

### III. Comments

We invite comments concerning this information collection on:

- Whether or not the collection of information is necessary, including whether or not the information will have practical utility;
- The accuracy of our estimate of the burden for this collection of information;
- Ways to enhance the quality, utility, and clarity of the information to be collected; and
- Ways to minimize the burden of the collection of information on respondents.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this IC. Before including your address, phone number, email 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: February 6, 2013.

**Tina A. Campbell,**

Chief, Division of Policy and Directives Management, U.S. Fish and Wildlife Service.

[FR Doc. 2013-03286 Filed 2-12-13; 8:45 am]

BILLING CODE 4310-55-P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS-R4-ES-2013-N032;  
FXES1112040000-134-FF04EF2000]

#### Endangered and Threatened Wildlife and Plants; Receipt of an Application for an Incidental Take Permit; Availability of Proposed Low-Effect Habitat Conservation Plan; Martin County, FL

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

**ACTION:** Notice of availability; request for comment/information.

**SUMMARY:** We, the Fish and Wildlife Service (Service), announce the availability of an incidental take permit (ITP) application and a Habitat Conservation Plan (HCP). SP Behavioral, LLC (the applicant) requests an ITP under the Endangered Species Act of 1973, as amended (Act). The applicant anticipates taking about 2.99 acres of

foraging, breeding, and sheltering habitat used by the Florida scrub-jay (*Aphelocoma coerulescens*) (scrub-jay), Eastern indigo snake (*Drymarchon coureii*) (indigo snake), and gopher tortoise (*Gopherus polyphemus*), incidental to land preparation and for the construction of the Sandy Pines Residential Treatment Center Addition in Martin County, Florida. The applicant's HCP describes the minimization and mitigation measures proposed to address the effects of the project on the covered species.

**DATES:** We must receive your written comments on the ITP application and HCP on or before March 15, 2013.

**ADDRESSES:** See the **SUPPLEMENTARY INFORMATION** section below for information on how to submit your comments on the ITP application and HCP. You may obtain a copy of the ITP application and HCP by writing the South Florida Ecological Services Office, Attn: Permit number TE95653A-0, U.S. Fish and Wildlife Service, 1339 20th Street, Vero Beach, FL 32960-3559. In addition, we will make the ITP application and HCP available for public inspection by appointment during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Ms. Elizabeth Landrum, Fish and Wildlife Biologist, South Florida Ecological Services Office (see **ADDRESSES**); telephone: 772-469-4304.

#### **SUPPLEMENTARY INFORMATION:**

##### **Submitting Comments**

If you wish to comment on the ITP application and HCP, you may submit comments by any one of the following methods:

*Email:* Elizabeth\_Landrum@fws.gov. Use Attn: Permit number "TE95653A-0" as your message subject line.

*Fax:* Elizabeth Landrum, 772-562-4288, Attn.: Permit number "TE95653A-0."

*U.S. mail:* Elizabeth Landrum, South Florida Ecological Services Field Office, Attn: Permit number "TE95653A-0," U.S. Fish and Wildlife Service, 1339 20th Street, Vero Beach, FL 32960-3559.

*In-person drop-off:* You may drop off comments or request information during regular business hours at the above office address.

##### **Public Availability of Comments**

Before including your address, phone number, email address, or other personal identifying information in your comments, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time.

While you can request in your comments that your personal identifying information be withheld from public review, we cannot guarantee that we will be able to do so.

##### **Applicant's Proposed Project**

We received an application from the applicant for an incidental take permit, along with a proposed habitat conservation plan. The applicant requests a 15-year permit under section 10(a)(1)(B) of the Act (16 U.S.C. 1531 *et seq.*). If we approve the permit, the applicant anticipates taking a total of approximately 2.99 acres of scrub-jay, indigo snake, and gopher tortoise breeding, feeding, and sheltering habitat, incidental to land preparation and construction of additional residential and educational facilities, installation of associated infrastructure, construction of courtyards for recreation, expansion of the parking area and storm water management facility, and construction of a stabilized service road, in Martin County, Florida. Construction activities associated with the project will take place within Section 24, Township 40S, Range 42E, Martin County, Florida.

The applicant proposes to mitigate for impacts by one of the three following methods: (1) Establish and manage in perpetuity a 6-acre on-site conservation area; (2) establish and manage in perpetuity a 4.54-acre on-site conservation area and contribute \$53,375 to the Florida Scrub-jay Conservation Program Fund; or (3) contribute \$219,348 to the Florida Scrub-jay Conservation Program Fund. The Service listed the scrub-jay as threatened in 1987 (June 3, 1987; 52 FR 20715), effective July 6, 1987. The Service listed the indigo snake as threatened in 1978 (January 31, 1978; 43 FR 4028), effective March 3, 1978. The Service identified the gopher tortoise as a candidate species in the eastern portion of its range in 2011 (July 27, 2011; 76 FR 45130) and determined that listing this species as threatened was warranted but precluded by higher priority listing actions.

##### **Our Preliminary Determination**

The Service has made a preliminary determination that the applicant's project, including the mitigation measures, will individually and cumulatively have a minor or negligible effect on the species covered in the HCP. Therefore, issuance of the ITP is a "low-effect" project and qualifies as a categorical exclusion under the National Environmental Policy Act (NEPA), as provided by the Department of the Interior Manual (516 DM 2 Appendix 1

and 516 DM 6 Appendix 1). We base our preliminary determination that issuance of the ITP qualifies as a low-effect action on the following three criteria: (1) Implementation of the project would result in minor or negligible effects on federally listed, proposed, and candidate species and their habitats; (2) Implementation of the project would result in minor or negligible effects on other environmental values or resources; and (3) Impacts of the project, considered together with the impacts of other past, present, and reasonably foreseeable similarly situated projects, would not result, over time, in cumulative effects to environmental values or resources that would be considered significant. This preliminary determination may be revised based on our review of public comments that we receive in response to this notice.

#### Next Steps

The Service will evaluate the HCP and comments submitted thereon to determine whether the application meets the requirements of section 10(a) of the Act. The Service will also evaluate whether issuance of the section 10(a)(1)(B) ITP complies with section 7 of the Act by conducting an intra-Service section 7 consultation. The results of this consultation, in combination with the above findings, will be used in the final analysis to determine whether or not to issue the ITP. If it is determined that the requirements of the Act are met, the ITP will be issued.

#### Authority:

We provide this notice under Section 10 of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and NEPA regulations (40 CFR 1506.6).

Dated: February 6, 2013.

Larry Williams,

Field Supervisor, South Florida Ecological Services Office.

[FR Doc. 2013-03287 Filed 2-12-13; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### Indian Gaming

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice of Approved Tribal State Class III Gaming Compact.

**SUMMARY:** This notice publishes the Approval of the Class III Tribal-State Gaming Compact between the Chippewa-Cree Tribe of the Rocky Boy's

Indian Reservation and the State of Montana.

**DATES:** *Effective Date:* February 13, 2013.

#### FOR FURTHER INFORMATION CONTACT:

Paula L. Hart, Director, Office of Indian Gaming, Office of the Deputy Assistant Secretary—Policy and Economic Development, Washington, DC 20240, (202) 219-4066.

**SUPPLEMENTARY INFORMATION:** Under Section 11 of the Indian Gaming Regulatory Act of 1988 (IGRA) Public Law 100-497, 25 U.S.C. 2701 *et seq.*, the Secretary of the Interior shall publish in the **Federal Register** notice of approved Tribal-State compacts for the purpose of engaging in Class III gaming activities on Indian lands. On December 27, 2012, the Chippewa-Cree Indians of the Rocky Boy's Reservation and the State of Montana submitted a Class III Tribal-State Compact for review and approval. The Compact increases the number of machines, increases the prize value and increases the wager limit. The term of the Compact runs for 10 years from the date of this notice.

Dated: February 4, 2013.

Kevin K. Washburn,

Assistant Secretary—Indian Affairs.

[FR Doc. 2013-03326 Filed 2-12-13; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[LLCOF0200-L12200000-DU0000]

#### Notice of Final Supplementary Rules for Public Lands in Colorado: Public Lands Administered by the Bureau of Land Management, Royal Gorge Field Office, Arkansas River Travel Management Area in Chaffee, Custer, and Fremont Counties

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

**ACTION:** Notice of Final Supplementary Rules.

**SUMMARY:** The Bureau of Land Management (BLM) is establishing supplementary rules to regulate conduct on public lands within the Arkansas River Travel Management Area (ARTMA) in Chaffee, Custer, and Fremont Counties, Colorado. These supplementary rules address decisions found in the Arkansas River Travel Management Plan (ARTMP). Travel management actions and changes to the off-highway vehicle (OHV) designations were detailed and analyzed in an Environmental Assessment (EA). The

Royal Gorge Field Office (RGFO) signed a Finding of No Significant Impact (FONSI) on December 18, 2007. The BLM issued two Decision Records following the ARTMP EA: one on April 29, 2008, to amend OHV designations identified in the EA, and a second on May 21, 2008, to implement the travel management actions identified in the EA. The rules were published in the **Federal Register** as a proposal on July 23, 2010 and public comment was solicited. The Decision Records included revising travel regulations for the area including bicycle use, identifying shooting restrictions, and limiting an area to a certain vehicle type. These travel regulations are designed to provide for public health and safety and to protect natural resources within the ARTMA.

**DATES:** *Effective Date:* These supplementary rules are effective March 15, 2013.

**ADDRESSES:** You may send inquiries by mail to the BLM Royal Gorge Field Office, 3028 East Main Street, Cañon City, Colorado 81212; or by email to [rgfo\\_comments@blm.gov](mailto:rgfo_comments@blm.gov) and include "Final Supplementary Rules" in the subject line.

#### FOR FURTHER INFORMATION CONTACT:

Keith Berger, Field Manager, BLM Royal Gorge Field Office, at the address listed above, or by phone at 719-269-8500. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

#### SUPPLEMENTARY INFORMATION:

- I. Background
- II. Discussion of Public Comments and Final Supplementary Rules
- III. Procedural Matters
- IV. Final Supplementary Rules

#### I. Background

The ARTMA covers approximately 240,555 acres of public land within Chaffee, Custer, and Fremont Counties, Colorado, in the following townships:

#### New Mexico Principal Meridian

Tps. 49 to 51 N., R. 8 E.  
Tps. 48 to 50 N., R. 9 E.  
Tps. 47 to 49 N., R. 10 E.  
Tps. 47 to 49 N., R. 11 E.  
Tps. 47 to 49 N., R. 12 E.

#### Sixth Principal Meridian

Tps. 18 to 19 S., R. 70 W.  
Tps. 18 to 22 S., R. 71 W.  
Tps. 17 to 22 S., R. 72 W.