

approximately 31.5 miles long extending from Garwood (MP 438.24) to Sagle (MP 469.75) and will upgrade the existing predominantly two-lane highway to a fully controlled access, four-lane divided freeway with interchanges and frontage roads. The Draft Environmental Impact Statement (DEIS), Final Environmental Impact Statement (FEIS), Record of Decision (ROD) and published information regarding this project are posted and updated on the Idaho Transportation Department (ITD) Web site at <http://itd.idaho.gov/projects/d1>. Select "U.S. 95, Garwood to Sagle Environmental Study."

The actions by the FHWA, and the laws under which such actions were taken, are described in the FEIS for the project approved on March 26, 2010. FHWA issued a Record of Decision (ROD) on July 2, 2010. The DEIS, FEIS, and other project records are available by contacting the FHWA or the Idaho Transportation Department at the addresses provided above.

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

General: National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4351]; Federal-Aid Highway Act [23 U.S.C. 109 and 23 U.S.C. 128]; Public Hearing [23 U.S.C. 128]. Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) [23 U.S.C. 139]

Air and Noise: Clean Air Act [42 U.S.C. 7401–7671(q)]; Intermodal Surface Transportation Efficiency Act of 1991, Congestion Mitigation and Air Quality Improvement Program (Sec 1008 U.S.C. 149); Noise Standards: [23 U.S.C. 109(i) (Pub. L. 91–605) (Pub. L. 93–87)].

Wildlife: Endangered Species Act [16 U.S.C. 1531–1544 and Section 1536]; Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d)]; Migratory Bird Treaty Act [16 U.S.C. 703–712]; Bald and Golden Eagle Protection Act of 1940 [16 U.S.C. 668–668d]

Historic and Cultural Resources: Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)–470(ll)]; Archeological and Historic Preservation Act of 1974 [16 U.S.C. 469–469(c)].

Land: Section 4(f) of The Department of Transportation Act: [23 CFR 774]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201–4209]; Solid Waste Disposal Act, as amended by the

Resource Conservation and Recovery Act of 1976 [42 U.S.C. 6901, *et seq.*]

Social and Economic: Civil Rights Act of 1964 [42 U.S.C. 2000(d)–2000(d)(1)]; Uniform Relocation Assistance and Real Property Acquisition Act of 1970 [42 U.S.C. 4601 *et seq.*, Pub. L. 91–646] as amended by the Uniform Relocation Act Amendments of 1987 (Pub. L. 100–17).

Wetlands and Water Resources: Clean Water Act [33 U.S.C.]; Wetlands Mitigation [23 U.S.C. 103(b)(6)(M) and 133(b)(11)]; Compensatory Mitigation for Losses of Aquatic Resources 2008 [40 CFR 230].

Executive Orders: E.O. 11988 Floodplain Management. E.O. 11990 Protection of Wetlands; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species;

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(l)(1).

Peter J. Hartman,

Division Administrator, FHWA—Idaho Division.

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UNITED STATES SENTENCING COMMISSION

Sentencing Guidelines for United States Courts

AGENCY: United States Sentencing Commission.

ACTION: Request for public comment.

SUMMARY: On April 29, 2010, the Commission submitted to the Congress amendments to the sentencing guidelines and official commentary, which become effective on November 1, 2010, unless Congress acts to the contrary. Such amendments and the reasons for amendment subsequently were published in the **Federal Register**. 75 FR 27388 (May 14, 2010). One of the amendments, specifically Amendment 5 pertaining to the use of recency as a factor in the calculation of the criminal history score, has the effect of lowering guideline ranges. The Commission requests comment regarding whether that amendment should be included in

subsection (c) of § 1B1.10 (Reduction in Term of Imprisonment as a Result of Amended Guideline Range (Policy Statement)) as an amendment that may be applied retroactively to previously sentenced defendants.

DATES: Public comment should be received on or before September 13, 2010.

ADDRESSES: Send comments to: United States Sentencing Commission, One Columbus Circle, NE., Suite 2–500, South Lobby, Washington, DC 20002–8002, Attention: Public Affairs-Retroactivity Public Comment.

FOR FURTHER INFORMATION CONTACT: Michael Courlander, Public Affairs Officer, 202–502–4597.

SUPPLEMENTARY INFORMATION: Section 3582(c)(2) of title 18, United States Code, provides that “in the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission pursuant to 28 U.S.C. 994(o), upon motion of the defendant or the Director of the Bureau of Prisons, or on its own motion, the court may reduce the term of imprisonment, after considering the factors set forth in section 3553(a) to the extent that they are applicable, if such a reduction is consistent with applicable policy statements issued by the Sentencing Commission.”

The Commission lists in § 1B1.10(c) the specific guideline amendments that the court may apply retroactively under 18 U.S.C. 3582(c)(2). The background commentary to § 1B1.10 lists the purpose of the amendment, the magnitude of the change in the guideline range made by the amendment, and the difficulty of applying the amendment retroactively to determine an amended guideline range under § 1B1.10(b) as among the factors the Commission considers in selecting the amendments included in § 1B1.10(c). To the extent practicable, public comment should address each of these factors.

The text of the amendments referenced in this notice also may be accessed through the Commission’s Web site at <http://www.ussc.gov>.

Authority: 28 U.S.C. 994(a), (o), (u); USSC Rules of Practice and Procedure 4.1, 4.3.

William K. Sessions III,
Chair.

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