

## Section 2. Conformance with Applicable Laws

All acts and transactions under this Statute shall be in conformity with the Compact, if any, and laws of the State to the extent required by 18 U.S.C. 1161 and with all Federal laws regarding alcohol in Indian Country.

## Section 3. Effective Date

This Statute shall be effective as of the date on which the Secretary certifies this Statute and publishes the same in the **Federal Register**.

## Section 4. Repeal of Prior Acts

All prior enactments of the Tribal Council, including tribal resolutions, policies, regulations, or statutes pertaining to the subject matter set forth in this Statute are hereby rescinded.

## Section 5. Amendments

This Statute may only be amended pursuant to an amendment duly enacted by the Tribal Council and certification by the Secretary and publication in the **Federal Register**, if required.

## Section 6. Severability and Savings Clause

If any part or provision of this Statute is held invalid, void, or unenforceable by a court of competent jurisdiction, such adjudication shall not be held to render such provisions inapplicable to other persons or circumstances. Further, the remainder of the Statute shall not be affected and shall continue to remain in full force and effect.

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[LLWO320000 L13300000.EP0000; OMB Control Number 1004-0103]

### Agency Information Collection Activities; Mineral Materials Disposal

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, we, the Bureau of Land Management (BLM) are proposing to renew an information collection.

**DATES:** Interested persons are invited to submit comments on or before October 13, 2020.

**ADDRESSES:** Send your comments on this information collection request (ICR) by mail to the U.S. Department of the

Interior, Bureau of Land Management, 1849 C Street NW, Room 2134LM, Attn. Faith Bremner, Washington, DC 20240; or by email to [fbremner@blm.gov](mailto:fbremner@blm.gov). Please reference Office of Management and Budget (OMB) Control Number 1004-0103 in the subject line of your comments.

**FOR FURTHER INFORMATION CONTACT:** To request additional information about this ICR, contact Timothy L. Barnes by email at [tbarnes@blm.gov](mailto:tbarnes@blm.gov), or by telephone at 541-416-6858. Individuals who are hearing or speech impaired may call the Federal Relay Service at 1-800-877-8339 for TTY assistance.

**SUPPLEMENTARY INFORMATION:** In accordance with the PRA and its implementing regulations at 5 CFR 1320.8(d)(1), all information collections require approval under the PRA. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are especially interested in public comment addressing the following:

- (1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;
- (2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;
- (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and
- (4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email 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.

**Abstract:** The BLM is required by the Materials Act of 1947 (30 U.S.C. 601 and 602) and Section 302 of the Federal Land Policy and Management Act (43 U.S.C. 1732) to manage the sale and free use of mineral materials that are not subject to mineral leasing or location under the mining laws (e.g., common varieties of sand, stone, gravel, pumice, pumicite, clay, and rock). The Materials Act authorizes the BLM to sell these mineral materials at fair market value and to grant free-use permits to government agencies and nonprofit organizations. To obtain a sales contract or free-use permit, an applicant must submit information to identify themselves, the location of the site, and the proposed method to remove the mineral materials. The BLM uses the information to process each request for disposal, determine whether the request to dispose of mineral materials meets statutory requirements, and whether to approve the request.

**Title of Collection:** Mineral Materials Disposal (43 CFR part 3600).

**OMB Control Number:** 1004-0103.

**Form Number:** 3600-9, Contract for the Sale of Mineral Materials.

**Type of Review:** Extension of a currently approved collection.

**Respondents/Affected Public:** An estimated 265 businesses annually submit applications to purchase or use mineral materials from public lands.

**Total Estimated Number of Annual Respondents:** 265.

**Total Estimated Number of Annual Responses:** 3,870.

**Estimated Completion Time per Response:** Varies from 30 minutes to 30 hours, depending on activity.

**Total Estimated Number of Annual Burden Hours:** 5,833.

**Respondent's Obligation:** Required to obtain or retain a benefit.

**Frequency of Collection:** On occasion.

**Total Estimated Annual Nonhour Burden Cost:** \$53,400.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

**Faith M. Bremner,**

*Senior Regulatory Analyst.*

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[LLNMA02000.L51010000.ER0000.19X  
LVRWG19G1360; NMNM 136976]

#### Notice of Availability of the Record of Decision for the Final Environmental Impact Statement and Proposed Land Use Plan Amendment for Borderlands Wind Project in Catron County, New Mexico

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of availability.

**SUMMARY:** In accordance with the National Environmental Policy Act of 1969, as amended (NEPA), and the Federal Land Policy and Management Act of 1976, as amended (FLPMA), the Bureau of Land Management (BLM) has prepared a Record of Decision (ROD) to authorize a right-of-way (ROW) and amend the 2010 Socorro Field Office Resource Management Plan (RMP) for the Borderlands Wind Project (Project) and by this notice, is announcing the availability of the ROD.

**DATES:** The Assistant Secretary of the Department of the Interior signed the ROD on August 3, 2020.

**ADDRESSES:** Copies of the ROD are available for public inspection at the Socorro Field Office, Bureau of Land Management, 901 S Hwy. 85, Socorro, New Mexico 87801 or, via the internet at the project's ePlanning page at <https://www.blm.gov/programs/planning-and-nepa/plans-in-development/new-mexico/proposed-borderlands-wind-project>.

**FOR FURTHER INFORMATION CONTACT:** Virginia Alguire, BLM Socorro Field Office, 901 S Hwy. 85, Socorro, New Mexico 87801; phone (575) 838–1290, or email to [valguire@blm.gov](mailto:valguire@blm.gov). Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact Ms. Alguire during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

#### SUPPLEMENTARY INFORMATION:

Borderlands Wind, LLC submitted an application to the BLM requesting authorization to construct, operate, maintain, and terminate an up-to-100 megawatt commercial wind energy generation facility—Borderlands Wind Project (NMNM136976), in Catron County, New Mexico, within a boundary that encompasses land managed by the BLM, the New Mexico State Land Office (NMSLO), and private landowners. The project would be located south of U.S. Route 60 in Catron County near Quemado, New Mexico, and the Arizona-New Mexico border. Authorization of this proposal requires amendments to the 2010 Socorro Field Office RMP to modify the visual resource management class in the project area and to modify a ROW avoidance area.

The Final EIS analyzed the direct, indirect and cumulative environmental impacts of the Proposed Action, Alternative 1 (optimize the proposed wind facility components in order to minimize potential environmental impacts), Alternative 2 (change in the turbine generation types), and the No Action Alternative. Alternatives 1 and 2 would be constructed and operating and maintained with the same project area. The Proposed Action and Alternative 1 would construct 40 turbines. However, because of the difference in the types of turbines, Alternative 2, the BLM Preferred Alternative would only construct 36 turbines instead of 40 turbines within the same area as Alternative 1. The No Action Alternative would be a continuation of existing conditions.

On May 27, 2020, the U.S. Treasury Department and the Internal Revenue Service issued Notice 2020–41, providing an extension of the timeframe to claim tax credits for the development of renewable energy projects, which includes wind generating facilities. On June 22, 2020, the Proponent informed the BLM it must use GE 2.3 MW turbines instead of the GE 2.5 MW turbines for the Project to obtain the full tax incentive. As a result of these new circumstances, Alternative 2A is a modified version of Alternative 2 to include the construction of 30 GE 3.0 MW and 4 GE 2.3 MW turbines instead of the 4 GE 2.5 MW turbines. Alternative 2A would not result in significant effects outside the range of effects already analyzed in the EIS because use of the 4 GE 2.3 MW turbines was already evaluated in both the Proposed Action and Alternative 1. The difference in potential impacts between Alternative 2 and Alternative 2A would not be discernable because

the turbine generator model characteristics are technically similar with the exception of one physical aspect, which is the hub height on the GE 2.3 MW is 33 feet shorter than the GE 2.5 MW turbine model. The difference between the GE 2.3 MW and GE 2.5 MW turbine models are shown on Table 2–1 of the Final EIS. The environmental consequences of using the GE 2.3 MW turbines were discussed as part of the Proposed Action and Alternative 1. There are no other modifications or changes in the construction, maintenance, operation, or decommissioning activities associated with the modified Alternative 2 (known as Alternative 2A). The difference in potential impacts between the Alternative 2 and Alternative 2A are not substantial when taking two of the key resources into consideration—risks to eagles and visual resource impacts with the 33 feet hub height reduction for four turbines. Therefore, supplementation is not necessary because Alternative 2A is within the range of alternatives evaluated in the EIS and will not significantly alter the impacts from Alternative 2 as analyzed.

A Notice of Intent to prepare an EIS for the proposed Project was published in the **Federal Register** on November 9, 2018 (83 FR 56097). The public scoping period closed on December 10, 2018. The BLM held one public scoping meeting on November 14, 2018. The BLM received 51 public scoping comments during the 45-day scoping period. The scoping comments focused on wildlife; visual and cultural resources; light pollution, human health, local economic benefits; and property values.

A Notice of Availability (NOA) to publish the Draft EIS and RMP Amendment for the proposed Project was published in the **Federal Register** on August 9, 2019 (84 FR 39366). The BLM held one public comment meeting. The public comment period closed November 7, 2019. The BLM received 39 letters/comment forms/emails and 247 individual comments during the 90-day public comment period. The comments focused on effects to sensitive wildlife species specifically avian and bats, change to Visual Resource Management Class as a result of the impacts to visual resources and change to the existing rural landscape character; groundwater level changes during construction, lack of benefit to the local area, and decreased property value concerns. Comments on the Draft EIS and RMP Amendment EIS were considered and incorporated, as appropriate, into the Final EIS and Proposed RMP Amendment. Public