

60 acres of desert tortoise habitat, the Applicant proposes to: (1) Survey for and remove all tortoises from the project site prior to surface disturbing activities; (2) install a temporary fence during construction activities to ensure tortoises do not gain access to the project site and wander into harm's way; (3) ensure trash and food items are disposed of properly to avoid attracting predators; (4) present a desert tortoise awareness program to all construction workers on the site; and (5) provide funding in the amount of \$550 per acre of habitat disturbed to the Desert Tortoise Conservation Center in Clark County, Nevada, to support development and implementation of conservation and recovery actions for the tortoise under the guidance of the Service's Desert Tortoise Recovery Office in Reno, Nevada.

Approval of the HCP may qualify as a categorical exclusion under NEPA, as provided by the Departmental Manual (516 DM 2 Appendix 1 and 516 DM 8) and as a "low-effect" plan as defined in the Habitat Conservation Planning Handbook (Service, November, 1996). Determination of low-effect HCPs is based upon the plan having: Minor or negligible effects on federally listed, proposed, or candidate species and their habitats; minor or negligible effects on other environmental values or resources; and impacts that, considered together with the impacts of other past, present, and reasonably foreseeable similarly situated projects, would not result, over time, in cumulative effects to the environmental values or resources which would be considered significant. If it is found to qualify as a low-effect HCP, further NEPA documentation would not be required.

#### Public Review and Comment

If you wish to comment on the permit application, draft EAS, or proposed HCP, you may submit your comments to the address listed in the **ADDRESSES** section of this document. We will evaluate this permit application, associated documents, and comments we receive to determine whether the permit application meets the requirements of section 10(a) of the Act and NEPA regulations. 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. If we determine that the requirements are met, we will issue an incidental take permit under section 10(a)(1)(B) of the Act to the Applicant for take of the desert tortoise, incidental to otherwise lawful activities in accordance with the terms of the permit. We will not make our final decision until after the end of the 30-day comment period and will fully consider all comments we receive during the comment period.

#### Authority

We provide this notice under section 10(c) of the Act and NEPA implementing regulations at 40 CFR 1506.6.

Dated: August 14, 2009.

#### Robert D. Williams,

State Supervisor, Nevada Fish and Wildlife Office, Reno, Nevada.

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree; Pursuant to the Clean Water Act and Comprehensive Environmental Response Compensation and Liability Act

Notice is hereby given that on August 14, 2009, a proposed Consent Decree in *United States v. Magellan Ammonia Pipeline et al.*, (D. Kan.), No. 02:09-cv-2425, was lodged with the United States Court for the District of Kansas.

In this action, the United States sought the penalties and injunctive relief pursuant to sections 301 and 311 of the Clean Water Act, 33 U.S.C. 1311, 1321, and section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9603, against Magellan Ammonia Pipeline, L.P. ("Magellan"), Enterprise Products Operating, L.P. ("Enterprise"), and Mid-America Pipeline Company, LLC ("MAPCO"). The Complaint alleges that two discharges of anhydrous ammonia occurred in Blair Nebraska on September 27, 2004, and Kingman, Kansas on October 27, 2004, from an ammonia pipeline owned by Defendant Magellan and operated by Defendants Enterprise and MAPCO and that Defendants failed to report the discharges in a timely fashion to the National Response Center.

Pursuant to the proposed Consent Decree, the Settling Defendants will pay to the United States \$3,650,000 in penalties for the discharges and reporting inadequacies. Defendant Magellan, which now both owns and

operates the ammonia pipeline, will undertake injunctive measures aimed at reducing the likelihood of such discharges in the future and at improving its detection of and response to such discharges if they do occur.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov) or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. Magellan Ammonia Pipeline et al.*, (D. Kan.) No. 02:09-cv-2425, D.J. Ref. 90-5-1-1-06074/2.

During the public comment period, the Consent Decree may be examined at the Office of the United States Attorney, District of Kansas, 500 State Avenue, Suite 360, Kansas City, Kansas 66101. The Consent Decree may also be examined on the following Department of Justice Web site, [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611 or by faxing or e-mailing a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$9.50 (25 cents per page reproduction cost) payable to the U.S. Treasury.

#### Maureen Katz,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

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## DEPARTMENT OF JUSTICE

### Federal Bureau of Investigation

[OMB Number 1110-0021]

### Training Division; FBI National Academy Level III Evaluation; Proposed Collection, Comments Requested

**ACTION:** 30-Day Notice of Information Collection Under Review: Approval for a reinstated collection; FBI National Academy Post-Course Questionnaire for Graduates; FBI National Academy Post-