

setbacks and general boundaries provided in that agreement.

The Kern County General Plan Buildout Alternative (referred to as the MSHCP General Plan Buildout Alternative in the 2009 Draft EIS) has also been revised. While the Ranchwide Agreement has resulted in the recordation of conservation easements on 12,795 acres of the Covered Lands (Existing Conservation Easement Areas), the remainder of the Covered Lands to be precluded from development under the Ranchwide Agreement do not currently have conservation easements recorded. As noted above, because the Ranchwide Agreement is a private agreement between parties and Service is not a party to and has no contractual standing under the agreement, it can be amended (or even terminated) by mutual agreement of the parties such that the land preservation outcome of the Ranchwide Agreement on Covered Lands may not be realized. While the Service considers the likelihood remote that the Ranchwide Agreement would be terminated, for purposes of comprehensive NEPA analysis, this alternative does not assume continuation of the Ranchwide Agreement except for the permanent protection of the already-recorded conservation easements on the Existing Conservation Easement Lands.

Under the Kern County General Plan Buildout Alternative, development is assumed to proceed in accordance with the Kern County General Plan, including implementation of the TMV Project (per the TMV Project Approvals). Development of the Covered Lands would require Kern County approval, and the SDEIS assumes that it would proceed on a project-by-project basis and that the Service would issue incidental take authorization as appropriate through either the ESA Section 7 or Section 10 process.

#### Public Comments

If you wish to comment on the permit application, SDEIS, TU MSHCP, or draft IA, you may submit your comments to the address listed in **ADDRESSES**. 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 may 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.

#### Decision

The Service will evaluate the application, associated documents, and comments submitted before preparing a final EIS. A permit decision will be made no sooner than 30 days after the final EIS is filed with EPA, published and the Record of Decision is completed.

This notice is provided pursuant to section 10(a) of the Act and pursuant to implementing regulations for NEPA (40 CFR 1506.6).

Dated: January 19, 2012.

**Alexandra Pitts,**

*Deputy Regional Director, Pacific Southwest Region, Sacramento, California.*

[FR Doc. 2012–2294 Filed 2–2–12; 8:45 am]

**BILLING CODE: P**

#### DEPARTMENT OF THE INTERIOR

##### Bureau of Indian Affairs

##### Indian Gaming

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

**ACTION:** Notice of Tribal—State Class III Gaming Compact Taking Effect.

**SUMMARY:** This publishes notice of the Tribal-State Compact between the State of California and the Pinoleville Pomo Nation Taking Effect.

**DATES:** *Effective Date:* February 3, 2012.

**FOR FURTHER INFORMATION CONTACT:** Paula L. Hart, 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. The Compact allows for one gaming facility and authorizes up to 900 gaming devices, any banking or percentage card games, and any devices or games authorized under State law to the State lottery. The Compact also authorizes limited annual payments to the State for statewide exclusivity. Finally, the term of the compact is until December 31, 2031. This Compact is considered to have been approved, but only to the extent that the Compact is consistent with the provisions of IGRA.

Dated: January 26, 2012.

**Larry Echo Hawk,**

*Assistant Secretary—Indian Affairs.*

[FR Doc. 2012–2441 Filed 2–2–12; 8:45 am]

**BILLING CODE 4310–4N–P**

#### DEPARTMENT OF THE INTERIOR

##### Bureau of Land Management

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##### Notice of Availability of the Final EIS for the HB In-Situ Solution Mine Project, Eddy County, New Mexico

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of Availability.

**SUMMARY:** In accordance with the National Environmental Policy Act of 1969, as amended, and the Federal Land Policy and Management Act of 1976, as amended, the Bureau of Land Management (BLM) has prepared a Final Environmental Impact Statement (Final EIS) for the HB In-Situ Solution Mine Project, and by this notice is announcing its availability.

**DATES:** The BLM will not issue a final decision on the proposal for a minimum of 30 days after the date that the Environmental Protection Agency publishes its Notice of Availability of the Final EIS in the **Federal Register**.

**ADDRESSES:** Copies of the HB In-Situ Solution Mining EIS are available for public inspection at the Carlsbad Field Office, 620 E. Greene St., Carlsbad, New Mexico 88220. Interested persons may also review the Final EIS on the Internet at <http://www.nm.blm.gov/cfo/HBIS/index.html>.

**FOR FURTHER INFORMATION CONTACT:** For further information contact David Alderman, Project Manager; telephone 575–234–6232; address 620 E. Greene St. Carlsbad, New Mexico 88220; email [david\\_alderman@blm.gov](mailto:david_alderman@blm.gov). Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–(800) 877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** Intrepid Potash, Inc. (Intrepid) is proposing to extract the potash, a potassium compound commonly used for fertilizer, remaining in inactive underground mine workings using the solution mining method. Intrepid proposes to

construct and operate a solution mine project in an existing deep mine located approximately 20 miles northeast of Carlsbad in Eddy County, New Mexico, in the Secretary's Potash Area.

The remaining potash left in the underground pillars and walls of the inactive workings is no longer accessible through conventional mining methods. The proposed action is to inject saline water into the mine workings and extract a mineral-rich solution. This mineral-rich solution would be pumped to the surface and transported through a series of surface pipelines to evaporation ponds. Once the solution evaporates in the ponds, the potassium-bearing salts would be harvested from the ponds and transported to a newly constructed mill for ore refinement.

The project area includes portions of the following:

#### **New Mexico Principal Meridian**

T. 19 S., R. 30 E., T. 19 S., R. 31 E., T. 20 S., R. 29 E., T. 20 S., R. 30 E., T. 20 S., R. 31 E., T. 21 S., R. 29 E., T. 21 S., R. 30 E.

Containing 38,453 acres more or less.

Eighty-two percent of the project area is on public lands managed by the BLM. There are 4,330 acres of open mine workings that are targeted for flooding and the total surface footprint of the project would range from 822 acres to 962 acres, depending on the alternative chosen. The surface footprint for the alternatives described in the draft EIS ranged from 822 acres to 907 acres. The 962-acre footprint evaluated in the final EIS is associated with Alternative D, the preferred alternative. Although it includes 55 more acres than Alternative B, evaluated in the draft and final EIS, this is not a substantial change relevant to environmental concerns because it does not result in substantially increased impacts to the environment. The surface disturbance for Alternative D represents an increase of only 6 percent over the proposed surface disturbance evaluated for Alternative B in the draft EIS and would not lead to any substantial change in impacts on water resources, ground subsidence, wildlife, vegetation, or any other environmental resource.

The BLM initiated the National Environmental Policy Act (NEPA) process for the HB In-Situ Solution Mine Project by preparing an environmental assessment (EA) in 2008. Two public scoping meetings were held on September 16, 2008, to receive public input and comments on the proposed project. During development of the EA and prior to publication, the BLM determined that the preparation of

an EIS would be required for the proposed project. The Notice of Intent (NOI) to prepare an EIS for the HB In-Situ Solution Mine Project was published in the **Federal Register** on January 12, 2010, and two public scoping meetings were conducted on January 26, 2010. A scoping report was compiled and published on April 1, 2010. Major issues identified for this project include water use, ground subsidence, and the concurrent development of oil and gas resources in the same area.

Alternatives developed include the proposed action (Alternative A), which utilizes non-potable water supplied by seven wells in the Rustler Formation. Alternative B includes six of the seven wells from the proposed action but also assumes that a substantial portion of the water needed for the project would be supplied from fresh water wells in the Caprock Formation (Ogallala Aquifer) 30 miles northeast of the project area. An alternate routing of pipelines to the Caprock is also being considered under Alternative B. Alternative C buries the pipelines to reduce surface impacts. The Notice of Availability for the Draft EIS was published on April 15, 2011, starting a 60-day public comment period. Public scoping meetings were held in Carlsbad on May 10, 2011, and in Hobbs on May 11, 2011. Briefings were also held for several cooperating agencies. The comment period was extended by 2 weeks at the request of one of the cooperating agencies. Two hundred and seventeen unique comments were received and analyzed.

After considering the comments received on the Draft EIS, the BLM designed a preferred alternative, Alternative D, consisting of elements from the existing action alternatives. The preferred alternative includes: Using water from the southern Rustler wells only, with any shortfall made up with water from the Caprock well field; building the alternate Caprock pipeline from Alternative B to minimize impacts to sand dune lizard habitat; burying 68 percent of the pipelines in the project area including all the pipelines in the Hackberry Lake Special Recreation Management Area; increasing the size of the evaporation ponds by 60 acres; and incorporating minor changes to the power and pipeline routes to protect resources and improve efficiency.

Comments on the Draft EIS were considered and incorporated as appropriate into the proposed Final EIS. Public comments resulted in the addition of clarifying text and a preferred alternative consisting of elements from the other alternatives but did not significantly change the EIS.

**Authority:** 40 CFR 1506.6, 40 CFR 1506.10.

**Jim Stovall,**

*Field Manager, Carlsbad Field Office.*

[FR Doc. 2012-2375 Filed 2-2-12; 8:45 am]

**BILLING CODE 4310-OX-P**

## **DEPARTMENT OF THE INTERIOR**

### **Bureau of Land Management**

[LLES956000-L19100000-BK0000-LRCMM0E0015P]

### **Eastern States: Filing of Plat of Survey, North Carolina**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The Bureau of Land Management (BLM) will file the plat of survey of the land described below in the BLM—Eastern States office in Springfield, Virginia, 30 calendar days from the date of publication in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Bureau of Land Management—Eastern States, 7450 Boston Boulevard, Springfield, Virginia 22153. Attn: Dominica Van Koten. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-(800) 877-8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** The survey was requested by the Bureau of Indian Affairs.

The land surveyed is:

#### **Swain County, North Carolina**

The plat of survey represents the dependent resurvey of a portion of the 3200 acre tract, lands held in trust for the Eastern Band of Cherokee Indians, Swain County, in the State of North Carolina, and was accepted December 30, 2011.

We will place copies of the plats we described in the open files. They will be available to the public as a matter of information.

If BLM receives a protest against a survey, as shown on the plat, prior to the date of the official filing, we will stay the filing pending our consideration of the protest.

We will not officially file the plat until the day after we have accepted or dismissed all protests and they have