

**DEPARTMENT OF THE INTERIOR****Bureau of Indian Affairs****Environmental Impact Statement for the Spokane Tribe's 2719(b)(1)(A) Application and for the Proposed West Plains Mixed-Use Development Project, Spokane County, WA**

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

**ACTION:** Notice of intent.

**SUMMARY:** This notice advises the public that the Bureau of Indian Affairs (BIA) as Lead Agency, in cooperation with the Spokane Tribe of Indians (Tribe), intends to prepare an environmental impact statement (EIS) for a proposed mixed-use development and corresponding master plan for a 145-acre parcel of trust land adjacent to the City of Airway Heights, Spokane County, Washington. The project site may include, but is not limited to, a variety of proposed land uses such as a casino resort and hotel; commercial retail uses; offices; medical facilities; recreational, cultural, and entertainment facilities; and related parking. The purpose of the proposed action is to improve the economy of the Tribe and help their members attain economic self sufficiency. This notice also announces a public scoping meeting to identify potential issues and content for inclusion in the EIS.

**DATES:** Written comments on the scope of the EIS or implementation of the proposed action should be received by October 10, 2009. The public scoping meeting will be held on Wednesday, August 26, 2009, from 5 p.m. to 7:30 p.m.

**ADDRESSES:** You may mail, hand carry, or telefax written comments to Dr. B.J. Howerton, Environmental Protection Specialist, Bureau of Indian Affairs, Northwest Regional Office, 911 NE 11th Avenue, Portland, Oregon 97232-4169; telefax number (503) 231-2275. Comments may also be submitted electronically at the project Web site, <http://www.westplainseis.com>. Please see **SUPPLEMENTARY INFORMATION** for directions on submitting comments. The public scoping meeting will be held at the Sunset Elementary School Gymnasium, 12824 West 12th Avenue, Airway Heights, Washington 99001.

**FOR FURTHER INFORMATION CONTACT:** Dr. B.J. Howerton, Bureau of Indian Affairs, (503) 231-6749.

**SUPPLEMENTARY INFORMATION:** The EIS will assess the environmental consequences of BIA approval of a proposed master plan for the

development of a mixed-use development—which may include a casino resort and hotel; commercial retail uses; offices; medical facilities; recreational, cultural, and entertainment facilities; and related parking—on an approximately 145-acre parcel of trust land adjacent to the western city limits of Airway Heights, Spokane County, Washington. The project site is near the northwest corner of U.S. Highway 2 (US-2) and Craig Road, and approximately 10 miles west of Spokane, Washington. It is located in the southwest quarter of 22-25-41, excluding US-2, and the north half of the southeast quarter, excluding the east 830 feet of the south 491.5 feet of 22-25-41, excluding roads.

The “Intergovernmental Agreement Between the Spokane Tribe of Indians and the City of Airway Heights” and the “Memorandum of Agreement Between the City of Airway Heights and the Spokane Tribe of Indians Regarding Services and Impacts of Tribal Gaming on Indian Lands Located Adjacent to the City of Airway Heights (April 10, 2007)” provide details concerning shared responsibilities related to law enforcement and security services, public health and safety, road maintenance and repair, and other matters between the Tribe and the City.

The project site would also include internal access roads, parking areas, and associated landscaping. Conceptual traffic analyses suggest possible roadway and intersection improvements along Craig Road and US-2 adjacent to the proposed project site.

Significant issues to be covered during the scoping process may include, but are not limited to, air quality, transportation, surface and groundwater resources, biological resources, cultural resources, socioeconomic conditions, public services, infrastructure, land use, aesthetics, and environmental justice.

**Directions for Submitting Public Comments**

If you choose to submit your comments to the BIA directly, your comments must be in writing and must be submitted in person or by mail. Please include your name, return address, and the caption, “DEIS Scoping Comments, Spokane Tribe of Indians West Plains Mixed-Use Development Project,” on the first page of your comments.

**Public Comment Availability**

Comments, including names and addresses of respondents, will be available for public review at the BIA address shown above, during regular business hours, 8 a.m. to 4:30 p.m.,

Monday through Friday, except holidays. Before including your address, telephone 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 in accordance with section 1503.1 of the Council on Environmental Quality regulations (40 CFR parts 1500 through 1508) implementing the procedural requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4371 *et seq.*), and related Department of the Interior requirements in the Department of the Interior Manual (516 DM 2), and is in the exercise of authority delegated to the Assistant Secretary—Indian Affairs by 209 DM 8.1.

Dated: August 13, 2009.

**Larry Echo Hawk,**

*Assistant Secretary—Indian Affairs.*

[FR Doc. E9-19882 Filed 8-18-09; 8:45 am]

**BILLING CODE P**

**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service**

[FWS-R8-R-2008-N0322; 80230-1265-0000-S3]

**Desert National Wildlife Refuge Complex, Clark, Lincoln, and Nye Counties, NV**

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

**ACTION:** Notice of availability: Final comprehensive conservation plan/environmental impact statement.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce the availability of a Final Comprehensive Conservation Plan/Environmental Impact Statement (CCP/EIS) for the Desert National Wildlife Refuge Complex. The Desert National Wildlife Refuge Complex is composed of Ash Meadows National Wildlife Refuge, Desert National Wildlife Refuge, Moapa Valley National Wildlife Refuge and Pahrnagat National Wildlife Refuge. The final CCP/EIS, prepared pursuant to the National Wildlife Refuge System Improvement Act of 1997, and in accordance with the National Environmental Policy Act of 1969,

describes how the Service will manage the Refuges for the next 15 years.

**DATES:** We will sign a record of decision no sooner than 30 days after publication of this notice.

**ADDRESSES:** Copies of the final CCP/EIS may be obtained by writing to the U.S. Fish and Wildlife Service, Attn: Mark Pelz, CA/NV Refuge Planning Office, 2800 Cottage Way, W-1832, Sacramento, CA 95825-1846. Copies of the final CCP/EIS may be viewed at this address or at the Desert National Wildlife Refuge Complex, 4701 North Torrey Pines, Las Vegas, NV 89130. The final CCP/EIS will also be available for viewing and downloading online at <http://www.fws.gov/desertcomplex/publicreview.htm>.

**FOR FURTHER INFORMATION CONTACT:** Cynthia Martinez, Project Leader, U.S. Fish and Wildlife Service, 4701 North Torrey Pines, Las Vegas, NV 89130, phone (702) 515-5450 or Mark Pelz, Chief, Refuge Planning, 2800 Cottage Way, W-1832, Sacramento, CA 95825, phone (916) 414-6504.

**SUPPLEMENTARY INFORMATION:** The National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 668dd-668ee), which amended the National Wildlife Refuge System Administration Act of 1966, requires us to develop a CCP for each national wildlife refuge. The purpose in developing a CCP is to provide refuge managers with a 15-year plan 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 and photography, environmental education and interpretation.

We initiated the CCP/EIS for the Desert National Wildlife Refuge Complex in August 2002. At that time and throughout the process, we requested, considered, and incorporated public scoping comments in numerous ways. Our public outreach included a **Federal Register** (67 FR 54229, August 21, 2002) notice of intent, agency and Tribal scoping meetings, five public scoping meetings, a **Federal Register** (73 FR 39979, July 11, 2008) notice of availability, six public comment workshops, several planning updates, and a CCP Web page. We received over

230 scoping comments during the 60-day public comment period.

### Background

Ash Meadows Refuge was established in 1984 under the authority of the Endangered Species Act of 1973, as amended. It comprises 23,000 acres of spring-fed wetlands, mesquite bosques, and desert uplands that provide habitat for at least 24 plants and animal species found nowhere else in the world. The Refuge is located 90 miles northwest of Las Vegas and 30 miles west of Pahrump.

Desert Refuge was originally established in 1936 by Executive Order No. 7373 and subsequently modified by Public Land Order 4079, for the protection, enhancement and maintenance of wildlife resources including bighorn sheep. Located just north of Las Vegas, Nevada, the 1.6 million acre refuge is the largest National Wildlife Refuge in the lower 48 States.

The Moapa Valley Refuge was established in 1979 under the authority of the Endangered Species Act of 1973, as amended, to secure habitat for the endangered Moapa dace. The Refuge is located on 116 acres in northeastern Clark County. Due to its small size, fragile habitats, on-going habitat restoration work, and unsafe structures, the Refuge is currently closed to the general public.

The Pahrnanagat Refuge was established in 1963, under the authority of the Migratory Bird Conservation Act, as amended, to protect habitat for migrating birds in the Pahrnanagat Valley. The 5,382 acre refuge consists of marshes, meadows, lakes, and upland desert habitat. It provides nesting, resting, and feeding areas for waterfowl, shorebirds, wading birds, and song birds including the endangered southwestern willow flycatcher.

### Alternatives

The final CCP/EIS identifies and evaluates three alternatives for managing Ash Meadows and Moapa Valley Refuges and four alternatives for managing Desert and Pahrnanagat Refuges for the next 15 years. The alternative for each Refuge that appears to best meet the refuge purposes is identified as the preferred alternative. The preferred alternatives were identified based on the analysis presented in the draft CCP/EIS, which was modified following the completion of the public comment period based on comments received from other agencies, Tribal governments, non-governmental organizations, or individuals. Appendix M of the final CCP/EIS contains a list of

the comments we received and our responses to comments.

### Alternatives for Ash Meadows National Wildlife Refuge

Under Alternative A, the no action alternative, we would continue to manage the Refuge as we have in the past. We would implement habitat restoration plans that have already been completed. No major changes in habitat management would occur. The existing wildlife observation, photography, environmental education, and interpretation programs would remain unchanged.

Under Alternative B, we would plan and implement springhead, channel, and landscape restoration on about two-thirds of the Refuge. Surveys and monitoring for special status species would be expanded as would efforts to control invasive plants and animals. Environmental education, interpretation and wildlife observation opportunities would be improved and expanded and a new visitor contact station and headquarters facility would be constructed.

Under the preferred alternative, Alternative C, we would seek to restore springheads, channels and floodplains throughout the Refuge. Surveys and monitoring, habitat protection, pest management, and research would also be substantially expanded. Environmental education, interpretation, and wildlife observation programs would be similar to but slightly less than Alternative B.

### Alternatives for the Desert National Wildlife Refuge

Under Alternative A, the no action alternative, we would continue current management for bighorn sheep and other species. We would also continue to offer limited opportunities for wildlife observation and photography, environmental education, and interpretation at Corn Creek. Existing backcountry recreation opportunities would continue to be offered including bighorn sheep hunting, hiking, camping, horseback riding, and backpacking. In addition, under this and all other alternatives, we would design and construct a visitor center and administrative offices at Corn Creek and continue to protect the wilderness character of the 1.4 million acre proposed Desert Wilderness.

Under Alternative B, wildlife management programs would be similar to Alternative A, with minor improvements, including expanded surveys for bighorn sheep and installation of post and cable fencing along the southern boundary. This

alternative would also include a substantial expansion in visitor services over Alternative A, including a new environmental education program, improved roads, a new auto tour route, and new wildlife viewing trails.

Under the preferred alternative, Alternative C, we would expand inventory and monitoring for bighorn sheep, special status species, and vegetation and wildlife communities throughout the Refuge. Under this alternative, we would also use prescribed fire and naturally ignited fires in Refuge plant communities where appropriate to restore vegetation characteristics representative of a natural fire regime. Alternative C would also include fencing along the eastern boundary where appropriate as well as the permanent closure of illegal roads and rehabilitation of damaged habitat along the southern and eastern boundaries. Visitor services under this alternative would be the same as under Alternative B except no auto tour route or wildlife viewing trails would be developed.

Under Alternative D, the wildlife management and inventory and monitoring programs would be similar to Alternative C. However, under this alternative, visitor services would be scaled back from the other alternatives. For example, the visitor center would only be staffed on weekends during the off-peak seasons and there would be no road improvements on the Refuge.

#### **Alternatives for Moapa Valley National Wildlife Refuge**

Under Alternative A, the no action alternative, we would continue to manage the Refuge as we have in the recent past. Springhead and channel restoration work and visitor facilities on the Plummer Unit would be completed. The limited inventory and monitoring program would also continue. However, the Refuge would remain closed to the public, except by special arrangement.

Under Alternative B, wildlife management programs would be similar to Alternative A, with minor improvements, including expanded surveys for sensitive species and their habitats, and strategies for removing nonnative aquatic species. We would also restore native vegetation along the springheads and channels on the Pederson Unit. This alternative would also include a substantial expansion in visitor services over Alternative A, including opening the Refuge on weekends and improved visitor facilities.

Under the preferred alternative, Alternative C, wildlife management would be similar to Alternative B, but

would include increased monitoring and the development of a long term inventory and monitoring plan for sensitive species. In addition, we would restore the springheads and channels and associated native vegetation on the Aparcar unit. Under Alternative C, we would expand the Refuge acquisition boundary by 1,765 acres and pursue acquisition of the lands within the boundary to protect habitat for Moapa dace and other sensitive species. Under this alternative, the Refuge would be open to visitors every day, the environmental education program would be expanded, and additional trails would be constructed.

#### **Alternatives for Pahrnatag National Wildlife Refuge**

Under Alternative A, the no action alternative, we would continue to manage Pahrnatag Refuge as we have in the recent past. The in-progress hydrology studies would be completed and a wetland habitat management plan would be developed and implemented. Riparian habitat would be maintained for the southwestern willow flycatcher and other migratory birds. Under this alternative, we would maintain the fishing, hunting, wildlife observation, and environmental education and interpretation opportunities on the Refuge. The campground would be maintained in its current state.

Under Alternative B, we would expand wildlife management and visitor services on the Refuge. Wildlife surveys and efforts to control invasive plants would be expanded and a new refugium for the Pahrnatag roundtail chub would be developed. The visitor contact station would be expanded and new interpretive kiosk would be developed. The campground would also be maintained but fees would be charged and the maximum length of stay would be reduced from 14 to 7 days.

Under Alternative C, management would be similar to Alternative B, with the following exceptions. Under this alternative, we would develop and implement restoration plans for degraded springs on the Refuge. In addition, a new visitor contact station, interpretive walking trail, and photo blind would also be developed. Under this alternative, we would convert the campground to a day-use area.

Under the preferred alternative, Alternative D, management would be similar to Alternative C, except we would seek to acquire additional water rights for the Refuge to provide more flexibility in wetland management. Also, we would restore native upland habitat adjacent to Lower Pahrnatag Lake and expand the surveying and

monitoring programs under this alternative. Visitor services would be similar to Alternative C except we would close existing boat ramps and offer alternative car-top boat launches.

#### **Decision Process**

The final CCP/EIS contains our responses to all comments received on the draft document. We will make a decision no sooner than 30 days after the publication of the final CCP/EIS. We anticipate that a Record of Decision will be issued by the Service in early 2009.

We provide this notice under regulations implementing NEPA (40 CFR 1506.6).

Dated: August 13, 2009.

**Ren Lohofener,**

*Regional Director, California and Nevada Region, Sacramento, California.*

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## **DEPARTMENT OF THE INTERIOR**

### **Bureau of Indian Affairs**

#### **Indian Gaming**

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

**ACTION:** Notice of Approved Tribal—State Compact Amendment.

**SUMMARY:** This notice publishes approval of the 2009 Amendments to the Stockbridge-Munsee Community ("Tribe") and the State of Wisconsin Gaming Compact of 1992, as Amended in 1998 and 2003.

**DATES:** *Effective Date:* August 19, 2009.

**FOR FURTHER INFORMATION CONTACT:** Paula L. Hart, Acting Director, Office of Indian Gaming, Office of the Deputy Assistant Secretary—Policy and Economic Development, Washington, DC 20240, (202) 219-4066.

**SUPPLEMENTARY INFORMATION:** Under section 11 of the Indian Gaming Regulatory Act of 1988 (IGRA), Public Law 100-497, 25 U.S.C. 2710, the Secretary of the Interior shall publish in the **Federal Register** notice of approved Tribal-State compacts for the purpose of engaging in Class III gaming activities on Indian lands. This Amendment allows the Tribe to expand the pool of prospective lenders for construction or improvements to a Tribal gaming facility from State or federally chartered banks to include other federally recognized tribes.