

the public who have requested to make a verbal comment and whose comments have been deemed relevant under the process described above, will be allotted no more than three (3) minutes during this period, and will be invited to speak in the order in which their requests were received by the DFO and ADFO.

**Brenda S. Bowen,**

*Army Federal Register Liaison Officer.*

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## DEPARTMENT OF DEFENSE

### Department of the Army, Corps of Engineers

#### Intent To Prepare a Programmatic Environmental Impact Statement for the Mouse River Enhanced Flood Protection Plan From Burlington, North Dakota Through Minot, North Dakota

**AGENCY:** U.S. Army Corps of Engineers, DoD.

**ACTION:** Notice of intent.

**SUMMARY:** In compliance with the National Environmental Policy Act (NEPA), the U.S. Army Corps of Engineers, St. Paul District (USACE) announces the intent to prepare a programmatic Environmental Impact Statement (EIS) for the Mouse River Enhanced Flood Protection Plan (MREFPP) from Burlington, North Dakota, to a point downstream of Minot, North Dakota. The purpose of the document is to evaluate the environmental impacts associated with the MREFPP.

**FOR FURTHER INFORMATION CONTACT:** Questions about the proposed action and programmatic EIS may be directed to: U.S. Army Corps of Engineers, St. Paul District, ATTN: Mr. Terry J. Birkenstock, Deputy Chief, Regional Planning & Environment Division North, 180 Fifth Street East, Suite 700, St. Paul, MN 55101-1678; telephone: (651) 290-5264; email [terry.birkenstock@usace.army.mil](mailto:terry.birkenstock@usace.army.mil).

#### SUPPLEMENTARY INFORMATION:

##### Background

The Mouse River (alternatively known as the Souris River) is approximately 435 miles long. The river begins in the southeastern portion of the Canadian province of Saskatchewan, flows south and east through north central North Dakota, and then turns north before returning to Canada in southwest Manitoba.

Most of the annual flow on the Mouse River is attributed to snow melt and spring rains. In June 2011, heavy rains

in the upstream portions of the watershed exceeded the storage capacity of upstream reservoirs already full from the April snowmelt. Flows in excess of 26,900 cubic feet per second (cfs) overwhelmed the existing Federal flood risk management projects (designed to pass 5,000 cfs from Burlington to Minot) and emergency flood fighting efforts, causing over \$690 million in damages to more than 4,700 structures.

The MREFPP Preliminary Engineering Report (PER) was developed for the North Dakota State Water Commission in February 2012. Implementation of the MREFPP is expected to extend over 20 years and involves the construction of more than 30 segments. Features of the MREFPP include 17.5 miles of new levees, 1.4 miles of channel realignment, 2 high-flow bypasses, 2.8 miles of new floodwalls, 6 bridge modifications, and 126 acres of overbank excavation. Additional details on the MREFPP PER can be found at [mouseriverplan.com](http://mouseriverplan.com).

#### Proposed Action

The Souris River Joint Water Resources Board (SRJB) has proposed to move forward with the design and construction of the first three segments of the MREFPP, which includes approximately 2 miles of levees and 1,500 feet of floodwall. These segments would not, by themselves, provide independent utility for flood risk management. Features in the Burlington through Minot reach of the MREFPP are interdependent in the proposal for flood risk management and provide independent flood risk management benefits. Therefore, all effects associated with features in the Burlington through Minot reach of the MREFPP will be included in the scope of analysis evaluated through the programmatic EIS.

#### Federal Involvement

Construction of the MREFPP will require alteration of existing Federal flood risk management projects. Such alterations may be approved by the Secretary of the Army under the authority of 33 U.S.C. 408 (Section 408). Although the Federal government will not be constructing the alterations, approval of the alterations is a Federal action and therefore requires compliance with the NEPA and other applicable environmental laws including, but not limited to, the National Historical Preservation Act of 1966 (NHPA) and the Endangered Species Act of 1973 (ESA). Additionally, as part of the MREFPP, discharges of fill material have been proposed in waters of the United States,

requiring a permit from USACE under 33 U.S.C. 1344 (Section 404 of the Clean Water Act). Issuance of a Section 404 permit is considered a Federal action, triggering NEPA, NHPA, and ESA obligations. Coordination with other Federal agencies will take place throughout the scoping process. USACE will act as the lead Federal agency for environmental compliance with the NEPA.

#### Scoping

Significant resources and issues have been and will continue to be identified through public meetings and coordination with Federal, State, and local agencies. A number of public meetings have been held to discuss the project, including meetings hosted by USACE on April 8, 2015, in Burlington and April 9, 2015 in Minot. An additional public scoping meeting will be held on August 19, 2015, at the Minot Municipal Auditorium, Room 201, 420 3rd Ave SW. in Minot, North Dakota. An open house will run from 6 p.m. until 7 p.m. central standard time and will be followed by presentations and public comment.

Preparation of the EIS is expected to take several months. It is anticipated that the programmatic EIS for the MREFPP will be available for public review in the summer/fall of 2016.

Dated: July 2, 2015.

**Daniel C. Koprowski,**

*Colonel, Corps of Engineers, District Commander.*

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## DEPARTMENT OF DEFENSE

### Department of the Navy

#### Notice of Intent To Conduct Restoration Planning and To Prepare a Draft Damage Assessment Restoration Plan Environmental Assessment for the Omega 707 Air Tanker Crash of May 18, 2011 at Mugu Lagoon, Naval Base Ventura County Point Mugu, CA

**AGENCY:** Department of the Navy, DoD.

**ACTION:** Notice.

**SUMMARY:** Pursuant to section 1006 of the Oil Pollution Act of 1990 (OPA), 33 U.S.C. 2701 *et seq.*, and Section (102)(2)(c) of the National Environmental Policy Act of 1969 and the regulations implemented by the Council on Environmental Quality (40 CFR parts 1500-1508), the Department of the Navy (DoN), acting through Commander Navy Region Southwest (CNRSW), and in coordination with the

U.S. Department of Interior Fish and Wildlife Service (USFWS), and the California Department of Fish and Wildlife Office of Spill Prevention and Response (CDFW–OSPR), announces its intent to conduct restoration planning and to prepare a draft Damage Assessment Restoration Plan (DARP) Environmental Assessment (EA) for the Omega 707 Air Tanker Crash of May 18, 2011 at Mugu Lagoon, Naval Base Ventura County (NBVC) Point Mugu, CA.

On May 18, 2011, a Boeing K707 aerial refueling tanker, carrying approximately 10,000 gallons of jet fuel, operated by Omega Air Inc., crashed during take-off on Runway 21 into Mugu Lagoon at the end of Point Mugu Taxiway Alpha at NBVC Point Mugu. Spill response crews protected most of the lagoon and were able to limit crash impacts to an area of approximately 79 acres of wetlands. The crash scattered debris and different portions of the plane, scoured tracks into the marsh, and left the remaining fuselage partially buried in mudflats. A Unified Command (UC) was instituted immediately following the incident that consisted of staff from NBVC Point Mugu, CDFW–OSPR, U.S. Coast Guard, USFWS, and aircraft owner Omega Air, Inc. The UC oversaw the emergency response and spill containment debris clean-up operations.

The natural resources trustees (Trustees) under OPA are the CNRSW, USFWS and CDFW–OSPR and are acting in accordance with the natural resources authorities provided by the OPA, the Federal Water Pollution Control Act (FWPCA), the Clean Water Act (CWA), and other applicable Federal laws and regulations including the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) (40 CFR 300.600–300.615), the Natural Resource Damage Assessment (NRDA) regulations applicable to OPA (15 CFR part 990), and the DoN Environmental Readiness Program Manual (OPNAVINST 5090.1D). USFWS and CDFW–OSPR are co-Trustees in this response, with CNRSW serving as lead Trustee. As owner and operator of the crashed plane from which the fire and release occurred, the Trustees identified Omega Air, Inc. as the Responsible Party (RP). The Trustees have coordinated with representatives of the RP on NRDA activities.

The Trustees began the pre-assessment phase of the NRDA in accordance with 15 CFR 990.40, to determine if they had jurisdiction to pursue restoration under OPA, and, if so, whether it was appropriate to do so. During the pre-assessment phase, the

Trustees collected and analyzed the following:

1. Data reasonably expected to be necessary to make a determination of jurisdiction or a determination to conduct restoration planning;
2. Ephemeral data; and/or
3. Information needed to design or implement anticipated emergency restoration and/or assessment as part of the restoration planning phase.

The NRDA regulations provide that the Trustees are to prepare a Notice of Intent to Conduct Restoration Planning (Notice) if they determine certain conditions have been met, and if they decide to quantify the injuries to natural resources and to develop a restoration plan. This Notice announces, pursuant to 15 CFR 990.44, that the Trustees, having collected and analyzed data, intend to proceed with restoration planning actions to address injuries to natural resources resulting from the crash. The purpose of this restoration planning effort is to further evaluate injuries to natural resources and services and to use that information to determine the need for, type of, and scale of compensatory restoration actions.

**Dates and Addresses:** The Trustees invite and encourage Federal, State, and local agencies, American Indian tribes, and interested persons to provide written comments on this Notice and the proposed DARP EA to ensure that all relevant issues are considered. All written comments may be submitted through the point of contact listed below and must be received by August 17, 2015 to ensure they become part of the official record. Written comments or questions on this Notice and the scope of the proposed DARP EA and its process, requests for inclusion on the mailing list, and requests for copies of any documents associated with the DARP EA should be directed to: Navy Region Southwest, Attention: Ms. Deb McKay, Code N40, Pt Mugu Omega Air Tanker Crash Spill, 937 North Harbor Drive, Box 81, San Diego, CA 92132.

**FOR FURTHER INFORMATION CONTACT:** Navy Region Southwest, Attention: Ms. Deb McKay, Code N40, Pt Mugu Omega Air Tanker Crash Spill, 937 North Harbor Drive, Box 81, San Diego, CA 92132, Phone: 619–532–2284, or [deborah.mckay@navy.mil](mailto:deborah.mckay@navy.mil).

**SUPPLEMENTARY INFORMATION:**

**Authorities.** Pursuant to section 1006 of the OPA, Federal and State Trustees for natural resources are authorized to:

1. Assess natural resource injuries resulting from a discharge of oil or the substantial threat of a discharge and response activities, and

2. Develop and implement a plan for restoration of such injured resources. The Federal Trustees are designated pursuant to the NCP and Executive Order 12777 (Implementation of Section 311 of the FWPCA of October 18, 1972, as amended, and the OPA). State Trustees for California are designated pursuant to the NCP and the “Governor’s Designation of State Natural Resource Trustees under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, the OPA, and California Health and Safety Code” § 25352(c), dated October 5, 2007.

**Determination of Jurisdiction.** The Trustees have determined that impacts from the air tanker crash on May 18, 2011, and subsequent fire and oil spill into wetlands at NBVC Point Mugu require restoration planning pursuant to 15 CFR 990.44. After the crash event, the Trustees conducted impact minimization and clean up measures to protect the rest of Mugu Lagoon but injuries still occurred to the natural resources and services of the site. Therefore, a NRDA restoration planning effort is required to evaluate those injuries and to determine appropriate restoration actions.

The Trustees have determined that they have jurisdiction to pursue restoration planning pursuant to the OPA in order to resolve liability for injuries to natural resources and services. Specifically, the Trustees have determined pursuant to 15 CFR 990.41:

1. The crash of the aircraft resulted in a discharge of oil into and upon navigable waters of the U.S. and such occurrence constitutes an “Incident” within the meaning of 15 CFR 990.30;
2. The Incident was not permitted pursuant to Federal, State, or local law; was not from a public vessel; and was not from an onshore facility subject to the Trans-Alaska Pipeline Authority Act (43 U.S.C. 1651 *et seq.*); and
3. Natural resources under the trusteeship of the Trustees have been injured as a result of the Incident.

Using information gathered since the crash, during the response, and the NRDA initiation phase, the Trustees have determined that the crash injured natural resources under the trusteeship of the Trustees. The air tanker crash and subsequent fire, oil spill, and cleanup action is known to have impacted aquatic organisms, vegetation, birds, wildlife, geologic resources, and hydrology. The incident exposed these resources to oil, metals, and contaminants of potential concern. The response use of heavy equipment to remove debris and sandbags to contain the spill also caused injury to the

natural resources and services of the site. As a result of this incident, injuries to the site's natural resources and their services were observed and documented. Therefore, the Trustees have jurisdiction to pursue restoration under the OPA.

*Determination to Conduct Restoration Planning.* The NRDA regulations under OPA, provide that the Trustees are to prepare a Notice if they determine certain conditions have been met, and if they decide to quantify the injuries to natural resources and to develop a restoration plan. Accordingly, the Trustees have determined, pursuant to 15 CFR 990.42(a), that:

1. As stated above, injuries have resulted from the incident on May 18, 2011.

2. Response actions did not address all injuries resulting from the incident to the extent that restoration would not be necessary. Although response actions were initiated soon after the spill, the nature of the incident (fire, oil spill, and physical disturbance) and the sensitivity of the environment precluded the complete prevention of injuries to natural resources. Injured natural resources may return to baseline, but interim losses of services provided by these natural resources have occurred, and will continue until resources return to baseline health/condition.

3. Feasible primary and compensatory restoration actions exist to address injuries and lost human uses resulting from the incident. In preparation for restoration planning, the Trustees have begun to compile a list of restoration projects that could potentially be implemented to compensate for interim losses resulting from the incident. All potential restoration sites would be located within the bounds of NBVC Point Mugu and would involve construction projects to enhance the services of existing wetlands.

The Trustees have the tools and procedures to evaluate the injuries and define the appropriate type and scale of restoration for the injured natural resources. Among the available procedures are computer modeled injury assessments; field and laboratory study of geology and sediment, plants, wildlife, water quality, hydrologic resources; as well as additional literature searches. Appropriate

procedures such as these will be used to determine the extent of injury to natural resources and their services, and Habitat Equivalency Analysis will be used to determine the appropriate compensation for those injuries.

During the restoration planning phase, the Trustees will evaluate potential projects, determine the scale of restoration actions needed to make the environment and the public whole, and release a draft Damage Assessment and Restoration Plan for public review and comment.

*Administrative Record.* The Trustees have opened an Administrative Record (Record) in compliance with 15 CFR 990.45. The Record will include documents considered by the Trustees during the preassessment, assessment, and restoration planning phases of the NRDA performed in connection with the crash. The Record will be augmented with additional information over the course of the NRDA process. The Record is available in accordance with the Freedom of Information Act, by contacting: Navy Region Southwest, Attention: Ms. Deb McKay, Code N40, Pt Mugu Omega Air Tanker Crash Spill, 937 North Harbor Drive, Box 81, San Diego, CA 92132, Phone: 619-532-2284, or [deborah.mckay@navy.mil](mailto:deborah.mckay@navy.mil).

Dated: July 10, 2015.

**N.A. Hagerty-Ford,**

*Commander, Judge Advocate General's Corps,  
U.S. Navy, Federal Register Liaison Officer.*

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## DEPARTMENT OF EDUCATION

### Annual Notice of Interest Rates of Federal Student Loans Made Under the William D. Ford Federal Direct Loan Program on or After July 1, 2013

**AGENCY:** Federal Student Aid, Department of Education.

**ACTION:** Notice.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.268.

**DATES:** This notice is effective July 17, 2015.

**SUMMARY:** The Chief Operating Officer for Federal Student Aid announces the interest rates for loans made under the

William D. Ford Federal Direct Loan (Direct Loan) Program on or after July 1, 2015, but before July 1, 2016.

**FOR FURTHER INFORMATION CONTACT:** Ian Foss, U.S. Department of Education, 830 First Street NE., Room 11411, Washington, DC 20202. Telephone: (202) 377-3681 or by email: [ian.foss@ed.gov](mailto:ian.foss@ed.gov).

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1-800-877-8339.

Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

**SUPPLEMENTARY INFORMATION:** Section 455(b) of the Higher Education Act of 1965, as amended (HEA) (20 U.S.C. 1087e(b)), provides formulas for determining the interest rates charged to borrowers for loans made under the Direct Loan Program including: Federal Direct Subsidized Stafford Loans (Direct Subsidized Loans); Federal Direct Unsubsidized Stafford Loans (Direct Unsubsidized Loans); Federal Direct PLUS Loans (Direct PLUS Loans); and Federal Direct Consolidation Loans (Direct Consolidation Loans).

Direct Subsidized Loans, Direct Unsubsidized Loans, and Direct PLUS Loans (collectively, Direct Loans) first disbursed on or after July 1, 2013, have a fixed interest rate that is calculated based on the high yield of the 10-year Treasury notes auctioned at the final auction held before June 1 of each year, plus a statutory add-on percentage (a "margin"). Therefore, while the interest rate determination for new loans will be different from year to year, each of these loans will have a fixed interest rate for the life of the loan. In each case the calculated rate is capped by a maximum interest rate.

The following chart contains specific information on the calculation of the interest rates for Direct Loans first disbursed on or after July 1, 2015, but before July 1, 2016. We publish a separate notice containing the interest rates for Direct Loans that were made in prior years.