annually until the island was destroyed by a hurricane in 2005. The key once hosted the largest royal tern and sandwich tern nesting colonies in the State of Florida. Because of its fragility, small size, and to protect the migratory birds that use the island, it is now closed to public use year-round.

CCP Alternatives, Including Our Proposed Alternative

We developed three alternatives for managing the refuges and chose Alternative B as the proposed alternative. A full description is in the Draft CCP/EA. We summarize each alternative below.

Alternative A—No Action Alternative

Under Alternative A, the no action alternative, management of the refuges would continue at the current level. The refuges would continue their primary mission of providing habitat for wildlife. Wildlife and habitat would be protected through a variety of management tools, such as area closures, predator control, law enforcement, exotic plant control, erosion control, and cleanup of trash. These activities (except for the closures) would be conducted on an opportunistic basis or under the direction and guidance of others.

The refuges would continue to be managed by one full-time assistant refuge manager, with the support of nine staff members 100 miles away at the Chassahowitzka NWR. The refuges would continue to be assisted by numerous partners in opportunistically conducting bird and other wildlife surveys, educating visitors, and encouraging wildlife observation and photography. The Service would continue its cooperative management agreement with the FPS to manage Egmont Key NWR, with the State being responsible for most public recreation and interpretation of natural and cultural resources, and the Service being primarily responsible for the management of all wildlife and habitat. Meetings between the two agencies would continue to be held approximately twice a year.

Under this alternative, the existing level of funding and staffing would be maintained. Accordingly, some positions would not be filled when vacated if funds needed to be reallocated to meet rising costs or new priorities.

Alternative B—Proposed Alternative

Under Alternative B, the proposed alternative, the Service would take more of a leadership role by coordinating and/or directing activities and decisions made by partners that have an impact on the refuges, including coordinating, directing, and conducting bird surveys and Atlantic loggerhead sea turtle surveys; coordinating additional bird surveys and monitoring and conducting research on the gopher tortoises of Egmont Key NWR; and, with partners, identifying, mapping, and protecting State-listed plant species on the refuges. The Service would promote and support increasing the Friends Group to more than 150 members.

Under this alternative, Service staff dedicated to the Tampa Bay Refuges would be increased to four full-time permanent employees and one part-time permanent employee, which would include the addition of a law enforcement officer to increase protection of wildlife, habitat, and visitor safety; a biological technician to conduct bird surveys, predator and exotic species control, and beach renourishment activities; a public use specialist to facilitate and create opportunities for environmental education, interpretation, and wildlife observation and photography; and a part-time administrative assistant. Larger office space to accommodate the increased staff along with the Friends Group would be acquired, as well as facilities for boat storage and use; also, a Visitor Center would be established.

The cooperative agreement with FPS to manage Egmont Key NWR would be enhanced under this alternative by establishing monthly communications and quarterly meetings. Further, the Service would facilitate the transfer of the USCG property on Egmont Key to the Service, and would establish the Service's interest in the Pilots Compound property in the event the occupancy of that property changes. Acquisition of these lands would enable the Service to better conserve, protect, and manage the habitat on Egmont Key.

Alternative C

Under Alternative C, the Service would take on an even greater leadership role at the refuges, enhancing and expanding the activities proposed under Alternative B. The Service staff dedicated to the Tampa Bay Refuges would be increased to seven full-time permanent employees, including two law enforcement officers, one biological technician, one public use specialist, one maintenance person/equipment operator, and an administrative assistant. The Service would promote and support increasing the Friends Group to 200–300 members. Additional equipment and facilities would be acquired to support the staff and increased activities on the refuges.

The additional staff members would allow the refuges to increase the frequency of some monitoring (*e.g.*, piping plover); initiate bird research; routinely monitor and research gopher tortoises; enhance protection of wildlife, habitats, and visitor safety; control exotic and invasive vegetation on a routine basis; and provide educational events on a routine basis, including weekly interpretive tours using concessionaire(s) selected and operating under Service contract.

Under this alternative, the Service would own and manage all of Egmont Key without sharing that responsibility with FPS—an overlay state park managed by FPS would no longer exist, allowing the Service to manage the island in a comprehensive manner.

Next Step

After the comment period ends, we will analyze the comments and address them.

Public Availability of Comments

Before including your 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.

Authority: This notice is published under the authority of the National Wildlife Refuge System Improvement Act of 1997, Public Law 105–57.

Dated: March 13, 2009.

Cynthia K. Dohner,

Acting Regional Director.

[FR Doc. E9–9412 Filed 4–23–09; 8:45 am]

BILLING CODE 4310–55–P

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO, UNITED STATES SECTION

Notice of Availability of a Draft Environmental Assessment and Draft Finding of No Significant Impact for Flood Control Improvements to the Arroyo Colorado Floodway

AGENCY: United States Section, International Boundary and Water Commission, United States and Mexico.

ACTION: Notice of Availability of Draft Environmental Assessment (EA) and Draft Finding of No Significant Impact (FONSI).

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*), the Council on Environmental Quality Final Regulations (40 CFR Parts 1500 through 1508), and the United States Section, International Boundary and Water Commission's (USIBWC) Operational Procedures for Implementing Section 102 of NEPA, published in the **Federal Register** September 2, 1981 (46 FR 44083); the USIBWC hereby gives notice of availability of the Draft Environmental Assessment and Draft FONSI for Flood Control Improvements to the Arroyo Colorado Floodway, which is part of the interior floodways in the Lower Rio Grande Flood Control Project.

FOR FURTHER INFORMATION CONTACT: Rita Crites, Environmental Protection Specialist, Environmental Management Division, United States Section, International Boundary and Water Commission; 4171 N. Mesa, C–100; El Paso, Texas 79902. Telephone: (915) 832–4781; e-mail: *rfcrites@ibwc.gov.*

DATES: The Draft EA and Draft FONSI will be available April 27, 2009.

SUPPLEMENTARY INFORMATION:

Background

The Arroyo Colorado is an ancient distributary of the Rio Grande, and it serves as drainage for crop irrigation, municipal wastewater returns, and as a floodway during periods of heavy precipitation in the Lower Rio Grande Valley. The project area includes 2.1 miles of the Divisor Dike, and approximately 8.4 miles of the Arroyo Colorado north levee.

The USIBWC prepared this EA for the proposed action to increase flood containment capacity of the Arroyo Colorado Levee System by raising the elevation of this segment for improved flood protection. This action will also address the 100-year flood protection criteria established by the Federal Emergency Management Agency (FEMA).

The beginning of this project is at the Divisor Dike near the juncture point of the Arroyo Colorado and the North Floodway in Hidalgo County and the ending is at White Ranch Road in Cameron County, Texas.

The proposed levee rehabilitation improvements consist of: (1) Raising the top-of-levee elevation, (2) conducting geotechnical investigations and testing to determine the type and extent of any required remediation improvements due to slope stability, seepage, levee settlement, and any other geotechnical issues that may cause levee failure during a 100-year flood event and (3) modifying, if necessary, hardware or structures located along the levee reaches. Any modifications will be in compliance with the Texas Historical Commission recommendations. The top elevation of the levee-raising improvements will be to provide containment of flood flows with a minimum freeboard of 3 feet for water surface elevations as calculated in the USIBWC 2003 Hydraulic Model for the LRGFCP. Raising on the riverside of the levee will be the most probable alternative given the nature of the right-of-way in the area.

Alternatives

The USIBWC completed an EA of the potential environmental consequences of raising the Arroyo Colorado Floodway to meet current requirements for flood control. The EA, which supports the Finding of No Significant Impact, evaluated the Proposed Action and No Action Alternative.

Availability

Single hard copies of the Final Environmental Assessment and Final Finding of No Significant Impact may be obtained by request at the above address. Electronic copies may also be obtained from the USIBWC Home Page at *http://www.ibwc.gov/home.html.*

Dated: April 17, 2009.

Robert McCarthy,

General Counsel.

[FR Doc. E9–9322 Filed 4–23–09; 8:45 am]

BILLING CODE 7010–01–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Clean Air Act

Notice is hereby given that on April 20,2009, a proposed Consent Decree in *United States of America et al.* v. *E.I. du Pont de Nemours & Co., and Lucite International, Inc.,* Civil Action No. 2:09–0385 was lodged with the United States District Court for the Southern District of West Virginia.

In this action the United States, on behalf of the Administrator of the United States Environmental Protection Agency, sought injunctive relief and civil penalties under Section 113(b) of the Clean Air Act (''Act''), 42 U.S.C. 7413(b), for alleged violations at a sulfuric acid regeneration plant (''Plant'') owned by Lucite and operated by DuPont in Belle, West Virginia. The Complaint alleged violations of: (1) The Prevention of Significant Deterioration provisions of the Act, 42 U.S.C. 7470–92; (2) the New Source Performance Standards of the Act, 42 U.S.C. 7411; (3) the Title V Permit requirements of the Act, 42 U.S.C. 7661–7661f; and (4) the federally approved and enforceable state implementation plan which incorporates and/or implements the above-listed federal regulations.

The Consent Decree resolves the United States's Clean Air Act claims at the Plant by requiring that Defendants: (i) Pay a civil penalty of $2,000,000, to be split evenly with the State of West Virginia; and (ii) cease operations at the Plant by April 1, 2010, and surrender all air permits to the State. This settlement reflects the fact that Defendants have decided, for independent business reasons, to shut the Plant.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Decree. Comments should be addressed to the Assistant Attorney General, Environmental and Natural Resources Division, and either e-mailed to *pubcomment-ees.enrd@usdoj.gov* or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States of America et al.* v. *E.I. du Pont de Nemours & Co., and Lucite International, Inc.,* Civil Action No. 2:09–0385 (S.D. WV), D.J. Ref. 90–5–2–1–09251.

The Decree may be examined at U.S. EPA Region 3, 1650 Arch Street, Philadelphia, PA 19103. During the public comment period, the Decree may also be examined on the following Department of Justice Web site, *http://www.usdoj.gov/enrd/Consent_Decrees.html.* A copy of the Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of $23.25 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

Maureen Katz,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. E9–9399 Filed 4–23–09; 8:45 am]

BILLING CODE 4410–15–P