

only. The refuge would work with partners to facilitate the voluntary use of approved disposal sites for human waste. Guided motorized access to the North Fork Goodnews River would be limited from current maximum allowable levels but would be above current use levels.

**Alternative D:** This alternative would provide additional opportunities for commercially guided recreation throughout the refuge. At Cape Peirce, opportunities for visiting the area would be doubled from current levels and would be commercially guided.

Unguided recreation on the Kanektok and Goodnews rivers would remain unrestricted. Additional commercial sport fishing guide opportunities would be provided on the Goodnews, Togiak, Osviak, and Matogak rivers.

**Alternative E:** This alternative would reduce the level of use on the Kanektok and Goodnews rivers and implement a human waste pack out program on the Kanektok River. It would also provide additional opportunities for public use at Cape Peirce. Commercial sport fishing guide opportunities would be continued at current levels.

#### Public Availability of Comments

Before including your name, 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.

Dated: September 21, 2007.

**Thomas O. Melius,**

*Regional Director, U.S. Fish & Wildlife Service, Anchorage, Alaska.*

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BILLING CODE 4310-55-P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Virgin River Habitat Conservation and Recovery Program, Clark County, NV

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

**ACTION:** Notice of intent to prepare an environmental impact statement (EIS) and notice of public meetings.

**SUMMARY:** Pursuant to the National Environmental Policy Act (NEPA), the Fish and Wildlife Service (Service), advises the public that we intend to

gather information necessary to prepare an Environmental Impact Statement (EIS) regarding the proposed Virgin River Habitat Conservation and Recovery Program (VRHCRP) and issuance of an incidental take permit (Permit) for endangered and threatened species in accordance with section 10(a) of the Endangered Species Act of 1973, as amended (Act). The intent of the VRHCRP is to provide a recovery strategy for five species in the Lower Virgin River Basin. The VRHCRP would be used as a tool when conducting future section 7 consultations, implementing recovery actions and preparing habitat conservation plans for new and existing development.

We provide this notice to: (1) Describe the proposed action and possible alternatives; (2) advise other Federal and State agencies, affected tribes, and the public of our intent to prepare an EIS; (3) announce the initiation of a 30-day public scoping period; and (4) obtain suggestions and information on the scope of issues to be included in the EIS.

**DATES:** Written comments from all interested parties must be received on or before October 29, 2007. Public meetings will be held on October 16 and 17, 2007 from 4 to 6 p.m.

**ADDRESSES:** The public meetings will be held at the following locations: October 16, 2007 from 4 to 6 p.m. at the Federal Interagency Building, 4701 North Torrey Pines Dr., Las Vegas, NV 89130; and October 17, 2007 from 4 to 6 p.m. at Mesquite City Hall, 10 East Mesquite Blvd., Mesquite, NV 89027.

Information, written comments, or questions related to the preparation of the EIS and NEPA process should be sent to Robert D. Williams, Field Supervisor, Nevada Fish and Wildlife Office, Fish and Wildlife Service, 4701 North Torrey Pines Dr., Las Vegas, NV 89130; or fax (702) 515-5231.

**FOR FURTHER INFORMATION CONTACT:** Amy LaVoie, Nevada Fish and Wildlife Office, Fish and Wildlife Service, 4701 North Torrey Pines Dr., Las Vegas, Nevada 89130, or at (702) 515-5230.

#### SUPPLEMENTARY INFORMATION:

##### Reasonable Accommodation

Persons needing reasonable accommodations in order to attend and participate in the public meeting should contact Amy LaVoie (See **ADDRESSES**) at (702) 515-5230 as soon as possible. In order to allow sufficient time to process requests, please call no later than one week before the public meeting. Information regarding this proposed action is available in other formats upon request.

#### Background

The Service together with the Bureau of Land Management, City of Mesquite, Clark County, National Park Service, Nevada Department of Wildlife, Southern Nevada Water Authority, and Virgin Valley Water District propose to develop the VRHCRP. The intent of the VRHCRP is to provide a recovery strategy for five species in the Lower Virgin River Basin: Virgin River chub (*Gila seminuda*), woundfin (*Plagopterus argentissimus*), southwestern willow flycatcher (*Empidonax traillii extimus*), Yuma clapper rail (*Rallus longirostris yumanensis*), and yellow-billed cuckoo (*Coccyzus americanus*). Species may be added or deleted during the course of the development of the VRHCRP based on further analysis, new information, agency consultation, and public comment. The VRHCRP would be used by the participating agencies as a tool when conducting future section 7 consultations, implementing recovery actions and preparing habitat conservation plans.

The area to be addressed within the proposed VRHCRP would be all lands within the the 100-year floodplain of the Virgin River and its tributaries (including ephemeral washes) from the Mesquite Diversion (located approximately 2 miles upstream of the Nevada/Arizona border) to the confluence of Lake Mead, as defined by a line from the southern end of Lower Mormon Mesa, through Fish Island, to Little Bitter Wash. In addition, some recovery actions may be expanded to include all land within the 100-year floodplain of the Virgin River and its tributaries from the Mesquite Diversion upstream to the base of the Virgin River Gorge in Arizona or to the location of the future non-native fish barrier to be established by the Virgin River Resource Management and Recovery Program (Utah program).

The VRHCRP would contain a habitat conservation plan (HCP) for the City of Mesquite and Clark County (Permit Applicants). The HCP would result in take authorization for otherwise lawful actions, such as municipal and private development that may incidentally take or harm animal species or their habitats within the HCP area. Conservation measures to offset the effects on the covered species from proposed development activities would be developed and implemented. The applicants propose to expand the city limits of Mesquite and unincorporated Clark County in and near the township or area of Bunkerville and Riverside, and implement conservation measures for the resulting development activities,

along with existing activities currently undertaken by the Permit Applicants with the potential to affect federally listed species. These activities may include new and existing development activities in upland and riparian areas; ongoing water supply and flood control activities; ongoing agricultural and livestock practices; and the ongoing management of trails, parks, and open spaces. The Permit Applicants intend to request a Permit for incidental take of federally listed threatened or endangered species, as well as other species identified in the VRHCRP.

Section 9 of the Act and Federal regulations prohibit the "take" of wildlife species listed as endangered or threatened (16 U.S.C. 1538). The Act defines the term "take" as: To harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect listed species, or to attempt to engage in such conduct (16 U.S.C. 1532). Harm includes significant habitat modification or degradation that actually kills or injures listed wildlife by significantly impairing essential behavioral patterns, including breeding feeding, and sheltering [50 CFR 17.3(c)]. Pursuant to section 10(a)(1)(B) of the Act, we may issue permits to authorize "incidental take" of listed 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 threatened species and endangered species, respectively, are at 50 CFR 17.32 and 50 CFR 17.22.

#### Environmental Impact Statement

The EIS will consider the proposed action, no action, and a reasonable range of alternatives. A detailed description of the proposed action and alternatives will be included in the EIS. Alternatives considered for analysis in an EIS may include variations in the scope of proposed activities; variations in the location, amount, and types of conservation measures and/or recovery actions; variations in activity duration; or a combination of these elements. In addition, the EIS will identify potentially significant direct, indirect, and cumulative impacts on biological resources, land use, air quality, water quality, water resources, socioeconomic conditions, and other environmental issues that could occur with implementation of the proposed action or other alternatives. For all potentially significant impacts, the EIS identifies avoidance, minimization, and mitigation measures to reduce these impacts, where feasible, to a level below significance.

Environmental review of the EIS will be conducted in accordance with the

requirements of NEPA (42 U.S.C. 4321 *et seq.*), its implementing regulations (40 CFR parts 1500–1508), other applicable regulations, and Service procedures for compliance with those regulations. This notice is being furnished in accordance with 40 CFR Section 1501.7 and 1508.22 to obtain suggestions and information from other agencies and the public on the scope of issues and alternatives to be addressed in the EIS. The primary purpose of the scoping process is to identify important issues raised by the public related to the proposed action. Written comments from interested parties are invited to ensure that the full range of issues related to the permit application is identified. Comments will only be accepted in written form. You may submit written comments by mail, facsimile transmission, or in person (see **ADDRESSES**). All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public.

Our practice is to make comments, including names, home addresses, home phone numbers, and e-mail addresses of respondents, available for public review. Individual respondents may request that we withhold their names and/or home addresses, etc., but if you wish us to consider withholding this information you must state this prominently at the beginning of your comments. In addition, you must present a rationale for withholding this information. This rationale must demonstrate that disclosure would constitute a clearly unwarranted invasion of privacy. Unsupported assertions will not meet this burden. In the absence of exceptional, documentable circumstances, this information will be released. We will always make submissions from organization or businesses, and from individuals identifying themselves as representatives of or officials of organizations or businesses, available for public inspection in their entirety.

Dated: September 21, 2007.

#### Ken McDermond,

*Deputy Manager, California/Nevada Operations Office, Sacramento, California.*  
[FR Doc. 07-4781 Filed 9-26-07; 8:45 am]

**BILLING CODE 4310-55-M**

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### Land Acquisitions; Shakopee Mdewakanton Sioux Community

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

**ACTION:** Notice of final agency determination to take land into trust under 25 CFR part 151.

**SUMMARY:** The Assistant Secretary—Indian Affairs, U.S. Department of the Interior has made a final determination to acquire real property "in trust" for the Shakopee Mdewakanton Sioux Community.

**FOR FURTHER INFORMATION CONTACT:** Ms. Vicki Forrest, Deputy Director of Trust Services, Bureau of Indian Affairs, 1849 C Street, NW., MS 4620-MIB, Washington, DC 20240; telephone: 202-208-5831.

**SUPPLEMENTARY INFORMATION:** This notice is published to comply with the requirement of 25 CFR 151.12(b) that notice be given to the public of the decision by the authorized representative of the Secretary of the Interior to acquire land "in trust" at least 30 days prior to signatory acceptance of land "in trust". The purpose of the 30-day waiting period is to afford interested parties the opportunity to seek judicial review of administrative decisions to take land "in trust" for Tribes or individual Indians before transfer of title to the properties occurs. On June 7, 2007, the Assistant Secretary—Indian Affairs issued a Notice of Decision to accept approximately 752.41 acres of land "in trust" for the Shakopee Mdewakanton Sioux Community under the authority of Section 5 of the Indian Reorganization Act of 1934, 25 United States Code (U.S.C.) 465.

The Assistant Secretary—Indian Affairs, on behalf of the Secretary of the Interior, shall acquire title in the name of the United States of America in trust for Shakopee Mdewakanton Sioux Community no sooner than 30 days after the initial date this notice is published in the **Federal Register**.

The land is referred to as Parcels 1, 2, 3 & 4, herein and is described as:

#### 752.41 Acres—Fourth Principal Meridian, Scott County, Minnesota

SMSC Trust Acquisition  
PARCEL NUMBER 1  
Legal Description excluding land transferred to Scott County.  
Containing 569.01 acres more or less.

*Parcel 1:* The West Half of the Southwest Quarter of Section 15, Township 115, Range 22, Scott County, Minnesota.