

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](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.*

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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](mailto: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](mailto: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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## 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