

January 1995. A Recovery Plan for the species was published in September 2001.

The Service has made a preliminary determination that the proposed Agreement and permit application are eligible for categorical exclusion under the National Environmental Policy Act of 1969 (NEPA). The basis for this determination is contained in an Environmental Action Statement and low-effect screening form, which are also available for public review.

**DATES:** To ensure consideration, we must receive your written comments on or before April 21, 2008.

**ADDRESSES:** Send your comments or request information by any of the following methods:

- *U.S. Mail:* Written comments should be addressed to the Field Supervisor, U.S. Fish and Wildlife Service, Chicago Field Office, 1250 S. Grove, Suite 103, Barrington, IL 60010.
- *Facsimile:* Written comments may be faxed to (847) 381-2285.
- *E-Mail:* [sha\\_dupagecounty@fws.gov](mailto:sha_dupagecounty@fws.gov).

**FOR FURTHER INFORMATION CONTACT:** Mr. Jeffrey Mengler, Chicago Field Office (see **ADDRESSES**); telephone: (847) 381-2253.

#### **SUPPLEMENTARY INFORMATION:**

#### **Availability of Documents**

Individuals wishing copies of the permit application, copies of our preliminary Environmental Action Statement, and/or copies of the full text of the Agreement, including a map of the proposed permit area, should contact the office and personnel listed in the **ADDRESSES** section above. Copies of the draft Agreement are also available for public review during normal business hours (8-4:30) at the U.S. Fish and Wildlife Service's Regional Office, located at 1 Federal Drive, Fort Snelling, Minnesota 55111, and at the U.S. Fish and Wildlife Service's Chicago Field Office, located at 1250 S. Grove, Suite 103, Barrington, IL 60010. Documents are also available for review at the Service's Regional Web site at: <http://www.fws.gov/midwest/Endangered/permits/hcp/index.html>.

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

Public requests for comments submitted will be handled in accordance with the Freedom of Information Act. Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request we withhold their home address from the record, which we will honor to the extent allowable by law. If a

respondent wishes us to withhold his/her name and/or address, this must be stated prominently at the beginning of the comment.

#### **Draft Safe Harbor Agreement**

Under a Safe Harbor Agreement, participating landowners voluntarily undertake management activities on their property to enhance, restore, or maintain habitat benefiting species listed under the Act, Safe Harbor Agreements, and the subsequent enhancement of survival permits that are issued pursuant to Section 10(a)(1)(A) of the Act (16 U.S.C. 1531 *et seq.*), encourage private and other non-Federal property owners to implement conservation measures for federally listed species by assuring property owners that they will not be subjected to increased land use restrictions as a result of efforts to attract or increase the numbers or distribution of a listed species on their property. Application requirements and issuance criteria for enhancement of survival permits through Safe Harbor Agreements are found in 50 CFR 17.22(c).

Land subject to this Agreement (i.e., enrolled land) involve approximately 14 acres within the Waterfall Glen Forest Preserve District in DuPage County, Illinois. The land consists of mowed turf grass, several buildings, a gravel driveway, several picnic shelters, septic systems, and a series of fish ponds that are groundwater fed via a system of pipes and artesian wells. Currently, the land does not provide any suitable habitat for HED.

The purpose of this SHA is to facilitate management actions that results in an increased population of HED on land and water within Waterfall Glen Forest Preserve in DuPage County, Illinois. Specifically, this refers to management actions proposed for the fish farm parcel and adjoining land within said preserve that is owned and managed by the District, a local public agency. Without the Agreement and proposed management actions, the enrolled land is unlikely to support any HED in the foreseeable future. The proposed duration of the Agreement and permit is 15 years.

Upon approval of this Agreement, and consistent with the Service's Safe Harbor Policy published in the **Federal Register** on June 17, 1999 (64 FR 32717), the Service would issue a permit to the District authorizing take of HED incidental to the implementation of the management activities specified in the Agreement and other lawful uses of the properties, including normal routine land management activities, and/or to

return to pre-Agreement conditions (baseline).

#### **Decisions**

We will evaluate this permit application, associated documents, and comments submitted thereon to determine whether the permit application meets the requirements of section 10(a)(1)(A) of the Act. If we determine that the requirements are met, we will sign the Agreement and issue an enhancement of survival permit to the Applicant for take of HED incidental to otherwise lawful activities, in accordance with the terms of the Agreement. We will not make our final decision until after the end of the 30-day comment period and we will fully consider all comments received during the comment period.

Dated: February 15, 2008.

**Lynn Lewis,**

*Assistant Regional Director, Acting, Ecological Services, Region 3, Fort Snelling, Minnesota.*

[FR Doc. E8-5741 Filed 3-20-08; 8:45 am]

**BILLING CODE 4310-55-P**

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## **DEPARTMENT OF THE INTERIOR**

### **Bureau of Indian Affairs**

#### **Draft Environmental Impact Statement for the Proposed Absaloka Mine Crow Reservation South Extension Coal Lease Approval, Mine Development Plan and Related Federal and State Permitting Actions, Big Horn County, MT**

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

**ACTION:** Notice.

**SUMMARY:** This notice advises the public that the Bureau of Indian Affairs (BIA) and the Montana Department of Environmental Quality (MDEQ) as joint lead agencies, with the Crow Tribe of Indians, the Office of Surface Mining Reclamation and Enforcement (OSMRE), the Bureau of Land Management (BLM) and the U.S. Environmental Protection Agency (EPA), as cooperating agencies, intend to file a Draft Environmental Impact Statement (DEIS) with the EPA for the proposed extension of the existing Absaloka mine onto the Crow Indian Reservation and for related Federal and state permitting actions; and that the DEIS is now available for public review. The purpose of the proposed action is to maximize the economic benefit from the coal trust resource by continuing to provide benefits to the Crow Tribe, including royalty, tax income and employment; as

well as allow Westmoreland Resources Inc. (WRI) to continue to access coal resources, owned by the Crow Tribe, for the sale to customers using it for electric power generation. This notice also announces a public hearing to receive comments on the DEIS.

**DATES:** Written comments on the DEIS must arrive by May 5, 2008. The public hearing will be held April 10, 2008, beginning at 7 p.m. and continuing until all those who register to make statements have been heard.

**ADDRESSES:** You may mail or hand carry written comments to George Gover, Superintendent; Crow Agency, P.O. Box 69; Crow Agency Montana. You may also comment via the Internet to: [westmorelandeis@mt.gov](mailto:westmorelandeis@mt.gov). Please submit Internet comments as an ASCII file, avoiding the use of special characters and any form of encryption. Please include your name and return address in your Internet message. If you do not receive a confirmation from the system that we have received your Internet message, contact Greg Hallsten at 406-444-3276.

You may review the DEIS at BIA, Weaver Avenue, Building 2, Crow Agency, Montana; BIA, Rocky Mountain Regional Office, 316 N. 26th Street (Environmental, Cultural and Safety—Room 4433), Billings Montana; BLM, Montana State Office (Solid Minerals section), 5001 Southgate Drive, Billings, Montana; EPA, 10 W. 15th Street Suite 3200, Helena Montana; MDEQ, 1520 E. 6th Avenue, Helena, Montana; the Crow Tribal Office, Crow Agency, Montana; Big Horn County Library, Hardin, Montana; or Little Bighorn College Library, Crow Agency, Montana. The document is available for review on the Internet at: [deq.mt.gov](http://deq.mt.gov). Computer disk copies of the document may be obtained by contacting George Gover, Superintendent, Crow Agency-BIA, at 406-638-2672.

The public hearing will be at the Big Horn County Courthouse, 121 3rd Street West, Hardin, Montana.

**FOR FURTHER INFORMATION CONTACT:** Rick Stefanic, 406-247-7911.

**SUPPLEMENTARY INFORMATION:** The WRI has operated the Absaloka Mine on the existing Tract III Crow Indian coal lease in the Crow Ceded Area since 1974. The WRI proposes to advance surface coal mining operations southward onto the Crow Reservation pursuant to the terms of an agreement with the Crow Tribe under the Indian Mineral Development Act (IMDA). The legal description for the acreage on the Reservation involves coal basically within T.1S, R.37E., sections 1, 12, 13; and T.1S., R.37E., sections 8, 9, 10, 11, 14, 15, 16, 17, 20,

and 21; Montana Principal Meridian. This area totals 3,660.23 acres in Big Horn County, Montana. All of the minerals are owned by the Crow Tribe. The surface estate is owned by the Crow Tribe (32%), allotted Indian owners (14%), and non-Indian fee owners (54%).

The DEIS analyzes three alternatives, the Proposed Action, Alternative One, and No Action. Under the Proposed Action, the MDEQ and OSMRE would approve Absaloka Mine's proposed Tract III Revision. The BIA would approve the IMDA lease for the South Extension, as well as the surface use agreements between the allottee surface owners and WRI; the OSMRE would approve the mining permit for the South Extension. Under this alternative, approximately 76.6 million tons of additional coal would be recovered and the mine life would be extended until about 2023.

Under Alternative One, WRI would not implement the South Extension development plan on the Crow Indian Reservation if the BIA does not approve the IMDA lease for the South Extension tract. Furthermore, because the South Extension includes allotted trust lands, the South Extension development plan would not be implemented if the BIA does not approve all surface use agreements between the allottee surface owners and WRI. The coal contained in the South Extension tract on the Crow Indian Reservation would not be mined. The WRI would, however, receive approval from MDEQ and OSMRE to revise Absaloka Mine's existing mine and reclamation plan to include the Tract III Revision area. Under this alternative, approximately 13 million tons of additional coal would be mined and the mine life would be extended to about 2011.

Under the No Action Alternative, none of the proposed actions would occur and WRI would not implement the South Extension development plan. The remaining (already permitted) 14 million tons of in-place coal reserves would be mined by approximately 2009 at the current 6.5 to 7.0 million-ton annual production rate.

In addition to the BIA's proposed action alternatives described above, the DEIS analyzes the proposed action for the EPA to issue a Clean Water Act National Pollutant Discharge Elimination System (NPDES) permit for discharges of stormwater associated with the proposed mine expansion onto the Crow Indian Reservation. The proposed stormwater management alternative is for EPA Region 8 to issue an NPDES permit for the use of 24 sediment traps to contain the 2-year, 24-

hour runoff event during the operational phase, which could be reduced in size to small depressions as a best management practice during the reclamation phase. The second alternative analyzed is to issue an NPDES permit for the use of conventional sediment ponds to detain the 10-year, 24-hour runoff event plus sediment storage, with pond size reduced to detain the 2-year, 24-hour runoff event plus sediment storage during the reclamation phase for all discharges to Sarpy Creek and to the Middle Fork of Sarpy Creek. The third alternative is to issue an NPDES permit for the use of a single large dam on the main stem of the Middle Fork of Sarpy Creek downstream of mine operations. The No Action alternative for the proposed stormwater management proposal corresponds with BIA alternatives that do not involve expansion of the mine onto the Crow Indian Reservation, in which case, the EPA would not issue an NPDES stormwater permit.

The DEIS analyzes the potential direct, indirect, and cumulative environmental impacts of the proposed action and alternatives on geology, paleontology, minerals, climate, air quality, soil, surface water and groundwater, land use, range resources, vegetation, wetlands, noxious weeds, wildlife and fisheries, threatened and endangered species, recreation, cultural resources, socioeconomics, environmental justice, transportation, visual resources, health and safety, noise, and fire management.

#### Public Comment Availability

Comments, including names and addresses of respondents, will be available for public review at the BIA address shown in the **ADDRESSES** section, during business hours, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. Before including your address, telephone 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

This notice is published in accordance with section 1503.1 of the Council of Environmental Quality Regulations (40 CFR, Parts 1500 through 1508) implementing the procedural

requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4371 *et seq.*), Department of the Interior Manual (516 DM 1–6), and is in the exercise of authority delegated to the Director, Office of Environmental Policy and Compliance, via 516 DM 6.3 B. and Environmental Statement Memorandum ESM04–12.6(e).

**Willie R. Taylor,**

*Director, Office of Environmental Policy and Compliance.*

[FR Doc. E8–5341 Filed 3–20–08; 8:45 am]

**BILLING CODE 4310–W7–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### **Draft Environmental Impact Statement for the Proposed Enterprise Rancheria Gaming Facility and Hotel Fee-to-Trust Acquisition Project, Yuba County, CA**

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

**ACTION:** Notice.

**SUMMARY:** This notice advises the public that the Bureau of Indian Affairs (BIA) as lead agency, with the Enterprise Rancheria of Estom Ymeka Maidu Tribe (Tribe), National Indian Gaming Commission, U.S. Environmental Protection Agency (EPA) and Yuba County, California, as cooperating agencies, intends to file a Draft Environmental Impact Statement (DEIS) with the EPA for the Tribe's proposed Gaming Facility and Hotel Fee-to-Trust Acquisition Project to be located within unincorporated Yuba County, and that the DEIS is now available for public review. This review is part of the administrative process that evaluates tribal applications that seek to have the United States take land into trust pursuant to 25 CFR part 151. We will consider public comments carefully prior to deciding whether to approve or disapprove this application. This notice also announces a public hearing to receive comments on the DEIS.

**DATES:** Written comments on the DEIS must arrive by May 5, 2008. A public hearing will be held on April 9, 2008, at the Elk's Lodge, 920 D Street, Marysville, California, 95901–5322, from 6 p.m. to 9 p.m., or until all those who register to make comments have been heard.

**ADDRESSES:** You may mail or hand carry written comments to Amy Dutschke, Acting Regional Director, Pacific Regional Office, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, California 95825. Please include your

name, return address, and the caption, "DEIS Comments, Enterprise Rancheria, Gaming Facility and Hotel Fee-to-Trust Acquisition Project," on the first page of your written comments.

The DEIS will be available for review at the Yuba County Public Library, 303 2nd Street, Marysville, California 95901; the Sutter County Library, 720 Forbes Avenue, Yuba City, California 95991, and the Butte County Library, 1820 Mitchell Avenue, Oroville, California 95966. General information for the Yuba County Public Library can be obtained by calling (530) 749–7380. For information on the Sutter County Library please call (530) 822–7137. For the Butte County Library, please call (530) 538–7641.

If you would like to obtain a copy of the DEIS, please write or call John Rydzik, Chief, Division of Environmental, Cultural Resource Management and Safety, Pacific Region, Bureau of Indian Affairs, 2800 Cottage Way, Room W–2820, Sacramento, California 95825, telephone (916) 978–6042. You may view an electronic version of the DEIS at: <http://www.EnterpriseEIS.com>.

**FOR FURTHER INFORMATION CONTACT:** John Rydzik, (916) 978–6042.

**SUPPLEMENTARY INFORMATION:** The Tribe has requested that the BIA take into trust 40 acres of land currently held in fee by the Tribe, on which the Tribe proposes to construct a gaming facility, hotel, parking areas and other facilities. The proposed 40-acre site (Yuba site) is located in unincorporated Yuba County, approximately four miles southeast of the Community of Olivehurst, near the intersection of Forty Mile Road and State Route 65.

The proposed project includes the development of a 207,760 square-foot gaming facility and a 107,125 square-foot hotel on the Yuba site. The two-story gaming facility would include a casino floor, food and beverage areas (consisting of a buffet, gourmet restaurant, and bar), meeting space, guest support services, offices, and security area. The resort would include an eight-story hotel with 170 rooms, a pool area, an exercise room, retail space and an arcade. Access to the site would be provided from Forty Mile Road.

The range of alternatives considered in the DEIS: includes (A) the proposed casino and hotel alternative, (B) a reduced intensity alternative, (C) a water park and hotel alternative, (D) a reduced intensity—Butte County alternative and (E) a no action alternative. Environmental issues addressed in the DEIS include land resources, water resources, air quality,

biological resources, cultural resources, socioeconomic conditions, environmental justice, transportation, land use, agriculture, public services, noise, hazardous materials, visual resources, cumulative effects, indirect effects, growth inducing effects and mitigation measures.

The BIA held a public scoping meeting for the EIS on June 9, 2005, at the Elk's Lodge in Marysville, California.

#### **Public Comment Availability**

Comments, including names and addresses of respondents, will be available for public review at the BIA address shown in the **ADDRESSES** section, during business hours, 8 a.m. to 4:30 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**

This notice is published in accordance with section 1503.1 of the Council of Environmental Quality Regulations (40 CFR, Parts 1500 through 1508) implementing the procedural requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4371 *et seq.*), and the Department of the Interior Manual (516 DM 1–6), and is in the exercise of authority delegated to the Assistant Secretary—Indian Affairs by 209 DM 8.1.

Dated: March 4, 2008.

**Carl J. Artman,**

*Assistant Secretary—Indian Affairs.*

[FR Doc. E8–5342 Filed 3–20–08; 8:45 am]

**BILLING CODE 4310–W7–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[UT–062–08–1220–PM]

#### **Notice of Emergency Motorized Vehicle Closure and Restrictions for Specified Routes During the 2008 Moab Jeep Safari; Moab Field Office, UT**

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