

Clean Fuels Refinery, and that the FEIS is now available for public review. The proposed Federal actions are: (1) The taking into trust of 469 acres of fee land by the BIA in support of the MHA Nation's proposal to construct and operate a clean fuels refinery and produce buffalo forage; and (2) the issuance by the EPA of a Clean Water Act, National Pollutant Discharge Elimination System Discharge (NPDES) permit for the discharge of treated wastewater from the proposed refinery.

**DATES:** The Record of Decision on the proposed action will be issued no sooner than 30 days after the release of the FEIS. Thus, any comments on the FEIS must arrive by September 28, 2009. A public meeting will be held on September 9 at Four Bears Casino, 202 Frontage Road, New Town, ND, at 7 p.m.

**ADDRESSES:** You may mail or hand carry written comments to Mike Black, Regional Director, Bureau of Indian Affairs, Great Plains Regional Office, 115 4th Avenue, SE., Aberdeen, SD.

**FOR FURTHER INFORMATION CONTACT:** Mike Black, BIA, 605-226-7343, or Steve Wharton, EPA, 303-312-6935 or 800-227-8917.

**SUPPLEMENTARY INFORMATION:** The Three Affiliated Tribes (MHA Nation) has requested that BIA accept into trust status 469 acres for the MHA Nation to construct, own, operate, and maintain a petroleum refinery on 190 acres of the 469-acre parcel. The remaining acres would be used to grow forage for buffalo. The land in the northeast corner of the Fort Berthold Indian Reservation is located along Highway 23, four miles west of the town of Makoti in Ward County, North Dakota.

The MHA Nation has also applied to EPA for an NPDES permit under the Clean Water Act for discharges from the proposed refinery.

Feedstock for the proposed refinery would include 10,000 barrels per stream day (BPSD) of synthetic crude oil via existing pipeline from Alberta, Canada; 3,000 BPSD of field butane from local suppliers; 6 million standard cubic feet per day of natural gas via existing pipeline; and 300 barrels of bio-diesel or 8,500 bushels per day of soybeans. From the feedstock, the refinery would produce about 5,750 BPSD of diesel fuel, 6,770 BPSD of gasoline, and 300 BPSD of propane.

The FEIS analyzes potential environmental effects of two Federal agency decisions: (1) Whether BIA should accept lands into trust in support of the MHA Nation's proposal to construct and operate a clean fuels refinery and produce buffalo forage; and

(2) whether EPA should issue a Clean Water Act NPDES permit for the process water discharges associated with the operation of the proposed refinery. The FEIS has identified the Agencies' preferred alternatives. BIA and EPA will be making their decisions in separate Records of Decision (RODs), which will be issued after the 30-day wait period on the FEIS. The MHA Nation will be deciding whether to build and operate the refinery.

BIA has identified its preferred alternative as Alternative 3. In this alternative, BIA would not place the land into trust status and the refinery could be constructed by the Tribes. If the proposed refinery is constructed, EPA has identified Alternative A, issuance of an NPDES permit for effluent discharges associated with the refinery as its preferred water discharge alternative. EPA and BIA recommend that the design of the refinery, if constructed, be modified consistent with Alternative 4.

#### Public Availability of the FEIS

The FEIS is available on the Web at: <http://www.epa.gov/region8/compliance/nea>.

Hard copies of the document are available for public review at the following locations:

- Bureau of Indian Affairs, Great Plains Regional Office, 115 4th Avenue, SE., Aberdeen, SD.
- Bureau of Indian Affairs, Fort Berthold Agency, 202 Main Street, New Town, ND.
- EPA Region 8 Library, 1595 Wynkoop Street, Denver, CO.
- Three Affiliated Tribes Governmental Offices, 404 Frontage Road, New Town, ND.
- Each of the MHA Nation's Segment Offices:* Four Bears (Tribal Gov. Center), Mandaree, Shell Creek (New Town), Lucky Mound (Parshall), Twin Buttes, and White Shield, and
- Rensch garage in Makoti, ND.

#### Authority

This notice is published in accordance with section 1506.10 of the Council on 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. 4321 *et seq.*), and related Department of the Interior requirements in the Department of the Interior Manual (516 DM 1-6), and is in exercise of authority delegated to the Principal Deputy Assistant Secretary—Indian Affairs by 209 DM 8.

Dated: August 21, 2009.

**George T. Skibine,**

*Acting Principal Deputy Assistant Secretary—Indian Affairs.*

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## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### Proclaiming Certain Lands as a Reservation for the Match-e-be-nash-she-wish Band of Pottawatomis Indians of Michigan, aka, Gun Lake Tribe

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

**ACTION:** Notice of Reservation Proclamation; Correction.

**SUMMARY:** The Bureau of Indian Affairs (BIA) published a document in the **Federal Register** of August 18, 2009, concerning the Assistant Secretary-Indian Affairs proclaiming approximately 147 acres as the Match-e-be-nash-she-wish Band of Pottawatomis Indian Reservation. The document contained an error in the legal description.

**DATES:** *Effective Date:* August 28, 2009.

**FOR FURTHER INFORMATION CONTACT:** Ben Burshia, Bureau of Indian Affairs, Division of Real Estate Services, MS-4639 MIB, 1849 C Street, NW., Washington, DC 20240, telephone (202) 208-7737.

#### SUPPLEMENTARY INFORMATION:

##### Corrections

In the **Federal Register** of August 18, 2009, in FR Doc. E9-19751, on page 41741, in the first column, line one, insert the following text after the word "section," and before the word "said:" which is North 86 degrees 57 minutes 24 seconds East 481.98 feet from the West line of said Section

Also on page 41741, in the first column, line 33, change "East 431.00 feet;" to the following and delete lines 34, 35, 36, 37 and 38 in their entirety: East 325.00 feet.

Dated: August 21, 2009.

**George T. Skibine,**

*Acting Principal Deputy Assistant Secretary—Indian Affairs.*

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