

(SR 37) in southern Sonoma County, California. The site is also traversed from east to west by an inactive 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. It 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 north by the SMART rail line, on the west by Tolay Creek, on the south by San Pablo Bay, and on the west by 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 San Pablo Bay National Wildlife Refuge. The SLT proposes to transfer a 350-acre parcel of this 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. The Sonoma Land Trust (SLT) would still move forward with the transfer of title of the Sears Point properties to the Federal and State agencies. SLT will honor existing

agricultural and commercial leases on the property through June 2010.

Partial-Tidal (Preferred) Restoration Alternative

The Partial-Tidal Restoration Alternative would restore 970 acres of tidal marsh; improve tidal exchange in Tolay Creek along the eastern edge of the project boundary; preserve and enhance a 106-acre area of non-tidal seasonal wetland while maintaining existing agriculture between the SMART line and Highway 37; provide public recreation access south and possibly north of Highway 37; enhance 40 acres of non-tidal seasonal wetland north of Highway 37; and create 15.5 acres of additional breeding habitat for the California red-legged frog, including 0.5 acres of excavation in the floodplain near the northern project boundary.

Full-Tidal Restoration Alternative

The Full-Tidal Restoration Alternative would restore 1,335 acres of tidal marsh; improve tidal exchange in Tolay Creek along the eastern edge of the project boundary; provide public recreation access south and possibly north of Highway 37; enhance 40 acres of non-tidal seasonal wetland north of Highway 37; and create 15.5 acres of additional breeding habitat, including 0.5 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 (channel dredging and levee breaching) 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.

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

Public Meeting

We will hold one public meeting to solicit comments on the DEIR/EIS. We will mail a separate notice to the public and local publications that identifies the time, date, and location of the meeting.

Public Comments

We invite the public to comment on the DEIR/EIS during the comment period. 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. We will use the comments to prepare a final EIR/EIS. A decision will be made no sooner than 30 days after the publication of the final EIR/EIS. We anticipate that a Record of Decision will be issued by the Service in 2010.

Dated: August 20, 2009.

Margaret T. Kolar,

Acting Regional Director, Pacific Southwest Region.

[FR Doc. E9–20582 Filed 8–27–09; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Final Environmental Impact Statement for the Mandan, Hidatsa, Arikara (MHA) Nation's Proposed Clean Fuels Refinery, Fort Berthold Indian Reservation, Ward County, ND

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Availability.

SUMMARY: This notice advises the public that the Department of Interior, Bureau of Indian Affairs (BIA) and the U.S. Environmental Protection Agency (EPA) as co-lead agencies; and the Mandan, Hidatsa, and Arikara (MHA) Nation and the U.S. Army Corps of Engineers as cooperating agencies, intend to file a Final Environmental Impact Statement (FEIS) with the EPA for the proposed

Clean Fuels Refinery, and that the FEIS is now available for public review. The proposed Federal actions are: (1) The taking into trust of 469 acres of fee land by the BIA in support of the MHA Nation's proposal to construct and operate a clean fuels refinery and produce buffalo forage; and (2) the issuance by the EPA of a Clean Water Act, National Pollutant Discharge Elimination System Discharge (NPDES) permit for the discharge of treated wastewater from the proposed refinery.

DATES: The Record of Decision on the proposed action will be issued no sooner than 30 days after the release of the FEIS. Thus, any comments on the FEIS must arrive by September 28, 2009. A public meeting will be held on September 9 at Four Bears Casino, 202 Frontage Road, New Town, ND, at 7 p.m.

ADDRESSES: You may mail or hand carry written comments to Mike Black, Regional Director, Bureau of Indian Affairs, Great Plains Regional Office, 115 4th Avenue, SE., Aberdeen, SD.

FOR FURTHER INFORMATION CONTACT: Mike Black, BIA, 605-226-7343, or Steve Wharton, EPA, 303-312-6935 or 800-227-8917.

SUPPLEMENTARY INFORMATION: The Three Affiliated Tribes (MHA Nation) has requested that BIA accept into trust status 469 acres for the MHA Nation to construct, own, operate, and maintain a petroleum refinery on 190 acres of the 469-acre parcel. The remaining acres would be used to grow forage for buffalo. The land in the northeast corner of the Fort Berthold Indian Reservation is located along Highway 23, four miles west of the town of Makoti in Ward County, North Dakota.

The MHA Nation has also applied to EPA for an NPDES permit under the Clean Water Act for discharges from the proposed refinery.

Feedstock for the proposed refinery would include 10,000 barrels per stream day (BPSD) of synthetic crude oil via existing pipeline from Alberta, Canada; 3,000 BPSD of field butane from local suppliers; 6 million standard cubic feet per day of natural gas via existing pipeline; and 300 barrels of bio-diesel or 8,500 bushels per day of soybeans. From the feedstock, the refinery would produce about 5,750 BPSD of diesel fuel, 6,770 BPSD of gasoline, and 300 BPSD of propane.

The FEIS analyzes potential environmental effects of two Federal agency decisions: (1) Whether BIA should accept lands into trust in support of the MHA Nation's proposal to construct and operate a clean fuels refinery and produce buffalo forage; and

(2) whether EPA should issue a Clean Water Act NPDES permit for the process water discharges associated with the operation of the proposed refinery. The FEIS has identified the Agencies' preferred alternatives. BIA and EPA will be making their decisions in separate Records of Decision (RODs), which will be issued after the 30-day wait period on the FEIS. The MHA Nation will be deciding whether to build and operate the refinery.

BIA has identified its preferred alternative as Alternative 3. In this alternative, BIA would not place the land into trust status and the refinery could be constructed by the Tribes. If the proposed refinery is constructed, EPA has identified Alternative A, issuance of an NPDES permit for effluent discharges associated with the refinery as its preferred water discharge alternative. EPA and BIA recommend that the design of the refinery, if constructed, be modified consistent with Alternative 4.

Public Availability of the FEIS

The FEIS is available on the Web at: <http://www.epa.gov/region8/compliance/nepa>.

Hard copies of the document are available for public review at the following locations:

- Bureau of Indian Affairs, Great Plains Regional Office, 115 4th Avenue, SE., Aberdeen, SD.
- Bureau of Indian Affairs, Fort Berthold Agency, 202 Main Street, New Town, ND.
- EPA Region 8 Library, 1595 Wynkoop Street, Denver, CO.
- Three Affiliated Tribes Governmental Offices, 404 Frontage Road, New Town, ND.
- Each of the MHA Nation's Segment Offices:* Four Bears (Tribal Gov. Center), Mandaree, Shell Creek (New Town), Lucky Mound (Parshall), Twin Buttes, and White Shield, and
- Rensch garage in Makoti, ND.

Authority

This notice is published in accordance with section 1506.10 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. 4321 *et seq.*), and related Department of the Interior requirements in the Department of the Interior Manual (516 DM 1-6), and is in exercise of authority delegated to the Principal Deputy Assistant Secretary—Indian Affairs by 209 DM 8.

Dated: August 21, 2009.

George T. Skibine,

Acting Principal Deputy Assistant Secretary—Indian Affairs.

[FR Doc. E9-20816 Filed 8-27-09; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Proclaiming Certain Lands as a Reservation for the Match-e-be-nash-she-wish Band of Pottawatomí Indians of Michigan, aka, Gun Lake Tribe

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Reservation Proclamation; Correction.

SUMMARY: The Bureau of Indian Affairs (BIA) published a document in the **Federal Register** of August 18, 2009, concerning the Assistant Secretary—Indian Affairs proclaiming approximately 147 acres as the Match-e-be-nash-she-wish Band of Pottawatomí Indian Reservation. The document contained an error in the legal description.

DATES: *Effective Date:* August 28, 2009.

FOR FURTHER INFORMATION CONTACT: Ben Burshia, Bureau of Indian Affairs, Division of Real Estate Services, MS-4639 MIB, 1849 C Street, NW., Washington, DC 20240, telephone (202) 208-7737.

SUPPLEMENTARY INFORMATION:

Corrections

In the **Federal Register** of August 18, 2009, in FR Doc. E9-19751, on page 41741, in the first column, line one, insert the following text after the word “section,” and before the word “said:”

which is North 86 degrees 57 minutes 24 seconds East 481.98 feet from the West line of said Section

Also on page 41741, in the first column, line 33, change “East 431.00 feet;” to the following and delete lines 34, 35, 36, 37 and 38 in their entirety:

East 325.00 feet.

Dated: August 21, 2009.

George T. Skibine,

Acting Principal Deputy Assistant Secretary—Indian Affairs.

[FR Doc. E9-20791 Filed 8-27-09; 8:45 am]

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