESSES**). The comments are due no later than 60 days from the date of publication of this notice. Copies of the FEIS may be obtained by contacting USACE Fort Worth District Regulatory Branch at (817) 886-1731 or downloaded/printed from the Fort Worth District USACE Internet Web site at: <http://www.swf.usace.army.mil/pubdata/environ/regulatory/permitting/rusk.asp>.

Copies of the FEIS are also available for inspection at the locations identified below:

- (1) Tatum Public Library, 335 Hood Street, Tatum, TX 75691.
- (2) Sammie Brown Library, 522 West College Street, Carthage, TX 75633.
- (3) Longview Public Library, 222 West Cotton Street, Longview, TX 75601.
- (4) Rusk County Library, 106 East Main St., Henderson, TX 75652.
- (5) Marshall Public Library, 300 South Alamo Boulevard, Marshall, TX 75670.
- (6) Henderson City Hall, 400 West Main Street, Henderson, TX 75632.
- (7) Tatum City Hall, 680 Crystal Farms Road, Tatum, TX 75691.
- (8) Longview City Hall, 300 West Cotton Street, Longview, TX 75601.
- (9) Carthage City Hall, 812 West Panola Street, Carthage, TX 75633.
- (10) Marshall City Hall, 401 South Alamo Boulevard, Marshall, TX 75785.

After the public comment period ends, the USACE will consider all comments received, revise the FEIS as appropriate, and issue a Final Environmental Impact Statement.

Stephen L. Brooks,

Chief, Regulatory Branch.

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BILLING CODE 3720-58-P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Intent To Prepare an Environmental Impact Statement (EIS) for the Alaska Department of Transportation & Public Facilities Foothills West Transportation Access Project

AGENCY: U.S. Army Corps of Engineers, Department of Defense.

ACTION: Notice of Intent.

SUMMARY: The Alaska District, U.S. Army Corps of Engineers (Corps) intends to prepare a Draft Environmental Impact Statement (DEIS) to identify and analyze the potential impacts associated with the proposed Foothills West Transportation Access Project (Foothills Project). The Corps is the lead Federal agency; the Bureau of Land Management (BLM) and the Alaska Department of Natural Resources (ADNR) are participating as cooperating agencies in the DEIS development process. The Corps will be evaluating a permit application for work under Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. The Environmental Impact Statement (EIS) will be used as a basis for the permit decision and to ensure