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**Authority:** Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: October 1, 2009.

**Lillian Deitzer,**

*Departmental Reports Management Officer,  
Office of the Chief Information Officer.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS-R1-ES-2009-N195; 10120-1112-0000-F2]

#### Endangered and Threatened Wildlife and Plants; Permit Application, Northern Spotted Owl, Oregon

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Reopening of public comment period.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce the reopening of the public comment period for the Oregon Department of Forestry's (ODF) enhancement of survival permit (permit) application under the Endangered Species Act of 1973, as amended. The permit application includes a proposed programmatic safe harbor agreement (Agreement) between ODF, the U.S. Department of Agriculture—Natural Resources Conservation Service (NRCS), and the Service. The requested permit would authorize ODF to extend incidental take coverage with assurances through issuance of Certificates of Inclusion to eligible landowners willing to carry out habitat management measures expected to benefit the northern spotted owl (*Strix occidentalis caurina*), which is federally listed as threatened. We are reopening the comment period for 30 days. The original notice of availability was published in the **Federal Register** on July 21, 2009 (74 FR 35883), and contains additional information regarding the permit application. Previous comments need not be resubmitted.

**DATES:** To ensure consideration, please send your written comments by November 9, 2009.

**ADDRESSES:** You may submit your written comments to State Supervisor (see **SUPPLEMENTARY INFORMATION** below). Include your name and address in your comments and refer to the

“Spotted Owl Programmatic Safe Harbor Agreement.”

**FOR FURTHER INFORMATION CONTACT:**

Richard Szlemp (see **SUPPLEMENTARY INFORMATION** below), telephone (503) 231-6179. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800/877-8339, 24 hours a day, 7 days a week.

**SUPPLEMENTARY INFORMATION:**

#### Document Availability

You may obtain copies of the draft documents by contacting the State Supervisor, Oregon Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2600 SE. 98th Ave., Suite 100, Portland, OR 97266; telephone (503) 231-6179; facsimile (503) 231-6195; or by making an appointment to view the documents at the above address during normal business hours. You may also view the documents on the Internet at <http://www.fws.gov/oregonfwo/species/>. The Service is furnishing this notice to provide the public, other State and Federal agencies, and interested Tribes an opportunity to review and comment on the draft documents.

#### Public Availability of Comments

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.

The Service will evaluate the 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 and that other applicable requirements have been satisfied. If we determine that all requirements are met, we will sign the Agreement and issue an enhancement of survival permit under section 10(a)(1)(A) of the Act to ODF for the take of northern spotted owls, incidental to otherwise lawful activities in accordance with the terms of the Agreement. This notice is provided pursuant to section 10(c) of the Act and NEPA regulations (40 CFR 1506.6).

Dated: October 2, 2009.

**Miel Corbett,**

*Acting State Supervisor, Fish and Wildlife Service, Oregon Fish and Wildlife Office, Portland, Oregon.*

[FR Doc. E9-24346 Filed 10-7-09; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS-R8-MB-2009-N193; 80213-9410-0000-7B]

#### Federal Sport Fish Restoration; California Department of Fish and Game Fish Hatchery and Stocking Program

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of availability and request for comments: draft environmental impact report/environmental impact statement (EIR/EIS).

**SUMMARY:** The U.S. Fish and Wildlife Service (FWS) announces the availability of the draft EIR/EIS for the California Department of Fish and Game's (CDFG) Fish Hatchery and Stocking Program (Program). FWS is lead agency, under the National Environmental Policy Act (NEPA) of 1969, as amended, for the draft EIR/EIS jointly prepared with CDFG. Under the Sport Fish Restoration Act (SFRA), FWS proposes to fund actions associated with the operation of CDFG's 14 trout hatcheries and the Mad River Hatchery for the anadromous steelhead, and stocking from the 15 hatcheries. The Federal action does not include funding CDFG's other anadromous fish hatcheries and associated stocking, nor its issuance of private stocking permits. SFRA funding may also support CDFG's Fishing in the City and Classroom Aquarium Education Programs. CDFG is the lead agency under the California Environmental Quality Act (CEQA) and proposes to implement hatchery operations and stocking funded by FWS, as well as all other components of the CDFG Program, including anadromous fish hatchery operations and associated stocking, and issuance of stocking permits to private parties seeking to stock fish in California's inland waters. We invite and encourage interested persons to review the draft EIR/EIS and submit written comments regarding alternatives addressed in the document.

**DATES:** We must receive written comments at the address below on or before November 30, 2009. We will hold

four public meetings to solicit comments. The meeting dates are:

1. Wednesday, October 21, 2009, from 5:30 p.m. to 7:30 p.m., Sacramento, CA.
2. Monday, October 26, 2009, from 5:30 p.m. to 7:30 p.m., Redding, CA.
3. Wednesday, October 28, 2009, from 5:30 p.m. to 7:30 p.m., Bakersfield, CA.
4. Thursday, October 29, 2009, from 5:30 p.m. to 7:30 p.m., Carson, CA.

**ADDRESSES:** The public meeting locations are:

1. Sacramento—Elks Lodge, 6446 Riverside Boulevard, Sacramento, CA 95831.
2. Redding—Shasta Builder's Exchange Training Facility, Shasta Room, 2985 Innsbruck Drive, Redding, CA 96003.
3. Bakersfield—Double Tree Hotel, California Grill Room, 3100 Camino Del Rio Court, Bakersfield, CA 93308.
4. Carson—Carson Community Center, Main Hall, 3 Civic Plaza Drive, Carson, CA 90745.

Mail comments to Mr. Bart Prose, U.S. Fish and Wildlife Service, 2800 Cottage Way, Room W-1729, Sacramento, CA 95825; via e-mail to [bart\\_prose@fws.gov](mailto:bart_prose@fws.gov); or via fax to (916) 978-6155. Copies of the draft EIR/EIS can be downloaded from the CDFG Web site at <http://www.dfg.ca.gov/news/pubnotice/hatchery/>.

**FOR FURTHER INFORMATION CONTACT:** Mr. Bart Prose, (916) 978-6152 (phone); [bart\\_prose@fws.gov](mailto:bart_prose@fws.gov) (e-mail).

**SUPPLEMENTARY INFORMATION:** Under the SFRA (Pub. L. 106-408), FWS has authority to grant Federal funds from the Sport Fish Restoration and Boating Trust Fund to support actions associated with CDFG's Program. The Trust Fund is financed through collection of excise taxes on sport-fishing equipment, electric motors, and sonar; import duties on fishing tackle, yachts, and pleasure craft; the portion of gasoline tax attributable to motorboats and small engines; and interest on the Trust Fund.

CDFG has been rearing and stocking fish in the inland waters of California since the late 1800s, when the State of California enacted legislation to restore and preserve fish in State waters. This legislation called for the newly formed California State Fish and Game Commission, to establish "fish breederies" to stock and supply streams, lakes, and bays with both foreign and domestic fish. Since that time in the late 1800s, CDFG has continued that mandate by rearing and stocking both inland trout and anadromous species of fish reared at 24 hatcheries and planting bases located throughout the state.

For the past approximately 100 years, CDFG has stocked nonnative trout

throughout the State. CDFG's Program currently operates 14 trout hatcheries throughout the state, rearing 6 trout species and 3 salmon species. Trout hatcheries rear rainbow, golden, cutthroat, brown, lake, and brook trout. Salmon species reared include Chinook, Coho, and kokanee. CDFG's Mad River Hatchery for anadromous fish presently rears only steelhead. Over the past 5 years, CDFG planted over 3.6 million pounds of combined trout and inland salmon, annually, from its 14 trout hatcheries into hundreds of locations, including high mountain lakes, low elevation reservoirs, and various streams and creeks. The Mad River Hatchery planted over 39,000 pounds of steelhead, annually, into the Mad River.

Funding CDFG Program activities provides freshwater angling opportunities and recreation throughout the state. Operations and stocking associated with the 14 trout hatcheries and the Mad River anadromous fish hatchery are eligible for SFRA grants. FWS does not fund operations or stocking associated with other anadromous hatcheries because they are mitigation hatcheries, which are funded through other sources.

In 2005, State Assembly Bill 7 added Section 13007 to the California Fish and Game Code (FGC 13007), which established annual minimum release targets for hatchery trout based upon sport-fishing license sales, and required CDFG to deposit one-third of sport-fishing license fees into its Hatchery and Inland Fisheries Fund for specified fisheries management purposes. Per CDFG's implementation plan for FGC 13007, funding for the stocking program was scheduled to increase from almost \$8 million for State fiscal year (FY) 2005-2006, to \$15 million for State FY 2006-2007. In addition, a State court order in 2006 required CDFG to complete an environmental review for its Program. To expediently address Program changes due to FGC 13007, the court-ordered environmental review, and associated SFRA funding contributions to the Program, FWS and CDFG agreed to prepare a joint EIR/EIS. FWS published a notice of intent to prepare the EIR/EIS in the **Federal Register** on August 5, 2008 (73 FR 45470).

The objectives of CDFG's Program are to continue the rearing and stocking of fish for the recreational use of anglers, while balancing the interaction between State- and privately stocked fish and threatened and endangered species. The purpose of FWS's proposed SFRA funding is to support operations of CDFG's 14 trout hatcheries and the Mad River Hatchery for the anadromous

steelhead, and associated stocking of fish produced at those hatcheries. SFRA funding also supports CDFG's Fishing in the City and Classroom Aquarium Education Programs. The need addressed by the proposed action is the support of viable recreational fishing in California, through increased angler success that is provided by stocking of hatchery fish in both urban and rural water bodies. Provision of SFRA funds for support of private stocking permits, or operation of other anadromous fish hatcheries and their associated stocking efforts, is outside the scope of actions contemplated by FWS at this time.

Hatchery operations and stocking activities associated with CDFG's inland water hatchery program, including potential increases in fish rearing and stocking in the future, have been evaluated for their effects on the environment. Potential impacts to native amphibians and fish, which have experienced declines within the state, are of chief interest. Results of the evaluations and alternative courses of action are presented in the draft EIR/EIS, in accordance with CEQA (PRC 21000 *et seq.*) and NEPA (42 U.S.C. 4321 *et seq.*).

#### Alternatives

Four alternatives were developed for CDFG's Fish Hatchery and Stocking Program, and each is included for detailed analysis in the draft EIS/EIR. All Program components are subject to CEQA, but only the subset of components with Federal discretionary involvement (associated with SFRA funding) are subject to NEPA; i.e., operations of CDFG's 14 trout hatcheries and the Mad River Hatchery for steelhead, associated stocking of fish produced at those hatcheries, and the Fishing in the City and Classroom Aquarium Education Programs. Only the components of the 4 alternatives pertinent to NEPA are described here.

#### Preferred Alternative

Under the Preferred Alternative, FWS will continue to provide funding, as modified by certain mitigation provisions, for operations of CDFG's 14 trout hatcheries and the Mad River Hatchery for steelhead, and associated stocking of fish produced at those hatcheries. Although hatchery operations will remain unchanged from those conducted during the last 5 years, decisions on stocking of trout will be made using a statewide tiered review process that emphasizes protection of native, sensitive, or legally protected species. In high mountain lake areas where Aquatic Biodiversity Management Plans (ABMPs) have been

prepared, stocking will continue to follow guidelines that ensure expansion of habitats for native amphibians and fish. In areas without ABMPs, trout stocking will be based on site-specific evaluations of risk to native, sensitive, or legally protected species. Where appropriate surveys have yet to be completed, stocking will be suspended until the appropriate evaluations have been completed. ABMPs or other similar plans may be developed and implemented prior to reinitiation of stocking in those locations. Depending on the specific location, such plans could include eradication of nonnative fish from water bodies currently or formerly harboring sensitive native species, genetic analysis of native fish to determine degree of hybridization, cessation of nonnative trout stocking in waters occupied by native trout populations, and implementation of measures consistent with FWS recovery plans and CDFG management plans. Stocking of Mad River steelhead will continue with measures intended to reduce the interaction between hatchery reared fish and naturally reproducing populations and consistent with the Draft Hatchery and Genetic Management Plan submitted to the National Marine Fisheries Service. The Fishing in the City and Classroom Aquarium Education Programs will continue under uniform protocols developed to ensure that stocking locations are properly screened to protect native, sensitive, and legally protected species. Implementation of Program activities following development of any ABMPs or uniform protocols for the Fishing in the City and Classroom Aquarium Education Programs may require additional, site-specific NEPA compliance tiered from the EIR/EIS.

#### *Continuation of Interim Program Provisions Alternative*

Under the Continuation of Interim Program Provisions Alternative, FWS will continue to provide funding for operations of CDFG's 14 trout hatcheries and the Mad River Hatchery for steelhead, and associated stocking of fish produced at those hatcheries, consistent with the court-ordered prohibitions and exceptions on fish stocking that were put into place for the interim period between the date of the court order and completion of the EIR/EIS. The interim provisions prohibit stocking nonnative fish in any California fresh water body where surveys have demonstrated the presence of 25 specified amphibian or fish species, or where a survey for those species has not yet been completed. The order does not address the stocking of

native fish into native waters. Exceptions to the prohibitions include stocking in human-made reservoirs larger than 1000 acres; stocking in human-made reservoirs less than 1000 acres that are not connected to a river or stream, are not within California red-legged frog critical habitat, or are not where California red-legged frogs are known to exist; stocking as required for state or federal mitigation; stocking for the purpose of enhancing salmon and steelhead populations and funded by the Commercial Trollers Salmon Stamp; stocking of steelhead from the Mad River Hatchery into the Mad River Basin; CDFG's Aquarium in the Classroom program; stocking actions to support scientific research; and stocking done under an existing private stocking permit or to be completed under a new permit with terms similar to one that was issued in the last 4 years. The Fishing in the City and Classroom Aquarium Education Programs will continue under uniform protocols developed to ensure that stocking locations are properly screened to protect native, sensitive, and legally protected species.

#### *Continuation of Existing Program Alternative*

The Continuation of Existing Program Alternative (consistent with the CEQA No Project Alternative) is continuation of SFRA funding for the existing Fish Hatchery and Stocking Program. The hatcheries' operation and stocking activities undertaken by CDFG over the past 5 years would continue unchanged (some activities may be inconsistent with the court-ordered prohibitions and exceptions), and the SFRA funding process for these activities will continue as it has over the same period.

#### *No Action Alternative*

Under the No Action Alternative, FWS would not approve SFRA grant funds to be used by CDFG to support actions associated with operations of the CDFG Fish Hatchery and Stocking Program. Because of State statutory and public trust requirements related to the hatchery program, CDFG would attempt to continue to implement its State hatchery program, seeking other funding sources to replace the Federal funds.

#### **Special Assistance for Public Meetings**

If special assistance is required at the public meetings, please contact Mr. Bart Prose, (916) 978-6152 (phone); [bart\\_prose@fws.gov](mailto:bart_prose@fws.gov) (e-mail). Please notify Mr. Prose as far in advance of the meetings as possible to enable FWS to secure the needed services. If a request

cannot be honored, the requestor will be notified.

#### **Public Disclosure**

Before including your name, address, phone number, e-mail address, or other personal identifying information in comments, please 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. We will use the comments to prepare a final EIR/EIS. A decision will be made no sooner than 30 days after the publication of the final EIR/EIS. We anticipate that a Record of Decision will be issued by FWS in 2010.

**Authority:** National Environmental Policy Act (42 U.S.C. 4321 *et seq.*); Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (40 CFR parts 1500-1508).

Dated: October 2, 2009.

**Margaret Kolar,**

*Acting Regional Director.*

[FR Doc. E9-24342 Filed 10-7-09; 8:45 am]

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## **DEPARTMENT OF THE INTERIOR**

### **Bureau of Indian Affairs**

#### **Indian Gaming**

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

**ACTION:** Notice of amendment to Approved Tribal-State Compact

**SUMMARY:** This notice publishes the Approval of the Eighth Amendment to the Tribal/State Compact for Class III Gaming between the Tulalip Tribe of Washington and the State of Washington.

**DATES:** *Effective Date:* October 8, 2009.

**FOR FURTHER INFORMATION CONTACT:** Paula L. Hart, Acting Director, Office of Indian Gaming, Office of the Deputy Assistant Secretary—Policy and Economic Development, Washington, DC 20240, (202) 219-4066.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 11 of the Indian Gaming Regulatory Act of 1988 (IGRA), Public Law 100-497, 25 U.S.C. 2710, the Secretary of the Interior shall publish in the **Federal Register** notice of the approved Tribal-State Compact Amendment for the purpose of engaging in Class III gaming activities on Indian lands. The Amendment clarifies and generally simplifies what kind of