take must be incidental to actions that are otherwise lawful. The Eagle Act's implementing regulations define ''take'' as to ''pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, destroy, molest, or disturb'' individuals, their nests and eggs (50 CFR 22.3); and ''disturb'' is further defined as ''to agitate or bother a bald or golden eagle to a degree that causes . . . (1) injury to an eagle, . . .(2) a decrease in its productivity, . . . or (3) nest abandonment'' (50 CFR 22.3). The Alta East Wind Project will result in recurring eagle mortalities over the life of the project, so the appropriate type of take permit is the programmatic permit under 50 CFR 22.26.

We may consider issuance of programmatic eagle take permits if: (1) The incidental take is necessary to protect legitimate interests; (2) the take is compatible with the preservation standard of the Eagle Act—providing for stable or increasing breeding populations; (3) the take has been avoided and minimized to the degree achievable through implementation of Advanced Compensation Practices, and the remaining take is unavoidable; and (4) compensatory mitigation will be provided for any remaining take. The Service must determine that the direct and indirect effects of the take and required mitigation, together with the cumulative effects of other permitted take and additional factors affecting eagle populations, are compatible with the preservation of bald eagles and golden eagles.

Applicant's Proposal

The permit applicant, Alta Wind X, LLC, is operating an approximately 150-megawatt (MW) commercial wind-energy facility in the Tehachapi WRA in Kern County, California. The recently constructed (December 2013) Alta East Wind Project was a new wind energy project on public (Bureau of Land Management) and private lands and was an expansion of Terra-Gen's Alta Wind Energy Center. The Bureau of Land Management and Kern County permitted Alta Wind X, LLC to construct, operate, maintain, and decommission up to 51 wind turbine generators and related infrastructure on approximately 2,600 acres of public and private land in 2013.

The applicant submitted an ECP on March 4, 2013, that was initially developed following recommendations provided by the Service and consistent with our January 2011 Draft Eagle Conservation Plan Guidance (*http://www.fws.gov/windenergy/docs/ECP_draft_guidance_2_10_final_clean_omb.pdf*). The Draft ECP was later updated to follow our finalized guidance, *Eagle Conservation Plan Guidance Module 1: Land-Based Wind Energy Version 2 (Service 2013) (ECP Guidance)* (*http://www.fws.gov/migratorybirds/PDFs/Eagle%20Conservation%20Plan%20Guidance-Module%201.pdf*).

As recommended in the Service's ECP Guidance, the applicant's plan outlines avoidance and minimization measures, contains a risk assessment, includes experimental advanced conservation practices, and adaptive management. The applicant submitted the ECP as part of the permit application, and if we issue the permit following the National Environmental Policy Act (NEPA) process, then the conservation commitments would become conditions of the permit.

The Service independently evaluated the risk of eagle fatalities from project operations and compared that risk to the conservation measures to which the applicant has committed. This is an essential step in the Service's evaluation of an application for a permit for programmatic take of eagles because issuing criteria require permitted take to comply with the Eagle Act's preservation standard. The Service has interpreted this standard to require maintenance of stable or increasing breeding populations of eagles (74 FR 46836; September 11, 2009). In the DEA, we evaluate the risk and offsetting conservation measures, and the implications for direct, indirect, and cumulative effects under five alternatives.

Next Steps

The public process for the proposed Federal permit action will be completed after the public comment period, at which time we will evaluate the permit application and comments submitted thereupon to determine whether the application meets the permitting requirements under the Eagle Act, applicable regulations, and NEPA requirements. Upon completion of that evaluation, we will select our course of action. We will make the final permit decision no sooner than 30 days after the close of the public comment period.

Public Comments

We invite public comment on the proposed DEA. If you wish, you may submit comments by any one of the methods discussed above under **ADDRESSES**.

Public Availability of Comments

We will consider public comments on the DEA when making the final determination on NEPA compliance and permit issuance. 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.

Authority

We provide this notice under Section 668a of the Eagle Act (16 U.S.C. 668–668c) and NEPA regulations (40 CFR 1506.6).

Alexandra Pitts,

Deputy Regional Director, Pacific Southwest, Sacramento, California.

[FR Doc. 2015–27240 Filed 10–27–15; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLIDT02000.L12200000.MA0000.241A.004500079363]

Final Supplementary Rules for the Castle Rocks Land Use Plan Amendment Area, Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of final supplementary rules.

SUMMARY: The Bureau of Land Management (BLM) is finalizing supplementary rules for all BLM-administered public lands within an approximately 400-acre area in Idaho known as Castle Rocks. The BLM addressed this area in the November 2013 Cassia Resource Management Plan (RMP) Amendment and Record of Decision (ROD). The Cassia RMP amendment made implementation-level decisions designed to conserve natural and cultural resources while providing for recreational opportunities. These supplementary rules will allow the BLM and law enforcement partners to enforce those decisions.

DATES: These supplementary rules are effective on November 27, 2015.

ADDRESSES: You may direct your inquiries to the Bureau of Land Management, Burley Field Office, 15 East 200 South, Burley, Idaho 83318. email: *BLM_ID_BurleyOffice@blm.gov.*

FOR FURTHER INFORMATION CONTACT: Dennis Thompson, Outdoor Recreation Planner, at 208–677–6664 or by email at

dthompson@blm.gov. 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 Mr. Thompson.

SUPPLEMENTARY INFORMATION:

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

I. Background

Castle Rocks is a dramatic geologic area located in the southern Albion Mountain Range of Cassia County, Idaho. Castle Rocks consists primarily of quartz-monzonite, a type of granite associated with the Almo Pluton. Pinnacles and monoliths, towering over 400 feet in local relief, characterize the area. Castle Rocks currently contains nearly pristine cultural and natural resources.

Until 2003, a difficult and lengthy hike from Stines Pass was the only way to access Castle Rocks, due to the unique ownership pattern and geography of the surrounding lands. This limited access helped preserve rare resources that are of great importance to the Shoshone-Bannock Tribes of Fort Hall and the Shoshone-Paiute Tribes of Duck Valley. Castle Rocks became less isolated after the passage of the Castle Rock Ranch Acquisition Act of 2000 (Pub. L. 106–421), which authorized the National Park Service (NPS) to purchase a private ranch that provided more convenient public access on the east side of the geologic area. After the acquisition, the NPS exchanged the property with the Idaho Department of Parks and Recreation (IDPR) for other lands adjacent to existing NPS properties.

Since May 25, 2003, the IDPR has provided park facilities and managed recreation at Castle Rocks. Since 2003, the BLM has been protecting resources on the 400-acre parcel under its management through a series of temporary closure orders prohibiting rock climbing, camping, staging, and trail building. In 2012, the BLM determined that amending the Cassia RMP was necessary to properly manage the area. The decision in the Plan Amendment is to close the area permanently to rock climbing, camping, staging, and trail building. This decision will protect significant cultural resources that were, or had the potential to be, adversely impacted by these activities. The Shoshone-Bannock Tribes of Fort Hall and the Shoshone-Paiute Tribes of Duck Valley consider the area a sacred site and have requested the assistance of the BLM Burley Field Office in nominating the area as a Traditional Cultural Property under the National Historic Preservation Act.

These supplementary rules will help the BLM achieve management objectives and implement the Cassia RMP amendment. They will also provide the BLM with enforcement capability to help prevent damage to cultural and natural resources.

II. Discussion of Public Comments

The BLM published the proposed supplementary rules in the **Federal Register** on October 15, 2014 (79 FR 61899). Public comments were accepted for a 60-day period ending on December 15, 2014. The BLM received three comments. One comment favored protecting the resources, one comment was against any restriction on Federal lands, and the third comment did not apply to the Castle Rocks area. The comments received were not specific or confined to the issues pertinent to the proposed rules, nor did they recommend change or clarification; therefore, no changes were made to the proposed supplementary rules.

III. Discussion of Supplementary Rules

Supplementary rules are necessary to protect the cultural and natural resources within the 400-acre BLM parcel at Castle Rocks as described in the environmental assessment (EA) for the Cassia RMP amendment.

The supplementary rules prohibit traditional rock climbing, sport rock climbing, bouldering, staging, trail building, and camping on BLM-administered public land within the Castle Rocks area because of potential adverse effects to significant Traditional Cultural Properties, and rare historic, geologic, scenic and cultural resources resulting from these activities. Use of the existing Stines Creek trail as shown on the 2012 Oakley 1:100,000 surface management Status Map and free solo climbing—that is, climbing which does not use ropes, harnesses or other protective gear during ascent—are still authorized. The EA for the Cassia RMP amendment (Appendix II) designates the trail appropriate for foot, horse, or bike use and describes the authorized course of the trail.

IV. Procedural Matters

Executive Orders 12866, Regulatory Planning and Review

The final supplementary rules are not a significant regulatory action and are not subject to review by the Office of Management and Budget under Executive Orders 12866. They will not have an effect of $100 million or more on the economy. They will not adversely affect, in a material way, the economy; productivity; competition; jobs; environment; public health or safety; or State, local, or tribal governments or communities. The final supplementary rules will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency. They will not materially alter the budgetary effects of entitlements, grants, user fees, or loan programs or the right or obligations of their recipients; nor will they raise novel legal or policy issues. The supplementary rules merely contain rules of conduct for public use of a limited selection of public lands to prevent adverse effects to significant traditional cultural properties and rare historic, geologic, and scenic values at Castle Rocks.

National Environmental Policy Act (NEPA)

The BLM prepared an EA as part of the development of the Cassia RMP amendment at Castle Rocks. During that NEPA process, alternative decisions for the Cassia RMP amendment were fully analyzed or discussed and offered for public comment, including the substance of these supplementary rules. The pertinent analysis can be found in Chapter 4 of the Cassia RMP Amendment and Proposed Decision Record, April 2013. The ROD for the Cassia RMP was signed by the Idaho BLM State Director on November 20, 2013. These final supplementary rules will provide for enforcement of the plan decisions. The rationale for the decisions made is fully covered in the ROD, which is available for review in the BLM administrative record at the location specified in the **ADDRESSES** section and online at *https://eplanning.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=dispatchToPatternPage&currentPageId=47887.*

Regulatory Flexibility Act

Congress enacted the Regulatory Flexibility Act of 1980 (RFA), as amended, 5 U.S.C. 601–612, to ensure that Government regulations do not unnecessarily or disproportionately burden small entities. The RFA requires a regulatory flexibility analysis if a rule will have a significant economic impact, either detrimental or beneficial, on a substantial number of small entities. These final supplementary rules will merely establish rules of conduct for use of a limited area of public lands and will have no effect on business entities of any size. Therefore, the BLM has determined, under the RFA, that the final supplementary rules will not have

a significant economic impact on a substantial number of small entities.

Small Business Regulatory Enforcement Fairness Act

These final supplementary rules do not constitute a ''major rule'' as defined at 5 U.S.C. 804(2). They will not result in an effect on the economy of $100 million or more, an increase in costs or prices, or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets. These final supplementary rules will merely establish rules of conduct for use of a limited area of public lands and do not affect commercial or business activities of any kind.

Unfunded Mandates Reform Act

These final supplementary rules will not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than $100 million per year nor do they have a significant or unique effect on State, local, or tribal governments or the private sector. Therefore, the BLM is not required to prepare a statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*).

Executive Order 12630, Governmental Actions and Interference With Constitutionally Protected Property Rights (Takings)

These final supplementary rules will not have significant takings implications nor will they be capable of interfering with constitutionally protected property rights. Therefore, the BLM has determined that these rules will not cause a ''taking'' of private property or require preparation of a takings assessment.

Executive Order 13132, Federalism

These final supplementary rules will not have a substantial direct effect on the States, on the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government. These final supplementary rules will not conflict with any law or regulation of the State of Idaho. Therefore, in accordance with Executive Order 13132, the BLM has determined that these final supplementary rules will not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

Executive Order 12988, Civil Justice Reform

The BLM has determined that these final supplementary rules will not unduly burden the judicial system and that they meet the requirements of sections 3(a) and 3(b)(2) of Executive Order 12988.

Executive Order 13175, Consultation and Coordination with Indian Tribal Governments

Consultation and Coordination with the Shoshone-Bannock and the Shoshone-Paiute Tribes has been ongoing since 2010. The Tribes have been fully briefed and support these supplementary rules.

Information Quality Act

The Information Quality Act (Section 515 of Pub. L. 106–554) requires Federal agencies to maintain adequate quality, objectivity, utility, and integrity of the information that they disseminate. In developing these supplementary rules, the BLM did not conduct or use a study, experiment, or survey or disseminate any information to the public.

Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

These final supplementary rules will not constitute a significant energy action. These final supplementary rules will not have an adverse effect on energy supplies, production, or consumption, and have no connection with energy policy.

Paperwork Reduction Act

These final supplementary rules do not contain information collection requirements that the Office of Management and Budget must approve under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*

Author

The principal author of these supplementary rules is Amanda M. Dodson, Acting Burley Field Manager, Bureau of Land Management.

For the reasons stated in the Preamble, and under the authority of 43 CFR 8365.1–6, the Burley Field Office, Bureau of Land Management, establishes supplementary rules for BLM-administered lands covered under the Cassia Resource Management Plan Amendment at Castle Rocks, to read as follows:

Supplementary Rules for the Portion of the Castle Rocks Area Managed by the U.S. Bureau of Land Management

Definitions

Traditional rock climbing means a style of climbing where a climber or group of climbers places all gear required to protect against falls and removes it when passage is complete.

Sport rock climbing means a style of climbing that relies on fixed protection against falls, usually bolts and/or top anchors.

Bouldering means ropeless climbing that involves short, sequential moves on rock usually no more than 20 feet off the ground and uses bouldering crash pads at the base of the climbing area to prevent injuries from falls.

Staging means assembling, unpacking or otherwise preparing gear for climbing; typically conducted at the base of the cliff, where gear such a backpacks may also be left during a climb, but in some cases, is conducted at the top of a cliff.

Trail building means the act of creating new travel routes through the use of tools; or user-created trails developed through repeated visits to a specific destination. EA DOI–BLM–ID–T020–2013–0010–EA Appendix II serves as the baseline for existing trails on BLM lands.

Camping means setting up, occupying or making use of a place for shelter or overnight stay.

On BLM-administered public land within the Castle Rocks area, the following supplementary rules apply:

1. Traditional and sport rock climbing and bouldering are prohibited.
2. Staging is prohibited.
3. Camping is prohibited.
4. Trail building is prohibited.

Exceptions: The following persons are exempt from these supplementary rules:

A. Any Federal, State, local, and/or military employee acting within the scope of their duties;

B. Members of any organized rescue or fire-fighting force performing an official duty; and

C. Persons, agencies, municipalities or companies holding an existing special use permit and operating within the scope of their permit.

Penalties: On public lands under Section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733(a)) and 43 CFR 8360.0–7, any person who violates any of these supplementary rules may be tried before a United States Magistrate and fined no more than $1,000 or imprisoned for no more than 12 months or both. Such violations may also be subject to enhanced fines provided for by 18 U.S.C. 3571.

Timothy M. Murphy,

BLM Idaho State Director.

[FR Doc. 2015–27373 Filed 10–27–15; 8:45 am]

BILLING CODE 4310–GG–P