a unitization revision ($831). Respondents are also required to pay for court reporter and transcripts § 250.1304(d), if seeking compulsory unitization ($500). We have not identified any other non-hour cost burdens associated with this collection of information.

Public Disclosure Statement: The PRA (44 U.S.C. 3501, et seq.) provides that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information, you are not obligated to respond.

Comments: Before submitting an ICR to OMB, PRA section 3506(c)(2)(A) requires each agency “* * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * *.” Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

Agencies must also estimate the non-hour cost burdens to respondents or recordkeepers resulting from the collection of information. Therefore, if you have costs to generate, maintain, and disclose this information, you should comment and provide your total capital and startup cost components or annual operation, maintenance, and purchase of service components. You should describe the methods you use to estimate major cost factors, including system and technology acquisition, expected useful life of capital equipment, discount rate(s), and the period over which you incur costs. Capital and startup costs include, among other items, computers and software you purchase to prepare for collecting information, monitoring, and record storage facilities. You should not include estimates for equipment or services purchased: (i) Before October 1, 1995; (ii) to comply with requirements not associated with the information collection; (iii) for reasons other than to provide information or keep records for the Government; or (iv) as part of customary and usual business or private practices.

We will summarize written responses to this notice and address them in our submission for OMB approval. As a result of your comments, we will make any necessary adjustments to the burden in our submission to OMB.

Public Comment Procedures: 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.

BOEMRE Information Collection Clearance Officer: Arlene Bajusz (703) 787–1025.

Dated: May 4, 2011.

Doug Slitor, Acting Chief, Office of Offshore Regulatory Programs.

[FR Doc. 2011–11837 Filed 5–12–11; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service


Regional Habitat Conservation Plan, Hays County, TX

AGENCY: Fish and Wildlife Service, Department of the Interior.

ACTION: Notice of availability of final environmental impact statement, final Hays County regional habitat conservation plan, and draft record of decision.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), make available the final environmental impact statement (EIS), the final Hays County regional habitat conservation plan (RHCP) under the National Environmental Policy Act of 1969 (NEPA), and our draft record of decision (ROD). Our intended action is the issuance of a 30-year incidental take permit (ITP) for the Preferred Alternative (described below) under the Endangered Species Act of 1973, as amended (ESA), to Hays County, Texas (the County), for incidental take of golden-cheeked warbler (Dendroica chrysoparia) and black-capped vireo (Vireo atricapilla). We refer to both species collectively as “the covered species.”

The term of the permit is 30 years (2011–2041). The County will implement mitigation and minimization measures according to the schedule in the RHCP. Under the RHCP, the County will mitigate for take by establishing a preserve system of 10,000–15,000 acres to mitigate for incidental take of covered species. Each preserve acquisition will be subject to Service approval and will generate mitigation credits based on the number of acres and quality of potential occupied habitat for the covered species. The number of mitigation credits allowed for each
preserve will be based on, and
commensurate with, Service policy and
guidelines regarding mitigation (such as,
but not limited to, the Guidance for the
Establishment, Use, and Operation of
Conservation Banks) in order to ensure
that the quality of the mitigation is
equal to or greater than the quality of
the habitat impacted.

Background

The County applied to us for an ITP.
As part of the permit application, the
County developed and will implement
the RHCP to meet the requirements
of an ITP. Our issuance of an ITP would
allow the County to take the covered
species resulting from proposed
construction, use, or maintenance of
public or private land development
projects; construction, maintenance, or
improvement of transportation
infrastructure; installation or
maintenance of utility infrastructure;
construction, use, or maintenance of
institutional projects or public
infrastructure; and management
activities within Hays County, Texas,
during the 30-year ITP term.

The Secretary of the Interior has
delegated the authority to the Service to
approve or deny an ITP in accordance
with the ESA. To act on the County’s
permit application, we must determine
that the RHCP meets the approval
criteria specified in the ESA, including
our regulations in the Code of Federal
Regulations (CFR) at 50 CFR 17.22 and
17.32. The issuance of an ITP is a
Federal action subject to NEPA
compliance, including the Council on
Environmental Quality Regulations for
Implementing the Procedural Provisions
of the NEPA (40 CFR 1500–1508).

On November 2, 2009, we issued a
draft EIS and requested public comment
on our evaluation of the potential
impacts associated with issuance of an
ITP for implementation of the RHCP and
to evaluate alternatives, along with the
draft RHCP (74 FR 56655). We included
public comments and responses
associated with the Draft EIS and Draft
RHCP in an appendix to the final EIS.

Purpose and Need

The purpose of the section 10(a)(1)(B)
permit is to authorize incidental take
associated with the otherwise legal
activities listed in the background
section.

We identified key issues and relevant
factors through public scoping and also
through working with a Citizens
Advisory Committee; Biological
Advisory Team; and comments from
the public. These issues included the need
for: (1) Development to continue in the
County; (2) minimization of impacts on
covered species; and (3) mitigation of impacts on
covered species. We
thoroughly examined these issues in the
draft and final EIS and RHCP. No new
significant issues arose following
publication of the draft documents.

Environmentally Preferable Alternative

Our selected alternative is the
Proposed RHCP, the preferred
alternative (Alternative B) as described
in the final EIS. This alternative
provides for the issuance of an ITP to
the County for take that would occur as
a result of projects described above.
This alternative includes
implementation of RHCP measures to
minimize and mitigate the potential take
of federally listed species to the
maximum extent practicable. The intent
of this alternative is to allow continued
development in the County; to minimize
the biological, environmental, and
socioeconomic impacts; to satisfy the
habitat and species needs; and meet
issuance criteria of section 10 of the
ESA.

For golden-cheeked warblers, the take
associated with direct and indirect
impacts to 9,000 acres of habitat are
authorized over the life of the permit.
These impacts shall be mitigated by a
combination of purchasing mitigation
credits in nearby conservation banks
and by purchasing high quality habitat
within Hays County for designated
golden-cheeked warbler preserves. For
black-capped vireos, the take associated
with direct and indirect impacts to
1,300 acres of habitat are authorized
over the life of the permit. Impacts will
be mitigated primarily through habitat
restoration, habitat management,
enhancement of existing protected
black-capped vireo habitat, or an
alternate, Service-approved mitigation
program.

We considered three additional
alternatives in the final EIS:

Alternative A (No Action): The No
Action alternative assumed that we
would not issue a regional permit for
the County. Although development
could occur on lands not occupied by
endangered species, development
activities that would cause take of listed
species would require individual
authorizations through section 7 or
section 10(a)(1)(B) of the ESA.

Individual entities could also elect to
avoid take on properties containing
endangered species by avoiding direct
and indirect impacts on the species (i.e.,
take-avoidance). Processing individual
section 10(a) permits could cause delays
in permit issuance, because we often
take 1 to 2 years to process an
individual permit.

Alternative C (Moderate Preserve
System with a Take Limit): Compared
with that under Alternative B, this
alternative involves a conservation program that utilizes a pre-
determined preserve system and limits the amount of incidental take that would be
authorized by the ITP. This alternative
illustrates a conservation program that
could be relatively easy for the County
to afford, but (due to relatively smaller
size of the preserve system compared to
the proposed RHCP) might not satisfy
the anticipated need for incidental take
authorization over the duration of the
plan.

Alternative D (Large-scale Preserve
System): Compared with that under
Alternative B, this alternative involves a
conservation program that utilizes a pre-
determined preserve system. Under
this alternative, the preserve system
would be large enough to authorize the
incidental take of any remaining
golden-cheeked warbler or black-capped vireo
habitat in the County, outside of the
target acquisition area of the preserve
system, during the duration of the plan.

Decision

We intend to issue an ITP allowing
the County to implement the preferred
alternative (Alternative B), as it is
described in the final EIS. This
intention is based on a thorough review of the alternatives and their
environmental consequences.

Implementation of this decision entails
the issuance of the ITP, including all
terms and conditions governing the
permit. Implementation of this decision
requires adherence to all of the
minimization and mitigation measures
specified in the RHCP, as well as
monitoring and adaptive management
measures.

Rationale for Decision

We intend to select the preferred
alternative (Alternative B) for
implementation based on multiple
environmental and social factors,
including potential impacts and benefits
to covered species and their habitat, the
extent and effectiveness of minimization
and mitigation measures, and social and
economic considerations.

In order for us to be able to issue an
ITP, we must ascertain that the RHCP
meets the criteria set forth in 16 U.S.C.
1539(a)(2)(A) and (B). We have made
determination. These criteria, and
how the RHCP satisfies these criteria,
are summarized below:

1. The taking will be incidental. We
find that the take will be incidental to
otherwise lawful activities, including
the proposed construction, use, or
maintenance of public or private land
development projects; construction, maintenance, or improvement of transportation infrastructure; installation or maintenance of utility infrastructure; construction, use, or maintenance of institutional projects or public infrastructure; and management activities. The take of individuals of covered species will be primarily due to habitat destruction and/or alteration.

2. The applicant will, to the maximum extent practicable, minimize and mitigate the impacts of such takings. The County has committed to a wide variety of conservation measures, land acquisition, management activities, monitoring, adaptive management, and other strategies designed to avoid and minimize harm to the covered species and mitigate for any unavoidable loss. Impacts to the covered species will be minimized and mitigated as described in the environmentally preferable alternative section above.

3. The applicant will develop an HCP and ensure that adequate funding for the HCP is available. The County has developed the RHCP and committed to fully funding all of the obligations necessary for its implementation. These obligations include the cost for purchase and management of golden-cheeked warbler and black-capped vireo, mitigation lands in perpetuity, enforcing of conservation easements, and monitoring of species populations and habitat. In addition, the County has committed to implement adaptive management measures that; identify areas of uncertainty and questions that need to be answered to resolve such uncertainty; developed alternative management strategies and determine which experimental strategies to implement; integrate a monitoring program that is able to acquire the necessary information for effective strategy evaluation; and incorporate feedback loops that link implementation and monitoring to the decision-making process that result in appropriate changes in management. To accomplish RHCP implementation, the County estimated that costs could total up to $182.6 million. The County will fund the actual costs of implementing the RHCP by application and mitigation fees, the County General maintenance and operations fund contributions, and the County Conservation Investments.

The Service’s No Surprises Assurances are discussed in the RHCP, and measures to address changed and unforeseen circumstances have been identified. Adaptive management in the form of conservation, mitigation, or management measures and monitoring will be implemented to address changed circumstances over the life of the permit that were able to be anticipated at the time of RHCP development. Unforeseen circumstances would be addressed through the Service’s close coordination with the County in the implementation of the RHCP. The County has committed to a coordination process to address such circumstances.

We have, therefore, determined that the County’s financial commitment and plan, along with the County’s willingness to address changed and unforeseen circumstances in a cooperative fashion, is sufficient to meet this criterion.

4. The taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild. As the Federal action agency considering whether to issue an ITP to the County, we have reviewed the issuance of the ITP under section 7 of the ESA. Our biological opinion concluded that issuance of the ITP will not jeopardize the continued existence of the golden cheeked warbler and black capped vireo. No critical habitat has been designated for either of the covered species, and thus none will be affected.

5. The applicant agrees to implement other measures that the Service requires as being necessary or appropriate for the purposes of the HCP. We have cooperated with the County in the development of the RHCP. We commented on draft documents, participated in advisory group meetings, and worked closely with the County in every step of plan and document preparation, so that conservation of the covered species would be assured and recovery would not be jeopardized. The RHCP incorporates our recommendations for minimization and mitigation of impacts, as well as steps to monitor the effects of the RHCP and ensure success. Annual monitoring, as well as coordination and reporting mechanisms, have been designed to ensure that changes in conservation measures can be implemented if measures prove ineffective or impacts exceed estimates. It is our position that no additional measures are required to implement the intent and purpose of the RHCP to those detailed in the RHCP and its associated ITP.

We have determined that the preferred alternative best balances the protection and management of suitable habitat for covered species, while allowing and providing a streamlined process for ESA compliance for continued development in Hays County. Considerations used in this decision include that the action will benefit the golden cheeked warbler and black capped vireo, mitigation lands will be managed for the species in perpetuity, and other conservation measures will protect and enhance habitat; (2) mitigation measures for the covered species will fully offset anticipated impacts of development to the species and provide recovery opportunities; and (3) the RHCP is consistent with the golden cheeked warbler and black capped vireo recovery plans.

Section 9 of the Act and its implementing regulations prohibit the “taking” of threatened or endangered species. However, under limited circumstances, we may issue permits to take listed wildlife species incidental to, and not the purpose of, otherwise lawful activities.

Reviewing Documents and Submitting Comments

Please refer to TE–220793–0 when requesting documents or submitting comments. You may obtain copies of the final EIS and final RHCP by going to the Hays County Regional Habitat Conservation Plan Web site at http://haycountyhcp.com/documents. Alternatively, you may obtain compact disks with electronic copies of these documents, as well as the draft ROD, by writing to Mr. Adam Zerrenner, Field Supervisor, 10711 Burnet Road, Suite 200, Austin, TX 78758; telephone 512–490–0057; facsimile 512–490–0974. The application, final RHCP, final EIS, and draft ROD will also be available for public inspection, by appointment, during normal business hours (8 a.m. to 4:30 p.m.) at the Austin office. During the public comment period (see DATES), submit your written comments or data to the Field Supervisor at the Austin address.

Public comments submitted are available for public review at the Austin address listed above. This generally means that any personal information you provide us will be available to anyone reviewing the public comments (see the Public Availability of Comments section below for more information).

A limited number of printed copies of the final EIS and final RHCP are also available for public inspection and review at the following locations (by appointment only at government offices):

- Department of the Interior, Natural Resources Library, 1849 C. St., NW., Washington, DC 20240;
- U.S. Fish and Wildlife Service, 500 Gold Avenue, SW., Room 4012, Albuquerque, NM 87102;
- San Marcos Public Library, 625 E. Hopkins Street, San Marcos, TX 78666–6313;
• Hays County Precinct 3 Office, 14306 Ranch Rd 12, Wimberley, TX; 78676, and
• Hays County Precinct 4 Office, 101 Old Fitzhugh Rd, Dripping Springs, TX, 78620.

Persons wishing to review the application or draft ROD may obtain a copy by writing to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Room 4012, Albuquerque, NM 87103.

Public Availability of Comments
Written comments we receive become part of the public record associated with this action. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that the 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
We provide this notice under section 10(c) of the Act (16 U.S.C. 1531 et seq.) and its implementing regulations (50 CFR 17.22) and NEPA (42 U.S.C. 4371 et seq.) and its implementing regulations (40 CFR 1506.6).

December 7, 2010.
Joy E. Nicholopoulos,
Acting Regional Director, Region 2,
Albuquerque, New Mexico.

[FR Doc. 2011–11761 Filed 5–12–11; 8:45 am]
BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR
Bureau of Land Management
[LLWY922000–L13200000–EL0000; WYW161248]

Notice of Competitive Coal Lease Sale, Wyoming
AGENCY: Bureau of Land Management, Interior.
ACTION: Notice.

SUMMARY: Notice is hereby given that certain coal resources in the Belle Ayr North Coal Tract described below in Campbell County, Wyoming, will be offered for competitive lease by sealed bid in accordance with the provisions of the Mineral Leasing Act of 1920, as amended.

DATES: The lease sale will be held at 10 a.m., on Wednesday, July 13, 2011.

Sealed bids must be submitted on or before 4 p.m., on Tuesday, July 12, 2011.

ADDRESS: The lease sale will be held in the First Floor Conference Room (Room 107), of the Bureau of Land Management (BLM) Wyoming State Office, 5353 Yellowhorse Road, P.O. Box 1828, Cheyenne, Wyoming 82003. Sealed bids must be submitted to the Cashier, BLM Wyoming State Office, at the address given above.

FOR FURTHER INFORMATION CONTACT: Mavis Love, Land Law Examiner, or Tyson Sackett, Acting Coal Coordinator, at 307–775–6258, and 307–775–6487, respectively.

SUPPLEMENTARY INFORMATION: This coal lease sale is being held in response to a lease by application (LBA) filed by Alpha Coal West, Inc. (formerly RAG Coal West, Inc.), Gillette, Wyoming. The coal resource to be offered consists of all reserves recoverable by surface mining methods in the following described lands located in the Powder River Basin, Wyoming:

T. 48 N., R. 71 W., 6th Principal Meridian
Sec. 17, lots 13 and 14; Sec. 18, lots 17 through 19 inclusive; Sec. 19, lots 5 through 19 inclusive; Sec. 20, lots 3 through 7 inclusive and lots 9 through 16 inclusive; Sec. 21, lots 13 and 14; Sec. 26, lots 3 through 6 inclusive; and Sec. 29, lots 1 and 6.

Containing 1,671.03 acres, more or less, in Campbell County, Wyoming.

The tract is adjacent to Federal and private leases along the northern lease boundary of the Belle Ayr mine, and to Federal leases along the southwestern lease boundary of the Caballo mine, and to the Caballo West LBA along the north. It is also adjacent to additional unleased Federal coal to the west and north. The tract is crossed by Bishop Road along its northeastern boundary.

All of the acreage offered has been determined to be suitable for mining. Features such as Bishop Road, utilities, and pipelines can be relocated to permit coal recovery. In addition, numerous producing coal bed natural gas wells have been drilled on the tract. The estimate of the bonus value of the coal lease will include consideration of the future production from these wells. An economic analysis of the future income stream from the coal lease will consider reasonable compensation to the gas lessee for lost production of natural gas when the wells are bought out by the coal lessee. The surface estate of the tract is owned by Alpha Coal West, Inc. The tract contains surface mineable coal reserves in the Wyodak-Anderson coal zone currently being recovered in the adjacent, existing mines. On the LBA tract, there is one recoverable seam, the Wyodak, which ranges from about 72 to 78 feet thick. The Wyodak seam is continuous over the entire tract with no outcrops or subcrops. Overburden depths to this seam range from 278 to 317 feet thick on the LBA tract. The tract contains an estimated 221,734,800 tons of mineable coal. This estimate of mineable reserves includes the main seam mentioned above but does not include any tonnage from localized seams or splits containing coal less than 5 feet thick. Also, it does not include the adjacent private leases although these are expected to be mined in conjunction with the LBA tract. The total mineable stripping ratio of the coal in bank cubic yards per ton is about 4.2:1. Potential bidders for the LBA tract should consider the recovery rate expected from thick seam mining.

The Belle Ayr North LBA coal is ranked as subbituminous C. The overall average quality on an as-received basis is 8.542 British Thermal Units per pound containing about 0.34 percent sulfur. These quality averages place the coal reserves in the lower part of the range of coal quality currently being mined in the Wyoming portion of the Powder River Basin.

The tract will be leased to the qualified bidder of the highest cash amount provided that the high bid meets or exceeds the BLM’s estimate of the fair market value of the tract. The minimum bid for the tract is $100 per acre or fraction thereof. No bid that is less than $100 per acre, or fraction thereof, will be considered. The bids should be sent by certified mail, return receipt requested, or be hand delivered. The BLM Wyoming State Office Cashier will issue a receipt for each hand-delivered bid. Bids received after 4 p.m. local time, on Tuesday, July 12, 2011, will not be considered. The minimum bid is not intended to represent fair market value. The fair market value of the tract will be determined by the Authorized Officer after the sale. The lease that may be issued as a result of this coal lease sale will provide for payment of an annual rental of $3 per acre, or fraction thereof, and a royalty payment to the United States of 12.5 percent of the value of coal produced by surface mining methods and 8 percent of the value of the coal produced by underground mining methods. The value of the coal will be determined in accordance with 30 CFR 206.250.

Bidding instructions for the tract offered and the terms and conditions of the proposed coal lease are available from the BLM Wyoming State Office at