

### Identification of Potential Alternatives, Information, and Analyses

NRCS, MRJBOC, and the U.S. Bureau of Reclamation invite agencies, Tribes, and individuals that have special expertise, legal jurisdiction, or interest, to provide comments concerning the scope of the analysis and identification of potential alternatives, information, and analyses relevant to the Proposed Action in writing.

NRCS, MRJBOC, and the U.S. Bureau of Reclamation will use the scoping process to help fulfill the public involvement process under section 106 of the NHPA (54 U.S.C. 306108), as provided in 36 CFR 800.2(d)(3). Information about historic and cultural resources within the area potentially affected by the proposed action and alternatives will assist NRCS, MRJBOC, and the U.S. Bureau of Reclamation in identifying and evaluating impacts to resources in the context of both NEPA and section 106.

Native American Tribal consultations will be conducted in accordance with Tribal policy, and Tribal concerns will be given due consideration. In addition, Federal, State, and local agencies, along with other stakeholders that may be interested or affected by NRCS, MRJBOC, or the U.S. Bureau of Reclamation decisions on this Milk River Project, are invited to participate in the scoping process. Eligible entities may request or be requested by the NRCS to participate as a cooperating or participating agency.

### Authorities

This document is published pursuant to the NEPA regulations regarding publication of a NOI to issue an EIS (40 CFR 1501.9(d)). This EIS will be prepared to evaluate potential environmental impacts as required by section 102(2)(C) of NEPA; the Council on Environmental Quality regulations (40 CFR parts 1500–1508); and NRCS regulations that implement NEPA in 7 CFR part 650. Watershed planning is authorized under the Watershed Protection and Flood Prevention Act of 1954, as amended, (Pub. L. 83–566) and the Flood Control Act of 1944 (Pub. L. 78–534).

### Federal Assistance Program

The title and number of the Federal Assistance Programs as found in the Assistance Listing,<sup>5</sup> to which this document applies is 10.904, Watershed Protection and Flood Prevention.

<sup>5</sup> See <https://sam.gov/content/assistance-listings>.

### Executive Order 12372

Executive Order 12372, “Intergovernmental Review of Federal Programs,” requires consultation with State and local officials that would be directly affected by proposed Federal financial assistance. The objectives of Executive Order are to foster an intergovernmental partnership and a strengthened federalism, by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance and to direct Federal development. This Watershed Plan is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials.

### USDA Non-Discrimination Policy

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Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250–9410 or email: [OAC@usda.gov](mailto:OAC@usda.gov).

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### Kyle Tackett,

Acting Montana State Conservationist,  
Natural Resources Conservation Service.

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## COMMISSION ON CIVIL RIGHTS

### Notice of Public Meeting of the Minnesota Advisory Committee to the U.S. Commission on Civil Rights

**AGENCY:** Commission on Civil Rights.

**ACTION:** Notice of public meeting.

**SUMMARY:** Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act, that the Minnesota Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a public meeting via Zoom at 12:30 p.m. CT on Thursday, July 27, 2023, to discuss the Committee’s draft project proposal on housing affordability in the state.

**DATES:** Thursday, July 27, 2023, from 12:30 p.m.–1:30 p.m. Central Time.

**ADDRESSES:** The meeting will be held via Zoom.

*Registration Link (Audio/Visual):*  
<https://www.zoomgov.com/j/1612943387>.

*Join by Phone (Audio Only):* (833) 435–1820 USA Toll-Free; Meeting ID: 161 294 3387.

**FOR FURTHER INFORMATION CONTACT:** David Barreras, Designated Federal Officer, at [dbarreras@usccr.gov](mailto:dbarreras@usccr.gov) or (202) 656–8937.

**SUPPLEMENTARY INFORMATION:** This committee meeting is available to the public through the registration link above. Any interested member of the public may listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. Per the Federal Advisory Committee Act, public minutes of the meeting will include a list of persons who are present at the meeting. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Closed captioning

will be available for individuals who are deaf, hard of hearing, or who have certain cognitive or learning impairments. To request additional accommodations, please email Liliana Schiller, Support Services Specialist, at [lschiller@usccr.gov](mailto:lschiller@usccr.gov) at least 10 business days prior to the meeting.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be emailed to David Barreras at [dbarreras@usccr.gov](mailto:dbarreras@usccr.gov). Persons who desire additional information may contact the Regional Programs Coordination Unit at (312) 353-8311.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after the meeting. Records of the meetings will be available via [www.facadata.gov](http://www.facadata.gov) under the Commission on Civil Rights, Minnesota Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, <http://www.usccr.gov>, or may contact the Regional Programs Coordination Unit at [lschiller@usccr.gov](mailto:lschiller@usccr.gov).

### Agenda

- I. Welcome & Roll Call
- II. Discussion: Housing Affordability in Minnesota
- III. Public Comment
- IV. Next Steps
- V. Adjournment

Dated: June 14, 2023.

**David Mussatt,**

*Supervisory Chief, Regional Programs Unit.*

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## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

#### **Pobeda Airlines, 108811, Russian Federation, Moscow, p. Moskovskiy, Kievskoe shosse, 22nd km, 4/1. Moscow, Russia; Order Renewing Temporary Denial of Export Privileges**

Pursuant to Section 766.24 of the Export Administration Regulations, 15 CFR Parts 730-774 (2021) ("EAR" or "the Regulations"),<sup>1</sup> I hereby grant the

<sup>1</sup> On August 13, 2018, the President signed into law the John S. McCain National Defense Authorization Act for Fiscal Year 2019, which includes the Export Control Reform Act of 2018, 50 U.S.C. 4801-4852 ("ECRA"). While Section 1766 of ECRA repeals the provisions of the Export Administration Act, 50 U.S.C. App. 2401 *et seq.*

request of the Office of Export Enforcement ("OEE") to renew the temporary denial order ("TDO") issued in this matter on December 20, 2022. I find that renewal of this order is necessary in the public interest to prevent an imminent violation of the Regulations.

### I. Procedural History

On June 24, 2022, I signed an order denying the export privileges of Pobeda Airlines ("Pobeda") for a period of 180 days on the ground that issuance of the order was necessary in the public interest to prevent an imminent violation of the Regulations. The order was issued *ex parte* pursuant to Section 766.24(a) of the Regulations and was effective upon issuance.<sup>2</sup> This temporary denial order was subsequently renewed in accordance with Section 766.24(d) of the Regulations.<sup>3</sup> The renewal order issued on December 20, 2022 and was effective upon issuance.<sup>4</sup>

On May 18, 2023, BIS, through OEE, submitted a written request for renewal of the TDO that issued on December 20, 2022. The written request was made more than 20 days before the TDO's scheduled expiration. A copy of the renewal request was sent to Pobeda in accordance with Sections 766.5 and 766.24(d) of the Regulations. No opposition to the renewal of the TDO has been received.

### II. Renewal of the TDO

#### A. Legal Standard

Pursuant to Section 766.24, BIS may issue an order temporarily denying a respondent's export privileges upon a showing that the order is necessary in the public interest to prevent an

("EAA"), (except for three sections which are inapplicable here), Section 1768 of ECRA provides, in pertinent part, that all orders, rules, regulations, and other forms of administrative action that were made or issued under the EAA, including as continued in effect pursuant to the International Emergency Economic Powers Act, 50 U.S.C. 1701 *et seq.* ("IEEPA"), and were in effect as of ECRA's date of enactment (August 13, 2018), shall continue in effect according to their terms until modified, superseded, set aside, or revoked through action undertaken pursuant to the authority provided under ECRA. Moreover, Section 1761(a)(5) of ECRA authorizes the issuance of temporary denial orders. 50 U.S.C. 4820(a)(5).

<sup>2</sup> The TDO was published in the **Federal Register** on June 29, 2022 (87 FR 38707).

<sup>3</sup> Section 766.24(d) provides that BIS may seek renewal of a temporary denial order for additional 180-day renewal periods, if it believes that renewal is necessary in the public interest to prevent an imminent violation. Renewal requests are to be made in writing no later than 20 days before the scheduled expiration date of a temporary denial order.

<sup>4</sup> The December 20, 2022 renewal order was published in the **Federal Register** on December 23, 2022 (87 FR 78925).

"imminent violation" of the Regulations, or any order, license or authorization issued thereunder. 15 CFR 766.24(b)(1) and 766.24(d). "A violation may be 'imminent' either in time or degree of likelihood." 15 CFR 766.24(b)(3). BIS may show "either that a violation is about to occur, or that the general circumstances of the matter under investigation or case under criminal or administrative charges demonstrate a likelihood of future violations." *Id.* As to the likelihood of future violations, BIS may show that the violation under investigation or charge "is significant, deliberate, covert and/or likely to occur again, rather than technical or negligent[.]" *Id.* A "lack of information establishing the precise time a violation may occur does not preclude a finding that a violation is imminent, so long as there is sufficient reason to believe the likelihood of a violation." *Id.*

#### B. The TDO and BIS's Request for Renewal

The U.S. Commerce Department, through BIS, responded to the Russian Federation's ("Russia's") further invasion of Ukraine by implementing a sweeping series of stringent export controls that severely restrict Russia's access to technologies and other items that it needs to sustain its aggressive military capabilities. These controls primarily target Russia's defense, aerospace, and maritime sectors and are intended to cut off Russia's access to vital technological inputs, atrophy key sectors of its industrial base, and undercut Russia's strategic ambitions to exert influence on the world stage. Effective February 24, 2022, BIS imposed expansive controls on aviation-related (*e.g.*, Commerce Control List Categories 7 and 9) items to Russia, including a license requirement for the export, reexport or transfer (in-country) to Russia of any aircraft or aircraft parts specified in Export Control Classification Number (ECCN) 9A991 (Section 746.8(a)(1) of the EAR).<sup>5</sup> BIS will review any export or reexport license applications for such items under a policy of denial. *See* Section 746.8(b).

Effective March 2, 2022, BIS excluded any aircraft registered in, owned, or controlled by, or under charter or lease by Russia or a national of Russia from being eligible for license exception Aircraft, Vessels, and Spacecraft (AVS) (Section 740.15 of the EAR), and as part of the same rule, imposed a license requirement for the export, reexport, or transfer (in-country) of all items

<sup>5</sup> 87 FR 12226 (Mar. 3, 2022).