

*Wyoming: WYG589###* This permit covers the Wind River Reservation; any land within the State of Wyoming held in trust by the United States for an Indian tribe; and any other areas within the State of Wyoming which are Indian country within the meaning of 18 U.S.C. 1151.

Coverage under the general permits will be limited to lagoon systems treating primarily domestic wastewater and will include the following three categories: (1) Lagoons where no permission is required before starting to discharge; (2) lagoons where permission is required before starting to discharge; and (3) lagoons that are required to have no discharge. The effluent limitations for lagoons coming under categories 1 and 2 are based on the Federal Secondary Treatment Regulation (40 CFR Part 133) and best professional judgement (BPJ). There are provisions in the general permits for adjusting the effluent limitations on total suspended solids (TSS) and pH in accordance with the provisions of the Secondary Treatment Regulation. If more stringent and/or additional effluent limitations are considered necessary to comply with applicable water quality standards, etc., those limitations may be imposed by written notification to the permittee. Lagoon systems under category 3 are required to have no discharge except in accordance with the bypass provisions of the permit. Self-monitoring requirements and routine inspection requirements are included in the permits. The permits do not authorize the discharge of wastewater from land application sites, but they do require that the land application of wastewater from the lagoon systems be done in accordance with a written operational plan for the land application of the wastewater. The objectives of the operational plan are to minimize the potential for the discharge of wastewater from the land application site and to avoid applying excessive amounts of nitrogen to the land application site.

With the exception of the Flathead Indian Reservation, the Fort Peck Indian Reservation, Northern Cheyenne Indian Reservation, and the Ute Mountain Indian Reservation, where the Tribes have Clean Water Act section 401(a)(1) certification authority, EPA intends to certify that the permits comply with the applicable provisions of the Clean Water Act as long as the permittees comply with all permit conditions. The permits will be issued for a period of five years, with the permit effective date and expiration date determined at the time of issuance.

### Other Legal Requirements

*Economic Impact (Executive Order 12866):* EPA has determined that the issuance of this general permit is not a "significant regulatory action" under the terms of Executive Order 12866 (58 FR 51735 (October 4, 1993)) and is therefore not subject to formal OMB review prior to proposal.

*Paperwork Reduction Act:* EPA has reviewed the requirements imposed on regulated facilities in these proposed general permits under the Paperwork Reduction Act of 1980, 44 U.S.C. 501, *et seq.* The information collection requirements of these permits have already been approved by the Office of Management and Budget in submissions made for the NPDES permit program under the provisions of the Clean Water Act.

*Unfunded Mandates Reform Act:* Section 201 of the Unfunded Mandates Reform Act (UMRA), Public Law 104-4, generally requires Federal agencies to assess the effects of their "regulatory actions" defined to be the same as "rules" subject to the Regulatory Flexibility Act (RFA) on tribal, state, local governments and the private sector. Since the permit proposed today is an adjudication, it is not subject to the RFA and is therefore not subject to the requirements of the UMRA.

**Authority:** Clean Water Act, 33 U.S.C. 1251, *et seq.*

Dated: July 17, 2009.

**Debra H. Thomas,**

*Acting Assistant Regional Administrator,  
Office of Partnerships and Regulatory Assistance.*

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**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-8595-6]

### Environmental Impacts Statements; Notice of Availability

*Responsible Agency:* Office of Federal Activities, General Information (202) 564-1399 or <http://www.epa.gov/compliance/nepa/>.

Weekly receipt of Environmental Impact Statements

Filed 07/13/2009 Through 07/17/2009 Pursuant to 40 CFR 1506.9.

*EIS No. 20090244,* Draft EIS, BLM, CA, Santa Ana River Wash Land Use Plan Amendment and Land Exchange Project, Proposes to Exchange Land Located within Upper Santa Ana River Wash, for District-Owned Lands in San Bernardino County, CA,

Comment Period Ends: 09/08/2009, Contact: Michael Bennett 760-833-7139.

*EIS No. 20090245,* Draft EIS, FHWA, FL, Interstate 395 (I-395) Development and Environment Study Project, From I-95 to West Channel Bridges of the MacArthur Causeway at Biscayne Bay, City of Miami, Miami-Dade County, FL, *Comment Period Ends:* 09/08/2009, Contact: Linda Anderson 850-942-9650 Ext 3053.

*EIS No. 20090246,* Draft EIS, AFS, CA, Eddy Gulch Late-Successional Reserve Fuels/Habitat Protection Project, To Protect Late-Successional Habitat used by the Northern Spotted Owl and Other Late-Successional-Dependent Species, Salmon River and Scott River Ranger District, Klamath National Forest, Siskiyou County, CA, *Comment Period Ends:* 09/08/2009, Contact: Connie Hendryx 530-468-1281.

*EIS No. 20090247,* Draft EIS, NOA, 00, Comprehensive Ecosystem-Base Amendment 1 (CE-BA 1) for the South Atlantic Region, Implementation,, *Comment Period Ends:* 09/08/2009, Contact: Roy E. Crabtree, PhD 727-824-5305.

*EIS No. 20090248,* Final EIS, AFS, OR, Farley Vegetation Management Project, To Conduct Timber Harvest Commercial and Non-Commercial Thinning, Fuels Treatment Prescribed Burning and Reforestation, Desolation Creek, North Fork John Day Ranger District, Umatilla National Forest, Grant County, OR, *Wait Period Ends:* 08/24/2009, Contact: Janel McCurdy 541-278-3869.

*EIS No. 20090249,* Draft EIS, NOA, 00, Amendment 3 to the 2006 Consolidated Atlantic Highly Migratory Species (HMS), Fishery Management Plan, To Implement Management Measures that Prevent Overfishing and Rebuild Overfished Stocks, Implementation, *Comment Period Ends:* 09/21/2009, Contact: Margo Schulze-Haugen 301-713-2347.

### Amended Notices

*EIS No. 20090134,* Draft EIS, COE, CA, Newhall Ranch Resource Management and Development Plan (RMDP) and the Spineflower Conservation Plan (SCP), Implementation, Portion of Santa Clara River Valley, Los Angeles County, CA, *Comment Period Ends:* 08/25/2009, Contact: Aaron O. Allen 805-585-2154.

*Revision to FR Notice Published 05/01/2009:* Extending Comment Period from 06/29/2009 to 08/25/2009.

*EIS No. 20090177,* Draft EIS, AFS, CA, Lassen National Forest, Motorized

Travel Management Plan, Implementation, Butte, Lassen, Modoc, Plumas, Shasta, Siskiyou, Tehama Counties, CA, Comment Period Ends: 07/31/2009, Contact: Christopher O'Brien 530-257-2151. Revision of FR Notice Published on 06/05/2009; Comment Review Period extended from 7/20/2009 to 7/31/2009.

*EIS No. 20090181*, Draft EIS, AFS, CA, Lower Trinity and Mad River Motorized Travel Management, Proposed to Prohibit Cross-County Motor Vehicle Travel Off Designated National Forest Transportation System (NFTS) Roads and Motorized Trails, Six River National Forest, CA, Comment Period Ends: 08/04/2009, Contact: Leslie Burkhart 707-441-3520 Revision to FR Notice Published 06/05/2009: Extending Comment Period from 07/20/2009 to 08/04/2009.

Dated: July 21, 2009.

**Robert W. Hargrove,**

Director, NEPA Compliance Division, Office of Federal Activities.

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## ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-8595-7]

### Environmental Impact Statements and Regulations; Availability of EPA Comments Availability of EPA Comments Prepared Pursuant to the Environmental Review Process (ERP), Under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as Amended

Requests for copies of EPA comments can be directed to the Office of Federal Activities at 202-564-7146. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated July 17, 2009 (74 FR 34754).

#### Draft EISs

*EIS No. 20090011*, ERP No. D-SFW-K99041-CA, Tehachapi Uplands Multiple Species Habitat Conservation Plan (TUMSHCP), Propose Issuance of a 50-Year Incidental Take Permit for 27 Federal- and State-Listed and Unlisted Species, Kern County, CA.

*Summary:* EPA expressed environmental concerns about impacts to aquatic resources and to California condor. EPA recommended additional information for air quality, induced

growth, transportation, visual and cumulative impacts. Rating EC2.

*EIS No. 20090091*, ERP No. D-FRC-D05126-VA, Smith Mountain Pumped Storage Project (FERC No. 2210-169). Application for Hydropower License to continue Operating the 636-megawatt Pumped Storage Project, Roanoke River, Bedford, Campbell, Franklin and Pittsylvania Counties, VA.

*Summary:* EPA expressed environmental concerns about water temperature changes, the adaptive management process, and wetland impacts, and requested that a fish passage option be explored, and an environmental monitor be used. Rating EC2.

*EIS No. 20090126*, ERP No. D-FHW-E40825-NC, Monroe Connector/Bypass Project, Construction from Near I-485 at US & 4 to US 74 between the Tons of Wingate and Marshville, Funding and US COE 404 Permit, North Carolina Turnpike Authority, Meckleburg and Union Counties, NC.

*Summary:* EPA expressed environmental objections about air and water quality impacts. EPA believes that this project will contribute additional VMTs and increased emissions and ultimately make achievement of the NAAQS less likely. Jurisdictional waters of the U.S. are currently impaired in the project study area from construction and related activities. Rating EO2.

*EIS No. 20090142*, ERP No. D-NPS-K61170-CA, Yosemite National Park Project, Construction of Yosemite Institute Environment Education Campus, Implementation, Mariposa County, CA.

*Summary:* EPA does not object to the proposed project, but requested additional information regarding applicability of Clean Air Act general conformity. Rating LO.

*EIS No. 20090144*, ERP No. D-GSA-K40271-CA, San Ysidro Land Port of Entry (LPOE) Improvement Project, Propose the Configuration and Expansion of the Existing (LPOE), San Ysidro, CA.

*Summary:* EPA expressed environmental concerns about air quality impacts and recommended additional operational air quality analysis and measures to reduce congestion and emissions, including anti-idling methods. EPA also recommended environmental justice analysis of port facility users and improvements to intermodal accessibility. Rating EC2.

*EIS No. 20090155*, ERP No. D-BIA-C65008-NY, Cayuga Indian Nation of

New York Conveyance of Land into Trust Project, Approval of a 125 + Acre Fee-To-Trust Property Transfer of Seven Separate Parcel located in the Village of Union Springs and Town of Springport and Montezuma in Cayuga County and the Town of Seneca Falls in Seneca County, NY.

*Summary:* EPA expressed environmental concerns about the traffic analysis and related air quality impacts. Rating EC2.

*EIS No. 20090160*, ERP No. D-AFS-F65075-MN, Border Project, Proposing Forest Vegetation Management and Related Transportation System Activities, LaCroix Ranger District, Superior National Forest, St. Louis County, MN.

*Summary:* EPA does not object to the proposed project. Rating LO.

*EIS No. 20090086*, ERP No. DA-GSA-D81027-MD, U.S. Food and Drug Administration (FDA) Headquarters Consolidation, Master Plan Update, Federal Research Center at White Oak, Silver Spring, Montgomery County, MD.

*Summary:* EPA does not object to the proposed action. Rating LO.

*EIS No. 20090150*, ERP No. DR-FHW-F40445-IN, I-69 Evansville to Indianapolis, Indiana Project, Section 2, Revised to Update the Stream Impacts, Oakland City to Washington, (IN-64 to US 50), Gibson, Pike and Daviess Counties, IN.

*Summary:* While EPA has no objection to the proposed action, it requested clarification of mitigation measures for wetlands, streams, upland forests, and clean diesel construction practices. Rating LO.

*EIS No. 20090166*, ERP No. DS-COE-G34030-LA, Calcasieu River and Pass, Louisiana Dredged Material Management Plan, Implementation, Calcasieu Ship Channel, Port of Lake Charles, Calcasieu and Cameron Parishes, LA.

*Summary:* EPA does not object to the preferred alternative. Rating LO.

#### Final EISs

*EIS No. 20090049*, ERP No. F-COE-K36149-CA, San Diego Creek Watershed Special Area Management Plan/Watershed Streambed Alteration Agreement Process (SAMP/WSAA Process), Protecting and Enhancing Aquatic Resource and Permitting Reasonable Economic Development, Orange County, CA.

*Summary:* EPA's previous issues have been resolved; therefore, EPA does not object with the proposed action.