

requirements outlined within the plan are accomplished. The draft PDM Plan proposes to conduct monitoring annually for at least 10 years. Post-delisting monitoring of the brown pelican will consist primarily of annual collection of information on colony occupancy and number of nesting pairs. Information on contaminants will also be collected at 5-year intervals beginning with the first year.

Post-delisting monitoring of the brown pelican will be focused along the Gulf coast of Louisiana and Texas; the Commonwealth of Puerto Rico and the U.S. Virgin Islands in the West Indies; the Pacific coast of southern California and Baja California, Mexico; and the Gulf of California. We will be monitoring these areas because: (1) Existing population data are available for these areas for comparison with data to be collected during post-delisting monitoring; (2) these populations were among some of the largest (outside of those in Peru) prior to listing (73 FR 9408); and (3) these populations suffered the greatest declines in productivity and abundance that led to the listing of the species. Additionally, we have no evidence that brown pelicans outside these areas ever suffered declines in response to persistent organic pesticides. We are also interested in any information that may suggest a new or increasing threat that may impact the brown pelican in other parts of its range proposed for delisting under the Act but not covered by this Draft Monitoring Plan.

#### Request for Public Comments

We solicit written comments on the Draft Monitoring Plan described in this notice. All comments received by the date specified above will be considered in development of a final post-delisting monitoring plan for the brown pelican. We will take into consideration the relevant comments, suggestions, or objections that we receive by the comment due date indicated above in the **DATES** section. These comments, suggestions, or objections, and any additional information we receive, may lead us to adopt a final PDM Plan that differs from this draft PDM Plan. Comments merely stating support or opposition to the draft PDM Plan without providing supporting data are not as helpful. We particularly seek comments concerning:

(1) Information and data on contaminants from brown pelicans or other seabirds near pelican nesting colonies throughout the range of the brown pelican that may affect our selection of the areas to be monitored;

(2) The appropriateness of assaying contaminants in brown pelicans and/or their eggs every 5 years and reasons, if any, for increasing or decreasing the frequency of analysis; and

(3) The appropriateness of the areas selected for monitoring and reasons, if any, for modifying the survey areas, including information related to the number of nesting pairs and population trends of brown pelicans outside the survey areas in the Draft Monitoring Plan.

#### Public Availability of Comments

Before including your address, phone number, electronic mail address, or other personal identifying information in your comment, you should be aware that your entire document—including your personal identifying information—may be publicly available at any time. While you can ask us in your comments to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

**Authority:** The authority for this action is the Act (16 U.S.C. 1531 *et seq.*).

**Alexandra Pitts,**

*Acting Regional Director, Fish and Wildlife Service, Pacific Southwest Region.*

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**BILLING CODE 4310-55-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS-R4-R-2009-N0117; 40136-1265-0000-S3]

#### Black Bayou Lake National Wildlife Refuge, Ouachita Parish, LA

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

**ACTION:** Notice of availability: draft comprehensive conservation plan and environmental assessment; request for comments.

**SUMMARY:** We, the Fish and Wildlife Service (Service), announce the availability of a draft comprehensive conservation plan and environmental assessment (Draft CCP/EA) for Black Bayou Lake National Wildlife Refuge (Black Bayou Lake NWR) for public review and comment. In this Draft CCP/EA, we describe the alternative we propose to use to manage this refuge for the 15 years following approval of the final CCP.

**DATES:** To ensure consideration, we must receive your written comments by October 30, 2009.

**ADDRESSES:** Send comments, questions, and requests for information to: Ms. Tina Chouinard, Refuge Planner, Fish and Wildlife Service, 6772 Highway 76 South, Stanton, TN 38069, or by e-mail to: [tina\\_chouinard@fws.gov](mailto:tina_chouinard@fws.gov). The Draft CCP/EA is available on compact disk or in hard copy. The Draft CCP/EA may also be accessed and downloaded from the Service's Internet Site: <http://southeast.fws.gov/planning>.

**FOR FURTHER INFORMATION CONTACT:** Ms. Tina Chouinard; telephone: 731-432-0981.

#### SUPPLEMENTARY INFORMATION:

##### Introduction

With this notice, we continue the CCP process for Black Bayou Lake NWR. We started the process through a notice in the **Federal Register** on May 8, 2008 (73 FR 26139).

##### Background

###### *The CCP Process*

The National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 668dd-668ee) (Improvement Act), which amended the National Wildlife Refuge System Administration Act of 1966, requires us to develop a CCP for each national wildlife refuge. The purpose for developing a CCP is to provide refuge managers with a 15-year strategy for achieving refuge purposes and contributing toward the mission of the National Wildlife Refuge System, consistent with sound principles of fish and wildlife management, conservation, legal mandates, and our policies. In addition to outlining broad management direction on conserving wildlife and their habitats, CCPs identify wildlife-dependent recreational opportunities available to the public, including opportunities for hunting, fishing, wildlife observation, wildlife photography, and environmental education and interpretation. We will review and update the CCP at least every 15 years in accordance with the Improvement Act.

Black Bayou Lake NWR is a unit of the North Louisiana National Wildlife Refuge Complex. Other refuges in the Complex include: D'Arbonne, Upper Ouachita, Handy Brake, and Red River, and the Louisiana Wetlands Management District. Each refuge has unique issues and has had separate planning efforts and public involvement.

Black Bayou Lake NWR, established in 1997, is 3 miles north of the city of Monroe, just east of Highway 165 in Ouachita Parish, Louisiana. It contains 4,522 acres of wetland, bottomland hardwood, and upland mixed pine/

hardwood habitats. Although the suburban sprawl of the city of Monroe abuts much of its boundary, the refuge itself represents many habitat types and is home to a diversity of plants and animals. Black Bayou Lake NWR is situated in the Mississippi Flyway, the Mississippi Alluvial Valley Bird Conservation Region, and the Lower Mississippi River Ecosystem. The refuge plays an important role regionally in fulfilling the goals of the National Wildlife Refuge System. Its close proximity to the city of Monroe gives the public opportunities to participate in educational programs that promote wildlife stewardship.

Black Bayou Lake NWR was established for “\* \* \* the conservation of the wetlands of the Nation in order to maintain the public benefits they provide and to help fulfill international obligations contained in various migratory bird treaties and conventions \* \* \*” (16 U.S.C. 3901 (b)) (Wetlands Resources Act).

The central physical feature of the refuge is the lake itself. Black Bayou Lake, consisting of approximately 1,500 acres, is studded with bald cypress and water tupelo trees. The western half of the lake is open and deeper, unlike the eastern side, which is thick with trees and emergent vegetation. The lake is owned by the city of Monroe, which manages the lake's water level as a secondary source of municipal water. The Service has a 99-year free lease on the lake and some of its surrounding land, consisting of a total of 1,620 acres. The refuge owns the remaining 2,902 acres, consisting of upland pine/hardwood and bottomland hardwood forests.

Significant issues addressed in this Draft CCP/EA include: (1) Managing for invasive species and species of special concern, such as the alligator snapping turtle; (2) managing mixed pine upland and bottomland hardwood forests; (3) land protection; (4) urban development and wildlife management; (5) maintaining the excellent environmental education and interpretation programs; and (6) increasing resources.

#### **CCP Alternatives, Including Our Proposed Alternative**

We developed three alternatives for managing the refuge and chose Alternative B as the proposed alternative. A full description of each alternative is in the Draft CCP/EA. We summarize each alternative below.

#### *Alternative A—Current Management Direction (No Action Alternative)*

Black Bayou Lake NWR is part of the Lower Mississippi River Ecosystem and is considered to be in the Mississippi Alluvial Valley Bird Conservation Region. As such, Black Bayou Lake NWR is a component of many regional and ecosystem conservation planning initiatives. Under Alternative A, we would continue management of the refuge at its current level of participation in these initiatives throughout the 15-year duration of the CCP. Current approaches to managing wildlife and habitats, protecting resources, and allowing for public use would remain unchanged.

The mix of habitats on the refuge, including bottomland hardwood and upland pine hardwood forests, would be restored and managed appropriately. We would continue to work with partners to acquire lands within the current refuge boundary. We would continue to provide habitat for native wildlife species, wintering waterfowl, and year-round habitat for nesting wood ducks. We would also maintain the current habitat mix to benefit other migratory birds. We would continue existing surveys to monitor long-term population trends and health of migratory and resident species.

We would work with volunteers to maintain the current public use and environmental education programs on the refuge. We would continue to serve the public and the Complex with a quality wildlife-dependent visitor services program.

#### *Alternative B—Optimize Biological Program and Visitor Services (Proposed Alternative)*

Under Alternative B, we would strive to optimize both our biological program and visitor services program. We would continue to provide habitat for resident wildlife species and would aim to increase our knowledge of migratory birds, reptiles, amphibians, invertebrates, and species of special concern, such as the alligator snapping turtle, by developing and implementing monitoring programs. We would use our resources to create and/or maintain a variety of habitats compatible with historic habitat types. Efforts to control invasive species would increase.

Under Alternative B, land acquisition, bottomland hardwood forest management, and resource protection would be intensified. In the Private Lands Program, we would work with private landowners on adjacent tracts to manage and improve habitats.

Under Alternative B, we would hire a fulltime law enforcement officer, a

refuge operations specialist, a maintenance worker, and a park ranger (visitor services). With regard to cultural resources, including those of an archaeological or historical nature, within 15 years of CCP approval, we would develop and begin to implement a Cultural Resources Management Plan.

Public use and environmental education programs would be enhanced with the addition of two park rangers (visitor services and law enforcement). Within 3 years of CCP completion, we would develop a Visitor Services Plan to guide us in maintaining quality public use facilities and opportunities on the refuge.

Over the 15-year life of the CCP, we would increase environmental education and interpretation opportunities to emphasize the importance of the refuge's habitats and resources.

#### *Alternative C—Minimize Management and Public Use Management*

This alternative would minimize wildlife and habitat management and the public use program. Baseline inventorying and monitoring programs would be eliminated; monitoring for changes in trends would not be necessary to achieve the purposes of the refuge.

Public use would be maintained and monitored for impacts to wildlife. Fishing, environmental education, and wildlife observation and photography would be accommodated the same as under the No Action Alternative. Waterfowl hunting would be eliminated. Staffing would remain the same as under the No Action Alternative.

#### **Next Step**

After the comment period ends, we will analyze the comments and address them.

#### **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.

#### **Authority**

This notice is published under the authority of the National Wildlife Refuge System Improvement Act of 1997, Public Law 105-57.

Dated: July 13, 2009.

Cynthia K. Dohner,

Acting Regional Director.

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS-R8-ES-2009-N141; 80221-1112-0000-F2]

#### Amendment of the Clark County Multiple Species Habitat Conservation Plan and Issuance of an Amended Incidental Take Permit, Clark County, NV

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

**ACTION:** Notice of intent to prepare an Environmental Impact Statement (EIS); and notice of public scoping meetings.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), are advising the public that we intend to gather information necessary to prepare an EIS, under the National Environmental Policy Act (NEPA), on the proposed amendment of the Clark County Multiple Species Habitat Conservation Plan (MSHCP) and Incidental Take Permit (ITP). The proposed amendment is being prepared under section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended. The Permittees are proposing to increase the amount of species habitat disturbance that is authorized under the existing MSHCP and ITP, expand the conservation program to minimize and mitigate for the increased disturbance, reduce the number of covered species, and revise the permit term of the MSHCP Amendment to 50 years. We provide this notice to obtain suggestions, comments, and useful information from other agencies and the public on the scope of the document, including the significant issues deserving of study, the range of alternatives, and the range of impacts to be considered.

**DATES:** Written comments must be received on or before October 30, 2009. Four public scoping meetings will be held on:

1. Monday, October 19, 2009, from 6 p.m. to 8 p.m., Las Vegas, NV.
2. Wednesday, October 21, 2009, from 6 p.m. to 8 p.m., Searchlight, NV.
3. Thursday, October 22, 2009, from 6 p.m. to 8 p.m., Henderson, NV.
4. Monday, October 26, 2009, from 6 p.m. to 8 p.m., Overton, NV.

**ADDRESSES:** Public meetings will be held at the following locations:

1. Monday, October 19, 2009, at the Clark County Library, Jewel Box Theater, 1401 East Flamingo Road, Las Vegas, NV 89119.

2. Wednesday, October 21, 2009, at the Searchlight Community Center, 200 Michael Wendell Way, Searchlight, NV 89046.

3. Thursday, October 22, 2009, at the PBS&J, 2270 Corporate Circle, Henderson, NV 89074.

4. Monday, October 26, 2009, at the Moapa Valley Community Center, 320 North Moapa Valley Boulevard, Overton, NV 89040.

Information, written comments, or questions related to the preparation of the EIS and the NEPA process should be submitted to Robert D. Williams, Nevada Fish and Wildlife Office, 4701 North Torrey Pines Drive, Las Vegas, NV 89130, facsimile: 702-515-5231.

**FOR FURTHER INFORMATION CONTACT:** Jeri Krueger, Habitat Conservation Planning Coordinator, Nevada Fish and Wildlife Office, 4701 North Torrey Pines Drive, Las Vegas, NV 89130; telephone: 702-515-5230.

**SUPPLEMENTARY INFORMATION:** This notice advises the public that the Service intends to gather information necessary to determine the scope of issues and impacts, and to formulate alternatives for the EIS related to the issuance of an amended ITP to Clark County, Nevada; the cities of Boulder City, Henderson, Las Vegas, Mesquite, and North Las Vegas, Nevada (Cities); and the Nevada Department of Transportation (NDOT).

#### Background

Section 9 of the Endangered Species Act, as amended (Act; 16 U.S.C. 1531 *et seq.*) and Federal regulations prohibit the "take" of a fish or wildlife species listed as endangered or threatened. Under the Act, the following activities are defined as take: To harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect listed wildlife species, or attempt to engage in such conduct (16 U.S.C. 1532). However, under section 10(a)(1)(B) of the Act, we may issue permits to authorize "incidental take" of listed wildlife species. Incidental take is defined by the Act as take that is incidental to, and not the purpose of, carrying out an otherwise lawful activity. Regulations governing permits for endangered and threatened species are at 50 CFR 17.22 and 50 CFR 17.32, respectively.

Clark County, the Cities, and NDOT currently hold a permit for incidental take of 78 covered species (Permit # TE034927-0), including the Federally threatened desert tortoise (*Gopherus*

*agassizii*) and the Federally endangered southwestern willow flycatcher (*Empidonax traillii extimus*), by the development of up to 145,000 acres in Clark County, Nevada. The Notice of Availability (65 FR 57366) for the Final HCP and EIS was published on September 22, 2000. The permit was effective as of February 1, 2001, and expires on January 31, 2031. Activities included in the MSHCP for the permitted projects include, but are not limited to, residential and commercial development, utility and transportation facilities and other capital improvements and operations activities, flood control, development of urban parks and recreation facilities.

#### Multiple Species Habitat Conservation Plan Amendment

Clark County, the Cities, and NDOT intend to request a permit amendment for the incidental take of covered species on up to 215,000 additional acres in Clark County, Nevada. Activities proposed to be covered by the MSHCP amendment are not likely to change from the existing MSHCP, and may include, but are not limited to, residential and commercial development, utility and transportation facilities and other capital improvements and operations activities, flood control, and development of urban parks and recreation facilities.

Section 10(a)(1)(B) of the Act provides for permitting non-Federal entities to incidentally take threatened and endangered species when the entity submits a conservation plan that specifies:

(i) The impact which will likely result from such taking;

(ii) What steps the applicant will take to minimize and mitigate such impacts, and the funding that will be available to implement such steps;

(iii) What alternative actions to such taking the applicant considered and the reasons why such alternatives are being utilized; and

(iv) Such other measures the Service may require as being necessary or appropriate for purposes of the plan.

If the Service finds, after opportunity for public comment, with respect to a permit application and the related conservation plan that:

(i) The taking will be incidental;

(ii) The applicant will, to the maximum extent practicable, minimize and mitigate the impacts of such taking;

(iii) The applicant will ensure that adequate funding for the plan will be provided;

(iv) The taking will not appreciably reduce the likelihood of survival and recovery of the species in the wild; and