

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 57,000 responses at 1.6 hours (1 hour and 36 minutes) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 91,200 annual burden hours.

If you need a copy of the information collection instrument, please visit the Web site at: <http://www.regulations.gov>.

We may also be contacted at: USCIS, Regulatory Products Division, 20 Massachusetts Avenue NW., Washington, DC 20529-2020; Telephone (202) 272-8377.

Dated: December 27, 2011.

**Constance Carter,**

*Deputy Chief, Office of the Executive Secretariat, U.S. Citizenship and Immigration Services, Department of Homeland Security.*

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**BILLING CODE 9111-97-P**

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

[FWS-R1-MB-2011-N245;  
FXMB1232010000P2-123-FF01M01000]

**Golden Eagles; Programmatic Take Permit Application; Draft Environmental Assessment; West Butte Wind Project, Crook and Deschutes Counties, OR**

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

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** We have received an application under the Bald and Golden Eagle Protection Act (BGEPA) from West Butte Wind Power, LLC, for a programmatic permit for the take of golden eagles. If issued, the permit would be the first programmatic permit issued under our new permitting regulations. We invite public comment on a draft environmental assessment (DEA), which evaluates alternatives for this permit application.

**DATES:** To ensure consideration, please send your written comments by February 2, 2011.

**ADDRESSES:** You may download a copy of the DEA on the Internet at <http://www.fws.gov/pacific/migratorybirds/nepa.html>. Alternatively, you may use one of the methods below to request hard copies or a CD-ROM of the documents. Please specify the "DEA for the West Butte Wind Project" on all correspondence.

*Submitting Comments:* You may submit comments or requests for copies

or more information by one of the following methods.

- *Email:* [pacific\\_birds@fws.gov](mailto:pacific_birds@fws.gov). Include "DEA for the West Butte Wind Project" in the subject line of the message.

- *U.S. Mail:* Please address written comments to Michael Green, Acting Chief, Division of Migratory Birds and Habitat Programs, Pacific Region, U.S. Fish and Wildlife Service, 911 NE 11th Ave., Portland, OR 97232.

- *Fax:* Michael Green, Acting Chief, Division of Migratory Birds and Habitat Programs, (503) 231-2019, Attn.: DEA for the West Butte Wind Project.

**FOR FURTHER INFORMATION CONTACT:**

Michael Green, Acting Chief, Division of Migratory Birds and Habitat Programs, U.S. Fish and Wildlife Service, (503) 231-2019 (phone);

[pacific\\_birds@fws.gov](mailto:pacific_birds@fws.gov) (email, include "DEA for the West Butte Wind Project" in the subject line of the message). If you use a telecommunications device for the deaf (TDD), please call the Federal Information Relay Service (FIRS) at (800) 877-8339.

**SUPPLEMENTARY INFORMATION:**

**Introduction**

The U.S. Fish and Wildlife Service is considering an application under the Bald and Golden Eagle Protection Act (16 U.S.C. 668a-d; BGEPA) for a programmatic golden eagle (*Aquila chrysaetos*) take permit from West Butte Wind Power, LLC. The company plans to develop the West Butte wind-power project in central Oregon, and there is a risk of eagle fatalities as a result of the operation of this facility. The application includes an avian and bat protection plan combined with an eagle conservation plan that describes actions taken and proposed future actions to avoid, minimize, and mitigate adverse effects on eagles. The eagle conservation plan was developed in collaboration with the Service.

The Draft Environmental Assessment (DEA) analyzes the alternatives associated with this permit application in light of our BGEPA permitting regulations in the Code of Federal Regulations (CFR) at 50 CFR 22.26. If the results of this analysis lead us to issue this permit, it will be the first programmatic permit issued under these new regulations, as well as the first eagle take permit issued to a wind-energy company.

**Background**

BGEPA allows us to authorize bald eagle and golden eagle programmatic take (take that is recurring, is not caused solely by indirect effects, and that

occurs over the long term or in a location or locations that cannot be specifically identified). Such take must be incidental to actions that are otherwise lawful. BGEPA's implementing regulations define "take" as "to pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, destroy, molest, or disturb individuals, their nests and eggs" (50 CFR 22.3); and "disturb" is further defined as "to agitate or bother a bald or golden eagle to a degree that causes \* \* \* injury to an eagle, \* \* \* a decrease in its productivity, \* \* \* or nest abandonment" (50 CFR 22.3). The West Butte Wind Project potentially will result in one or more recurring eagle mortalities over the life of the project, so the appropriate type of take permit is the programmatic permit under 50 CFR 22.26.

To obtain a programmatic permit under BGEPA and 50 CFR 22.26, the applicant must (1) avoid and minimize take to the maximum extent achievable; (2) conduct adequate monitoring to determine effects; (3) offset through compensatory mitigation any remaining take, such that the net effect on the eagle population is, at a minimum, no change for eagle management populations that cannot sustain additional mortality; and (4) ensure that the direct and indirect effects of the take and required mitigation, together with the cumulative effects of other permitted take and additional factors affecting eagle populations, are compatible with the preservation of bald eagles and golden eagles.

**Applicant's Proposal**

The 104-megawatt (MW) project is to be built in Crook and Deschutes Counties, Oregon. As a result of monitoring studies conducted on the proposed project site, the applicant considers the use of the site by eagles to be low, and has requested in their application a permit for the legal take of "1 to 2 Golden Eagles over the 20 to 30 year life of the project."

The applicant developed an eagle conservation plan, following recommendations provided by the Service (Draft Eagle Conservation Plan Guidance, January 2011, [http://www.fws.gov/windenergy/docs/ECP\\_draft\\_guidance\\_2\\_10\\_final\\_clean\\_omb.pdf](http://www.fws.gov/windenergy/docs/ECP_draft_guidance_2_10_final_clean_omb.pdf)). As recommended in the Service's guidance, the applicant's plan outlines avoidance and minimization measures and advanced conservation practices, assesses risk from pre-construction monitoring data, makes commitments for mitigating eagle mortalities, and commits to post-construction monitoring. This plan was

submitted as part of the permit application, and if we issue the permit following the National Environmental Policy Act (NEPA) process, then the conservation commitments would become conditions of the permit.

The Service independently evaluated the risk of eagle fatalities from the construction of this project and compared that risk to the conservation measures, largely mitigation actions, to which the applicant has committed. This is an essential step in the Service's evaluation of an application for a permit for programmatic take of eagles, since issuing criteria require permitted take to be in compliance with the BGEPA's preservation standard. The Service has interpreted this standard to require maintenance of stable or increasing breeding populations of eagles (74 FR 46836; September 11, 2009). The evaluation of risk and offsetting conservation measures, and the implications for direct, indirect, and cumulative effects under three alternatives, are discussed in detail in the DEA.

#### Next Steps

The public process for the proposed Federal permit action will be completed after the public comment period, at which time we will evaluate the permit application and comments submitted thereon to determine whether the application meets the permitting requirements under BGEPA, applicable regulations, and NEPA requirements. Upon completion of that evaluation, we will select our course of action.

#### Public Comments

We invite public comment on the proposed DEA. If you wish, you may submit comments by any one of the methods discussed above under **ADDRESSES**.

#### Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comments, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. You can ask us in your comment to withhold your personal identifying information from public review, but we cannot guarantee that we will be able to do so.

#### Authority

We provide this notice under section 668a of the Act (16 U.S.C. 668–668c) and NEPA regulations (40 CFR 1506.6).

Dated: December 19, 2011.

**Richard Hannan,**

*Acting Regional Director, Pacific Region,  
Portland, Oregon.*

[FR Doc. 2011–33630 Filed 12–30–11; 8:45 am]

**BILLING CODE 4310–55–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[LLNMP02000

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#### Notice of Intent To Prepare an Environmental Impact Statement for the Proposed Intercontinental Potash Corporation (ICP) (USA) Ochoa Mine Project, Lea County, NM

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

**ACTION:** Notice of Intent.

**SUMMARY:** In compliance with the National Environmental Policy Act of 1969, as amended, (NEPA) and the Federal Land Policy and Management Act of 1976, as amended, the Bureau of Land Management (BLM) Carlsbad Field Office, Carlsbad, NM intends to prepare an Environmental Impact Statement (EIS) and by this notice is announcing the beginning of the scoping process to solicit public comments and identify issues.

**DATES:** This notice initiates the public scoping process for the EIS. Comments on issues may be submitted in writing until February 2, 2012. The date(s) and location(s) of any scoping meetings will be announced at least 15 days in advance through local media, newspapers and the BLM Web site at: [http://www.blm.gov/nm/st/en/fo/Carlsbad\\_Field\\_Office.html](http://www.blm.gov/nm/st/en/fo/Carlsbad_Field_Office.html). To be included in the Draft EIS, all comments must be received prior to the close of the scoping period or 15 days after the last public meeting, whichever is later. We will provide additional opportunities for public participation upon publication of the Draft EIS.

**ADDRESSES:** You may submit written comments on issues related to the ICP Ochoa Mine Project by any of the following methods:

- *Email:* [David\\_Alderman@blm.gov](mailto:David_Alderman@blm.gov)
- *Fax:* (575) 885–9264
- *Mail:* Bureau of Land Management, Carlsbad Field Office, Attention: Ochoa Mine EIS Project Manager, 620 E. Greene St., Carlsbad, NM 88220.

Documents pertinent to this proposal may be examined at the Carlsbad Field Office.

**FOR FURTHER INFORMATION CONTACT:** For further information and/or to have your

name added to our mailing list, contact David Alderman, Planning and Environmental Coordinator; telephone (575) 234–6232; address, Carlsbad Field Office 620 E. Greene St., Carlsbad, NM 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:

Intercontinental Potash Corp. (USA) (ICP) holds BLM prospecting permits and has applied for preference right leases. ICP plans to develop an underground mine to extract polyhalite ore. These prospecting permits are located about 40 miles southeast of Carlsbad, New Mexico, and 20 miles west of Jal, New Mexico. The proposed project would occur on portions of the following townships and ranges:

#### New Mexico Prime Meridian

T. 22 S., R. 33 E.,  
T. 22 S., R. 35 E.,  
T. 23 S., R. 32 E.,  
T. 23 S., R. 33 E.,  
T. 23 S., R. 34 E.,  
T. 23 S., R. 37 E.,  
T. 24 S., R. 32 E.,  
T. 24 S., R. 33 E.,  
T. 24 S., R. 34 E.,  
T. 24 S., R. 35 E.,  
T. 24 S., R. 36 E.,  
T. 24 S., R. 37 E.,  
T. 25 S., R. 37 E.,

The areas described, including Federal, State, and nonpublic lands, total 276,480 acres. ICP holds 17 State leases, totaling 25,889 acres in addition to the 26 prospecting permits totaling 77,884 acres. ICP has submitted a proposed Mine Plan of Operations to the BLM for the Ochoa Mine Project, to produce the fertilizer sulfate of potash, K<sub>2</sub>SO<sub>4</sub>, from polyhalite ore. ICP's proposed Mine Plan of Operations includes an underground mine accessed by a shaft and a ramp, and processing facilities, including the ore process plant, dry stack tailings pile, evaporation ponds, water wells, pipelines, power lines, and a railroad load-out facility. The polyhalite will be continuously mined using the conventional room and pillar retreat method. In order to mine in proximity to active oil and gas wells, ICP has elected to follow the rules and regulations of a Category IV gassy mine. Sulfate of potash production involves two separate operations. The first operation is to mine raw polyhalite