

*Type of Request:* Extension of a currently approved collection.

*Respondent Obligation:* Voluntary.

*Frequency of Collection:* Annually.

*Affected Public:* Businesses that explore for and produce nonfuel minerals.

*Estimated Number of Annual Responses:* 719.

*Annual Burden Hours:* 539 hours. We expect to receive 719 annual responses. We estimate an average of 45 minutes per response. This includes the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the information.

*Estimated Reporting and Recordkeeping "Non-Hour Cost" Burden:* We have not identified any "non-hour cost" burdens associated with this collection of information.

### III. Request for Comments

On May 27, 2009, we published a **Federal Register** notice (74 FR 25273) announcing that we would submit this ICR to OMB for approval and solicit comments. The comment period closed on July 27, 2009. We did not receive any comments in response to that notice.

We again invite comments concerning this ICR on: (a) Whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, usefulness, and clarity of the information to be collected; and (d) ways to minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. 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 anytime. 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.

*USGS Information Collection Clearance Officer:* Phadrea Ponds 970-226-9445.

Dated: September 16, 2009.

**John H. DeYoung, Jr.,**  
Chief Scientist, Minerals Information Team.  
[FR Doc. E9-22741 Filed 9-21-09; 8:45 am]

BILLING CODE 4311-AM-P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS-R1-ES-2009-N0096; 10120-1113-0000-C2]

### Endangered and Threatened Wildlife and Plants; Revised Recovery Plan for the Laysan Duck (*Anas laysanensis*)

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

**ACTION:** Notice of document availability; revised recovery plan.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, announce the availability of the Revised Recovery Plan for the Laysan Duck (*Anas laysanensis*). This species, found only on Laysan Island and Midway Atoll in the northwestern Hawaiian Islands, was federally listed as endangered in 1967.

**ADDRESSES:** An electronic copy of the recovery plan is available at <http://endangered.fws.gov/recovery/index.html#plans>. The recovery plan is also available by request from the U.S. Fish and Wildlife Service, Pacific Islands Fish and Wildlife Office, 300 Ala Moana Boulevard, Room 3-122, Box 50088, Honolulu, HI 96850 (phone: 808/792-9400).

**FOR FURTHER INFORMATION CONTACT:** Holly Freifeld, Fish and Wildlife Biologist, at the above Pacific Islands Fish and Wildlife Office address and phone number.

#### SUPPLEMENTARY INFORMATION:

#### Background

Recovery of endangered or threatened animals and plants is a primary goal of the Endangered Species Act (Act) (16 U.S.C. 1531 *et seq.*) and our endangered species program. Recovery means improvement of the status of listed species to the point at which listing is no longer required under the criteria in section 4(a)(1) of the Act.

The Act requires the development of recovery plans for endangered or threatened species unless such a plan would not promote the conservation of the species. Recovery plans help guide the recovery effort by describing actions considered necessary for the conservation of the species, and estimating time and cost for implementing the measures needed for recovery. We originally completed a recovery plan for the Laysan duck in 1982, but the recommendations contained in that plan are outdated given the species' current status.

Section 4(f) of the Act requires that public notice and an opportunity for public review and comment be provided

during recovery plan development. In fulfillment of this requirement, we made the Draft Revised Recovery Plan for the Laysan Duck (*Anas laysanensis*) available for public comment from November 4, 2004, to January 3, 2005 (69 FR 64317; November 4, 2004). Information provided during the public comment period was considered in our preparation of this recovery plan, and is summarized in an appendix to the plan. We welcome continuing public comment on this recovery plan, and we will consider all substantive comments on an ongoing basis to inform the implementation of recovery activities and future updates to the recovery plan.

The Laysan duck is endemic to the Hawaiian Islands, where subfossil remains of the species have been found throughout the archipelago. This species has been listed as an endangered species by the United States since the first Federal listing of endangered species in 1967 (32 FR 4001; March 11, 1967). It is also listed as endangered by the State of Hawaii. Currently, the Laysan duck occurs in only two locations: the single remaining natural population on Laysan Island; and at Midway Atoll, where a population has become established through two translocations conducted in 2004 and 2005. Laysan and Midway both are part of the National Wildlife Refuge System and the Papahānaumokuākea Marine National Monument.

The Laysan duck was extirpated from the main Hawaiian Islands in prehistory, likely because of a combination of predation by introduced mammals and habitat loss and degradation. In recorded history, the Laysan duck occurred naturally on Laysan Island and on neighboring Lisianski. The species was lost from Lisianski during the 19th century, following the accidental introduction of mice and near-devegetation of the island. Similar habitat destruction took place on Laysan in the early 20th century, when rabbits were introduced to that island. The Laysan duck population dwindled to as few as a dozen individuals, and several other bird species endemic to the island became extinct. Although the duck population on Laysan eventually recovered to several hundred individuals, and the island is now substantially vegetated, the loss of some freshwater seeps and the slow infilling of the hypersaline lake in the island's interior are enduring consequences of the island's devegetation a century ago and continued erosion today.

Forty-two fledged juvenile Laysan ducks were translocated to Midway Atoll during 2004 and 2005, following

intensive habitat restoration and wetland creation in the atoll. Subsequently, the duck population at Midway Atoll has grown rapidly and currently comprises 200 to 300 individuals despite mortality from an outbreak of avian botulism in 2008.

This revised recovery plan replaces the original recovery plan for the Laysan duck, which was published in 1982. The strategy presented in this revised recovery plan includes (1) management to address threats to the species where it occurs now (Laysan Island and Midway Atoll) and (2) improvement of the species' distribution and total population size through protection and enhancement of suitable habitat in the Northwestern and Main Hawaiian Islands and reduction or elimination of threats to allow reestablishment of additional wild populations. The recovery actions are designed to assess and address threats to the Laysan duck; create, monitor, and manage new self-sustaining populations; and fill critical gaps in our scientific knowledge of the species. The recovery goal is to downlist the Laysan duck to threatened status and eventually delist the species (remove it from the List of Endangered and Threatened Wildlife and Plants).

**Authority:** The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: July 7, 2009.

**David J. Wesley,**

*Acting Regional Director, Region 1, U.S. Fish and Wildlife Service.*

[FR Doc. E9-22829 Filed 9-21-09; 8:45 am]

**BILLING CODE 4310-55-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS-R2-ES-2009-N159; 20124-1112-0000-F2]

#### **Environmental Impact Statement and Habitat Conservation Plan; Oncor Electric Delivery Company; Routine Maintenance and Repair of Facilities and Installation and Operation of New Facilities**

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

**ACTION:** Notice of intent to prepare a draft environmental impact statement and draft habitat conservation plan; announcement of meetings; request for comments.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), advise the public that we intend to prepare a draft Environmental Impact Statement (EIS) to evaluate the impacts of, and

alternatives to, the proposed issuance of an Endangered Species Act permit to Oncor Electric Delivery Company (Oncor; Applicant) for incidental take of 10 federally listed species from activities associated with maintenance and repair of existing facilities and installation and operation of new facilities within Oncor's service area. We also announce plans for a series of public scoping meetings located throughout Oncor's service area and a public comment period.

**DATES:** Written comments on alternatives and issues to be addressed in the draft EIS must be received by close of business on December 1, 2009. Public scoping meetings will be held at nine locations throughout Oncor's proposed 103-county permit area. Public meetings will be held between September 28, 2009, and October 28, 2009. Exact meeting locations and times will be noticed in local newspapers and at the Austin Ecological Services Office Web site, <http://www.fws.gov/southwest/es/AustinTexas/>, at least 2 weeks prior to each event.

**ADDRESSES:** Send written comments or requests for information by mail to the Field Supervisor, Austin Ecological Services Field Office, 10711 Burnett Road, Suite 200, Austin, TX 78758-4460; telephone 512/490-0057; facsimile 512/490-0974; or e-mail [luela\\_roberts@fws.gov](mailto:luela_roberts@fws.gov). Note that your information request or comments concern the Oncor draft EIS/HCP.

**SUPPLEMENTARY INFORMATION:** This notice is published in compliance with the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 *et seq.*), and its implementing regulations (40 CFR 1506.6), and section 10(c) of the Endangered Species Act of 1973, as amended (Act; 16 U.S.C. 1531 *et seq.*). The Service intends to gather the information necessary to determine impacts and alternatives to support a decision regarding the potential issuance of an incidental take permit to the Applicant, and the implementation of the supporting draft HCP.

The Service intends to prepare a draft EIS to evaluate the impacts of, and alternatives to, the proposed issuance of an incidental take permit under the Act to the Applicant. The Applicant proposes to apply for an incidental take permit through development and implementation of an HCP. The proposed HCP will include measures necessary to minimize and mitigate the impacts to the maximum extent practicable of potential proposed taking of federally listed species and the habitats upon which they depend during routine maintenance and repair

of existing Oncor facilities and installation and operation of new Oncor facilities within Oncor's service area.

### Background

Section 9 of the Act prohibits "taking" of fish and wildlife species listed as endangered or threatened under section 4 of the Act. Under the Act, the term "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct. The term "harm" is defined in the regulations as significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering (50 CFR 17.3). The term "harass" is defined in the regulations as actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering (50 CFR 17.3). However, the Service may, under specified circumstances, issue permits that allow the take of federally listed species, provided that the take incidental to, but not the purpose of, otherwise lawful activity. Regulations governing permits for endangered and threatened species are at 50 CFR 17.22 and 17.32, respectively.

Section 10(a)(1)(B) of the Act contains provisions for issuing such incidental take permits to non-Federal entities for the take of endangered and threatened species, provided the following criteria are met: (1) The taking will be incidental; (2) The applicant will, to the maximum extent practicable, minimize and mitigate the impact of such taking; (3) The applicant will develop a draft HCP and ensure that adequate funding for the plan will be provided; (4) The taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild; and (5) The applicant will carry out any other measures that we may require as being necessary or appropriate for the purposes of the habitat conservation plan.

Thus, the purpose of issuing a permit is to allow Oncor to maintain the efficiency of its projects and operations, while preserving protected species and their habitat. Adoption of a multispecies habitat conservation approach, rather than a species-by-species/project-by-project approach, will reduce the costs of implementing species minimization and mitigation measures, and eliminate cost and time-consuming efforts associated with processing individual incidental take permits for each project