

## Location

The project site is located at Sears Point, near the intersection of Lakeville-Reclamation Road and State Route 37 (SR 37) in southern Sonoma County, California. The site is also traversed from east to west by a rail line owned by the Sonoma-Marine Area Rail Transit (SMART) District.

The project site is a total of 2,327 ac owned by the Sonoma Land Trust (SLT) and is comprised of two large properties, the North Point Joint Venture (NPJV) parcel and the Dickson Ranch parcel, which are situated on the edge of San Pablo Bay between the mouth of the Petaluma River and Tolay Creek. The 1,679-ac NPJV parcel extends both north and south of SR 37. The parcel is bounded on the north by the Infineon Raceway property, on the east by Cougar Mountain (north of SR 37) and Paradise Vineyards (south of SR 37), on the south by the SMART rail line, and on the west by Lakeville-Reclamation Road. The 648-ac Dickson Ranch parcel is located entirely south of Highway 37, and is bounded on the south by San Pablo Bay and on the west by Tolay Creek and the outboard levee as it veers bayward from the SMART rail line. The entire Dickson Ranch parcel and 858 ac of the NPJV parcel are located within the approved acquisition boundary of the Service's San Pablo Bay National Wildlife Refuge. The SLT is transferring approximately 500-ac of the land bounded by Highway 37 and the SMART rail line to the Service, and the remainder of the land to CDFG.

## Alternatives

We identified and analyzed a total of eight alternatives. The alternatives were analyzed based on a set of criteria, including (1) ability to meet the project purpose and need; (2) technical, logistical, and financial feasibility; and (3) ability to avoid or substantially reduce one or more significant impacts. We removed five of these alternatives from further consideration because they did not meet the purpose and need, were not feasible, or did not provide substantial variation in environmental impacts. The lead agencies carried forward three possible alternatives for environmental analysis: The No-Action Alternative, the Partial-Tidal (Preferred) Restoration Alternative, and the Full-Tidal Restoration Alternative.

### No-Action Alternative

Under the No-Action Alternative, there would be no wetland restoration or enhancement, no new trails, and no new habitat creation, with the exception of the California red-legged frog

enhancement, which would likely proceed as a separate enhancement project. The Sonoma Land Trust (SLT) would maintain ownership of the property north of Highway 37, and would still move forward with the transfer of title of the Sears Point properties south of Highway 37 to the Federal and State agencies. SLT will honor existing agricultural and commercial leases on the property through May 2012.

### Partial-Tidal (Proposed) Restoration Alternative

The Partial-Tidal Restoration Alternative would restore 955 acres of tidal marsh; preserve and enhance a 106-acre area of non-tidal seasonal wetland while maintaining agriculture between the SMART line and Highway 37; provide public recreation access south and possibly north of Highway 37; and enhance 15.5 acres of additional breeding habitat for the California red-legged frog, including 0.86 acres of excavation in the floodplain near the northern project boundary.

### Full-Tidal Restoration Alternative

The Full-Tidal Restoration Alternative would restore 1,352 acres of tidal marsh; provide public recreation access south and possibly north of Highway 37; and enhance 15.5 acres of additional breeding habitat, including 0.86 acres of excavation in the floodplain, for the California red-legged frog near the northern project boundary.

## NEPA Compliance

The entire Dickson Ranch parcel and 858 acres of the NPJV parcel are located within the approved acquisition boundary of the San Pablo Bay NWR. Federally owned lands within the Refuge boundary are adjacent to these properties. In order to implement the action alternatives described above, some activity (levee breaching and habitat restoration) within the San Pablo Bay NWR is necessary. We will use the EIR/EIS to determine whether to authorize activities within the San Pablo Bay NWR in order to accomplish project goals.

The EIR/EIS discusses the direct, indirect, and cumulative impacts of the alternatives on biological resources, cultural resources, land use, air quality, water quality, water resources, and other environmental resources. It also identifies appropriate mitigation measures for adverse environmental effects.

## Public Review

We conducted public review of the EIR/EIS in accordance with the

requirements of NEPA, as amended (42 U.S.C. 4321 *et seq.*), its implementing regulations (40 CFR parts 1500–1508), other applicable regulations, and our procedures for compliance with those regulations. The formal public comment period for the draft EIR/EIS opened on August 28, 2009, and closed on October 13, 2009. We announced the availability of the draft document by several methods, including press releases and public notice, including a notice in the **Federal Register** (74 FR 44379, August 28, 2009). While we received a number of comments on the draft EIR/EIS, none of the comments received from interested individuals, groups, or agencies required us or CDFG to add new alternatives or to significantly alter existing alternatives.

The EIR/EIS meets the requirements of both NEPA and the California Environmental Quality Act (CEQA). The California Department of Fish and Game is the CEQA lead agency. The final EIR/EIS contains our responses to all comments received on the draft document. Following the release of the final EIR/EIS, we will prepare a Record of Decision not sooner than 30 days after the Environmental Protection Agency has published its notice of filing of the document in the **Federal Register**. We anticipate that we will issue a Record of Decision in the spring of 2012.

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

**Alexandra Pitts,**

*Acting, Regional Director, Pacific Southwest Region.*

[FR Doc. 2012–9577 Filed 4–19–12; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS–R4–FHC–2012–N093;  
FVHC9813040690Y4–XXX–FF04G01000]

### DEEPWATER HORIZON Oil Spill; Final Phase I Early Restoration Plan and Environmental Assessment

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

**ACTION:** Notice of availability of final report.

**SUMMARY:** In accordance with the Oil Pollution Act of 1990 (OPA), the National Environmental Policy Act (NEPA), the Framework Agreement for Early Restoration Addressing Injuries Resulting from the DEEPWATER HORIZON Oil Spill (Framework Agreement), notice is hereby given that

the Federal and State natural resource trustee agencies (Trustees) have approved the Phase I Early Restoration Plan and Environmental Assessment (Phase I ERP/EA) describing the first eight restoration projects selected by the Trustees to commence the process of restoring natural resources and services injured or lost as a result of the DEEPWATER HORIZON oil spill, which occurred on or about April 20, 2010, in the Gulf of Mexico. The purpose of this notice is to inform the public of the availability of the Phase I ERP/EA.

**ADDRESSES: Obtaining Documents:** You may download the Phase I ERP/EA and the Framework Agreement at <http://www.gulfspillrestoration.noaa.gov> or <http://www.doi.gov/deepwaterhorizon>. Alternatively, you may request a CD of the document (see **FOR FURTHER INFORMATION CONTACT**). You may also review hard copies of the Phase I ERP/EA at any of the public repositories listed at <http://www.doi.gov/deepwaterhorizon>.

**FOR FURTHER INFORMATION CONTACT:** Brian Spears, at [FW4DWHInfo@fws.gov](mailto:FW4DWHInfo@fws.gov).

**SUPPLEMENTARY INFORMATION:**

**Introduction**

On or about April 20, 2010, the mobile offshore drilling unit DEEPWATER HORIZON, which was being used to drill a well for BP Exploration and Production, Inc. (BP) in the Macondo prospect (Mississippi Canyon 252–MC252), experienced a significant explosion, fire and subsequent sinking in the Gulf of Mexico, resulting in discharges of oil and other substances from the rig and from the wellhead on the seabed. An estimated 4.9 million barrels (210 million gallons) of oil were released from the well into the Gulf of Mexico over a period of approximately three months. In addition, approximately 771,000 gallons of dispersants were applied to the waters of the spill area in an attempt to minimize impacts from spilled oil. Affected resources include ecologically, recreationally, and commercially important species and their habitats in the Gulf of Mexico and along the coastal areas of Alabama, Florida, Louisiana, Mississippi, and Texas.

Federal and State trustees (listed below) are conducting the natural resource damage assessment for the DEEPWATER HORIZON oil spill under the Oil Pollution Act 1990 (OPA; 33 U.S.C. 2701 *et seq.*).

The Trustees are:

- U.S. Department of the Interior (DOI), as represented by the National Park Service, U.S Fish and Wildlife

Service, and Bureau of Land Management;

- National Oceanic and Atmospheric Administration (NOAA), on behalf of the U.S Department of Commerce;
- State of Louisiana Coastal Protection and Restoration Authority, Oil Spill Coordinator's Office, Department of Environmental Quality, Department of Wildlife and Fisheries, and Department of Natural Resources;
- State of Mississippi Department of Environmental Quality;
- State of Alabama Department of Conservation and Natural Resources and Geological Survey of Alabama;
- State of Florida Department of Environmental Protection and Fish and Wildlife Conservation Commission; and
- Texas Parks and Wildlife Department, Texas General Land Office, and Texas Commission on Environmental Quality.

The U.S. Department of Defense (DOD) is a Trustee, but does not have affected lands in this Phase I ERP/EA.

**Background**

On April 20, 2011, BP agreed to provide up to \$1 billion toward early restoration projects in the Gulf of Mexico to address injuries to natural resources caused by the DEEPWATER HORIZON oil spill. The Framework Agreement provides a mechanism through which the Trustees and BP can work together “to commence implementation of early restoration projects that will provide meaningful benefits to accelerate restoration in the Gulf as quickly as practicable” prior to the completion of the natural resource damage assessment process or full resolution of the Trustees’ natural resource damages claim.

As the first step in this accelerated process, the Trustees proposed a suite of eight early restoration projects in a Phase I Draft Early Restoration Plan and Environmental Assessment (DERP/EA) made public December 14, 2011. The public was afforded 60 days to review and comment on the DERP/EA (77 FR 78016, December 15, 2011). During that review period, the Trustees also held 12 public meetings in January and February 2012 in the 5 Gulf States and Washington, DC to facilitate public comment on that plan.

The Trustees considered the public comments on the DERP/EA prior to finalizing selection of the Phase I Early Restoration projects. The public comments received and the Trustees’ responses are addressed in the Phase I ERP/EA at Chapter 5.

**Overview of the Phase 1 ERP/EA**

*Early Restoration Plan Alternatives, Including the Selected Alternative*

The ERP/EA describes two early restoration alternatives: No Action—Natural Recovery (required for consideration by OPA) and Selected Alternative—Phase I Early Restoration Projects. Under the No Action Alternative, the trustees would not implement early restoration projects as described in this ERP/EA. Rather, the trustees would rely, for the time being, solely on natural recovery processes to restore natural resources to their pre-spill conditions and would undertake no early actions to accelerate recovery or to help address interim resource losses.

The Selected Alternative includes eight projects that meet the selection criteria as described in the Phase I ERP/EA.

*Selected Early Restoration Alternative*

The Selected Alternative includes the following suite of early restoration projects: (1) Lake Hermitage Marsh Creation—NRDA Early Restoration Project; (2) Louisiana Oyster Cultch Project; (3) Mississippi Oyster Cultch Restoration; (4) Mississippi Artificial Reef Habitat; (5) Marsh Island (Portersville Bay) Marsh Creation; (6) Alabama Dune Restoration Cooperative Project; (7) Florida Boat Ramp Enhancement and Construction; (8) Florida (Pensacola Beach) Dune Restoration. Each of these projects is expected to benefit a natural resource or service injured by the DEEPWATER HORIZON oil spill.

This Phase I ERP/EA represents the initial set of projects selected as part of the early restoration process. Planning for additional early restoration actions is continuing. Neither the Phase I ERP/EA nor any subsequent plan for early restoration is intended to or will fully address all injuries caused by the spill or provide the extent of restoration needed to satisfy claims against responsible parties. Further comprehensive restoration will still be required to fully compensate the public for natural resource losses from the oil spill.

**Administrative Record**

The documents comprising the Administrative Record can be viewed electronically at <http://www.doi.gov/deepwaterhorizon/adminrecord/index.cfm>.

**Author**

The primary author of this notice is Nanciann Regalado.

**Authorities**

The authorities of this action are the Oil Pollution Act of 1990 (33 U.S.C. 2701 *et seq.*), the implementing Natural Resource Damage Assessment regulations found at 15 CFR Part 990, and the Framework Agreement.

Dated: April 16, 2012.

**Cynthia K. Dohner,**

*DOI Authorized Official.*

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

[FWS-R1-ES-2012-N081; 10120-1112-0000-F2]

**Draft Environmental Impact Statement and Proposed Amendment of the Washington Department of Natural Resources Habitat Conservation Plan for Forested State Trust Lands**

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

**ACTION:** Notice of intent; announcement of public scoping meetings; request for comments.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), intend to conduct public scoping under the National Environmental Policy Act (NEPA) to gather information to prepare a Draft Environmental Impact Statement (DEIS) in anticipation of receiving an application for an Incidental Take Permit (ITP) amendment under section 10 of the Endangered Species Act (ESA) from the Washington Department of Natural Resources (WDNR) for their 1997 Habitat Conservation Plan (HCP) for forested State trust lands. The HCP amendment involves the proposed replacement of an interim conservation strategy for the threatened marbled murrelet (*Brachyramphus marmoratus*), which is currently being implemented under the HCP, with a long-term conservation strategy. The proposed amendment to the HCP and the ITP is exclusively limited to consideration of a long-term conservation strategy for the marbled murrelet on HCP-covered lands.

**DATES:** To ensure consideration, please send your written comments by May 21, 2012 (see **ADDRESSES** section).

Four public scoping meetings will be held to discuss the DEIS, and we will accept written comments at these meetings. These meetings will be held on the following dates and at the following locations:

1. April 30, 2012, 6–8 p.m., WDNR, Natural Resource Building, 1st Floor, 1111 Washington Street SE., Olympia, WA 98504.

2. May 3, 2012, 6–8 p.m., WDNR, Northwest Region Office, 919 N. Township Street, Sedro Woolley, WA 98284.

3. May 8, 2012, 6–8 p.m., Wahkikum County Courthouse, Pacific Cascade/River Room, 25 River Street, Cathlamet, WA 98612.

4. May 9, 2012, 6–8 p.m., WDNR, Olympic Region Headquarters, 411 Tillicum Lane, Forks, WA 98331.

**ADDRESSES:** All comments concerning the preparation of the DEIS, proposed HCP amendment, and the NEPA process may be submitted by one of the following methods to WDNR. WDNR will transmit all comments received to the Service for review and consideration:

- *Email:* [sepacenter@dnr.wa.gov](mailto:sepacenter@dnr.wa.gov).
- *U.S. Mail:* SEPA Responsible

Official, Annie Szvetecz, Washington Department of Natural Resources, SEPA Center, P.O. Box 47001, Olympia, WA 98504-7001.

**FOR FURTHER INFORMATION CONTACT:**

Mark Ostwald of the Service at (360) 753-9564 (phone);

*Mark\_Ostwald@fws.gov* (email); or by U.S. mail to the U.S. Fish and Wildlife Service, Washington Fish and Wildlife Office, 510 Desmond Dr. SE., Suite 102, Lacey, WA 98503; or, alternatively, contact Annie Szvetecz, SEPA Responsible Official, WDNR, at (360) 902-112 (phone);

*sepacenter@dnr.wa.gov* (email). In addition, information on this proposed action is also available at the WDNR's Web site at [http://www.dnr.wa.gov/ResearchScience/Topics/TrustLandsHCP/Pages/Im\\_hcp\\_marbled\\_murrelet\\_main.aspx](http://www.dnr.wa.gov/ResearchScience/Topics/TrustLandsHCP/Pages/Im_hcp_marbled_murrelet_main.aspx) and the Service's Web site at <http://www.fws.gov/wafwo/index.html>.

**SUPPLEMENTARY INFORMATION:****Meeting Location Accommodation**

Persons needing reasonable accommodations in order to attend and participate in the public scoping meetings should contact Mark Ostwald with the Service or Annie Szvetecz with the WDNR (see **FOR FURTHER INFORMATION CONTACT** above). In order to allow sufficient time to process requests, please call no later than one week before the public meeting. Information regarding this proposed action is available in alternative formats upon request.

**Background**

In 1996, the WDNR released their draft HCP for forest management

activities covering 1.6 million acres of forested State trust lands within the range of the northern spotted owl (*Strix occidentalis caurina*) in Washington. A DEIS (dated March 1996) jointly developed by the Service, National Marine Fisheries Service, and the WDNR was announced in the **Federal Register** on April 5, 1996 (61 FR 15297). The DEIS analyzed reasonable management alternatives, including the HCP. A notice of availability for the Final EIS (FEIS) was published in the **Federal Register** on November 1, 1996 (61 FR 56563). On January 30, 1997, the Service issued an ITP (PRT No. 812521) for the WDNR HCP. The Service's ITP decision and the availability of related decision documents were announced in the **Federal Register** on February 27, 1997 (62 FR 8980).

The WDNR HCP commits WDNR to developing a long-term conservation strategy for the marbled murrelet (HCP IV. 39). However, during development of the HCP, it was determined that there was not enough scientific information to credibly develop a long-term conservation strategy for the marbled murrelet on WDNR lands. For that reason, the WDNR developed an interim conservation strategy for the marbled murrelet (HCP IV. 39), which is currently being implemented. The principal intent of the interim conservation strategy was to locate occupied marbled murrelet sites and not foreclose future options for long-term conservation of the marbled murrelet on WDNR lands. Briefly, the interim marbled murrelet conservation strategy included the following: (1) Suitable habitat blocks are identified, with harvest on these blocks deferred; (2) habitat relationship studies are undertaken to determine the relative importance, based on occupancy, of identified habitat blocks; (3) following completion of the habitat relationship studies, the lowest quality habitat blocks are made available for timber harvest (these areas, in the poorest quality habitats, were expected to contain about 5 percent of the murrelet-occupied sites on HCP-covered lands); (4) the higher quality habitat blocks identified from the habitat relationships study are surveyed for marbled murrelet occupancy, and occupied habitat are protected, along with some unoccupied habitat; and (5) development of a long-term conservation strategy for marbled murrelets is undertaken on WDNR lands.

For southwest Washington and the Olympic Peninsula, the WDNR has completed steps 1 through 4 listed above. For step 5, the WDNR contemplated proposing an amendment