

federal, state, and local government agencies, tribal governments, and other interested parties. There have been various opportunities for the public to provide input on this plan via public meetings, open houses, and multiple scoping periods where public comments have been solicited.

The PRMP/FEIS considers four alternatives and will include the use of community-based working groups to assist with site-specific travel planning. The PRMP/FEIS addresses the following five major issues:

(1) How will vegetation on the BLM lands be managed to achieve healthy ecosystems while providing for a broad range of multiple uses?

(2) How will the BLM lands be managed to provide wildlife and fish habitat, and to conserve and recover special status and priority species?

(3) How should the BLM manage motorized public travel to meet the needs for public access and resource uses while minimizing user conflicts and impacts to air, soil, watershed, vegetation, wildlife, and other resource values?

(4) How should recreation be managed to accommodate the full range of recreational uses enjoyed by the public on the BLM lands?

(5) Which areas, if any, should be managed as special designations, and how should they be managed to protect values that warrant their special designation status? The Preferred Alternative (Alternative B) includes active vegetation management to restore vegetation communities with associated forest product quantities being the same as, or slightly higher than, current levels, riparian management zones where meeting site-specific riparian objectives would receive primary consideration, and continuation of livestock grazing at approximately the same as current levels while meeting Land Health Standards. The Preferred Alternative would entail designation of four Areas of Critical Environmental Concern (ACEC), totaling 70,644 acres in area, with special management proposed for relevant and important values, as well as recommending two river segments, with a total length of 5.7 miles, as suitable for Wild and Scenic River Designation.

Comments on the Draft RMP/EIS received from the public and from the internal BLM review were incorporated as appropriate into the PRMP/FEIS. Public comments resulted in the addition of clarifying text and slight alterations of the Preferred Alternative but did not significantly change proposed land use decisions.

Instructions for filing a protest with the Director of the BLM regarding the PRMP/FEIS may be found in the Dear Reader letter of the PRMP/FEIS for the Butte Field Office and at 43 CFR 1610.5-2. E-mailed and faxed protests will not be accepted as valid protests unless the protesting party also provides the original letter by either regular or overnight mail postmarked by the close of the protest period. Under these conditions, the BLM will consider the e-mailed or faxed protest as an advance copy and it will receive full consideration. If you wish to provide the BLM with such advance notification, please direct fax protests to the attention of the BLM protest coordinator at (202) 452-5112, and e-mails to [Brenda\\_Hudgens-Williams@blm.gov](mailto:Brenda_Hudgens-Williams@blm.gov).

All protests, including the follow-up letter, if e-mailing or faxing, must be in writing and mailed to the appropriate address as set forth in the **ADDRESSES** section above.

Before including your phone number, e-mail address, or other personal identifying information in your protest, you should be aware that your entire protest—including your personal identifying information—may be made publicly available at any time. While you can ask us in your protest to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

**Authority:** 40 CFR 1506.6, 43 CFR 1610.2, and 43 CFR 1610.5-1.

**Theresa M. Hanley,**

*Acting State Director.*

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[NV-040-1610-DR; 08-08807; TAS: 14X1109]**

#### **Notice of Availability: Record of Decision for the Ely Resource Management Plan/Environmental Impact Statement, Nevada**

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

**ACTION:** Notice of availability.

**SUMMARY:** The Bureau of Land Management (BLM) announces the availability of the Record of Decision (ROD) for the Approved Resource Management Plan (RMP) for the Ely RMP planning area located in east-central Nevada in Lincoln, White Pine

and a portion of Nye counties. The Nevada State Director signed the ROD on August 20, 2008, which constitutes the final decision of the BLM and makes the Approved RMP effective immediately.

**ADDRESSES:** Copies of the ROD/ Approved RMP are available on request from the District Manager, Ely District Office, Bureau of Land Management, 702 North Industrial Way, Ely, Nevada 89301 or via the Internet at: [http://www.blm.gov/nv/st/en/fo/ely\\_field\\_office.html](http://www.blm.gov/nv/st/en/fo/ely_field_office.html).

**FOR FURTHER INFORMATION CONTACT:** For further information contact Jeff Weeks, RMP Project Manager, at (775) 289-1825 or e-mail to: [elyrmp@blm.gov](mailto:elyrmp@blm.gov).

**SUPPLEMENTARY INFORMATION:** The following entities participated in development of the RMP as cooperating agencies with special expertise: Great Basin National Park; Humboldt-Toiyabe National Forest; Nellis Air Force Base; Nevada Department of Transportation; Nevada Division of Minerals; Nevada Department of Wildlife; Nevada State Historic Preservation Office; Lincoln County; Nye County; White Pine County; Duckwater Shoshone Tribe; Ely Shoshone Tribe; Moapa Band of Paiutes; and the Yomba Shoshone Tribe.

The public involvement and collaboration process implemented for this effort included six open houses during scoping; presentations to interested organizations upon their invitation; presentations to and suggestions from the Mojave/Southern Great Basin and the Northeastern Great Basin Resource Advisory Councils (RACs); distribution of information via the Ely RMP Web site and periodic planning bulletins; six public meetings on the Draft RMP/EIS; and public and agency review and comment on the Draft RMP/EIS.

The planning area contains approximately 11,500,000 acres of public lands administered by the BLM Ely District. The Approved RMP describes the management direction to meet desired resource conditions through watershed analyses for livestock grazing, wildlife habitat, and special status species, while managing for mineral exploration and development, renewable energy development, recreational uses, areas of critical environmental concern. It also provides for land tenure adjustments to meet community growth needs.

The preferred alternative, Alternative E of the Draft RMP, was carried forward into the Proposed RMP and Final EIS (PRMP/FEIS) as the Proposed Plan. The PRMP/FEIS was made available on November 30, 2007 and sent to

individuals, groups, and agencies who requested a copy, or as required by regulation or policy.

A 30-day protest period was provided on the land use plan decisions contained in the Proposed RMP/Final EIS in accordance with 43 CFR Part 1610.5-2. Six protests were received (two from the same party), three of the six letters were subsequently resolved by the BLM Director, whose decision constitutes final agency action for the U.S. Department of the Interior. The main protest issues in these letters pertained to special status species, wildlife, livestock grazing, watershed management, and level of detail of decisions in the Proposed RMP. No changes to proposed management actions resulted from the resolution of the protests.

Three of the six protest letters received were determined not to have standing under the regulations at 43 CFR 1610.5-2. During the process of reviewing protest letters, the BLM became aware of a mapping error and potentially unnecessary management direction for the proposed ACEC at the Rock Animal Corral. The BLM has determined that the area does not require special management as an ACEC to protect its relevant and important values. Protection of the values can be achieved by maintaining the current designation as the Rock Animal Corral archaeological site with existing restrictions on fluid and solid mineral leasing, locatable minerals and mineral material sales on the 160 acre site. This is consistent with the current management in Alternative A in the Proposed RMP. The Approved RMP reflects that change.

The BLM provided the Governor of Nevada with a 60-day Governor's Consistency Review as provided by the regulations. No specific inconsistencies with state or local plans, policies, or programs were noted from the review. BLM received comments from the Nevada Department of Wildlife and the Nevada Division of Water Resources. BLM responded to the Department of Wildlife comments with a meeting and a letter. No changes to the Approved RMP resulted from the Governors' Consistency Review. Based upon comments received during the protest period, some minor editorial modifications have been made in preparing the Approved RMP. These modifications provide further clarification of some of the decisions/maps.

In accordance with Section 7 of the Endangered Species Act, the U.S. Fish and Wildlife Service (USFWS) issued a Biological Opinion. The USFWS

Biological Opinion has been included as an appendix to the ROD/Approved RMP.

The ROD serves as the final decision for the land use plan decisions described in the Approved RMP. The ROD also contains implementation-level decisions for Paleontological Resource Management, Travel Management route identifications, and Forest/Woodland and Other Plant Products. These decisions are included in the Approved RMP. Designations, such as route closures are planning-level decisions. These implementation-level decisions are appealable under 43 CFR Part 4. Any party adversely affected by the (proposed) implementation decisions may appeal the decisions within 30 days of publication of this Notice of Availability pursuant to 43 CFR, Part 4, Subpart E. The appeal should state the specific decision(s) in the Approved RMP which are being appealed.

The appeal must be filed with the Ely District Manager at the address listed above. Please consult the appropriate regulations (43 CFR, Part 4, Subpart E) for further appeal requirements.

(Authority: H-1790-1-National Environmental Policy Act Handbook)

**Ron Wenker,**

*Nevada State Director.*

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[MT-070-1990-EX]

#### Notice of Availability of the Final Environmental Impact Statement for the Proposed "M" Pit Mine Expansion at the Montana Tunnels Mine, Jefferson County, MT

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

**ACTION:** Notice of availability.

**SUMMARY:** In accordance with the *National Environmental Policy Act of 1969* (NEPA, 42 U.S.C. 4321 *et seq.*) and the *Federal Land Policy and Management Act of 1976* (FLPMA, 43 U.S.C. 1701 *et seq.*), a Final Environmental Impact Statement (FEIS) has been prepared for the Montana Tunnels Mine "M" Pit Mine Expansion. The mine permit is administered by the Bureau of Land Management's (BLM's) Butte Field Office and the Montana Department of Environmental Quality. Operations on public lands in the permit area are on mining claims located in accordance with the *General*

*Mining Law of 1872*, as amended (30 U.S.C. 22 *et seq.*).

**DATES:** The FEIS will be available for review for 30 days following the date the Environmental Protection Agency (EPA) publishes the Notice of Availability in the **Federal Register**. A Record of Decision (ROD) will be prepared following the 30-day public availability period.

**ADDRESSES:** Copies of the FEIS have been sent to affected federal, state, and local government agencies and to interested parties. Copies of the FEIS are available for public inspection at the Montana Department of Environmental Quality, 1520 East 6th Avenue, Helena, MT 59620-0901 and the Bureau of Land Management, Butte Field Office, 106 N. Parkmont, Butte, MT 59701. Interested parties may also review the FEIS on the Internet at <http://www.deq.mt.gov>.

**FOR FURTHER INFORMATION CONTACT:** Greg Hallsten, Montana Department of Environmental Quality, P.O. Box 200901, Helena, MT 59620-0901; or David Williams, Bureau of Land Management, Butte Field Office, 106 N. Parkmont, Butte, MT 59701.

**SUPPLEMENTARY INFORMATION:** The Montana Tunnels Mine is a 1200 acre lead, zinc, gold and silver mine located T. 7 N., R. 4 W. in Jefferson County 5 miles west of Jefferson City, Montana. In September 2004, Montana Tunnels, Inc. submitted an application to expand their operation. The Notice of Intent to prepare the EIS was published in the **Federal Register**, 70 FR 8612 on February 22, 2005 and the Notice of Availability of the Draft EIS was announced in the **Federal Register**, 73 FR 7588-89 on February 8, 2008. Comments on the Draft EIS received from the public, from other agencies, and from the internal DEQ and BLM review were incorporated into the FEIS. These comments resulted in the addition of clarifying text but did not significantly change the alternatives.

The FEIS addresses three alternatives associated with the Montana Tunnels Mine "M" Pit Mine Expansion: The No Action Alternative, the Proposed Action Alternative, and the Agency Modified Alternative, which is the preferred alternative. The No Action Alternative would limit mine disturbance to 1200 acres, and the mine would close in 2010. The Proposed Action Alternative would result in disturbance of 1452 acres and a pit depth of 4250. This Alternative would result in the loss of approximately 2600 feet of Clancy Creek as the stream would be diverted around the expanded open pit in both a pipe and open flow channel. A portion of the Clancy Creek flow would be diverted