

to provide regulatory assurance to MSU by relieving it from any additional responsibility under the Act beyond that which exists at the time it enters into the program, *i.e.*, the Safe Harbor Agreement. Specifically, the Applicant will restore and enhance RCW habitat by the following actions: (1) Grow and maintain trees of sufficient size and quantity for suitable nesting /roosting habitat for three recruitment clusters; (2) Install artificial nesting cavity inserts; and (3) Control hardwood mid and under story vegetation and provide diverse herbaceous groundcover by thinning timber and prescribing frequent fire.

No RCWs currently occupy the JSMF; therefore, MSU has a zero baseline. As a result of the specific conservation actions, however, it is expected that the RCW population on the JSMF will increase from this baseline. Under the Agreement, MSU may be allowed the opportunity to incidentally take RCWs at some point in the future if above-baseline RCWs are attracted to the enrolled property by the proactive management measures undertaken by MSU. The authorization for incidental take in the Agreement and ESP will have certain conditions. Further details on the topics described above are found in the aforementioned documents available for review under this notice.

The geographic scope of the Applicant's Agreement is approximately 8,136 acres of land (*e.g.*, the JSMF), which is located in Oktibbeha and Winston Counties, Mississippi.

We have made a preliminary determination that execution of the Agreement and associated issuance of the ESP will not result in significant environmental, economic, social, historical or cultural impacts and is, therefore, categorically excluded from review under the National Environmental Policy Act (NEPA) of 1969, as amended, pursuant to 516 Department Manual 2, Appendix 1 and 516 Department Manual 6 Appendix 1. In addition, we have evaluated the proposed Agreement and ESP application under section 106 of the National Historic Preservation Act and have concluded that approval will not affect cultural resources on, or eligible for, the National Historic Register of Historic Places. We base our conclusions on our review of the process for protection and consideration of cultural resources included in the associated Agreement as well as on the scope of the voluntary management actions identified in the Agreement. We have consulted with the Mississippi State Historic Preservation Officer and

have received concurrence with our conclusion.

We provide this notice under section 10(c) of the Act (16 U.S.C. 1531, *et seq.*) and under our implementing regulations for NEPA (40 CFR 1506.6). We will evaluate the proposed Agreement, associated documents, and comments submitted thereon to determine whether the requirements of section 10(a) of the Act and NEPA have been met. If we determine that the requirements are met, we will issue an ESP under section 10(a)(1)(A) of the Act to the Applicant in accordance with the terms of the Agreement and specific terms and conditions of the authorizing ESP. We will not make our final decision until after the end of the 30-day comment period and will fully consider all comments received during the comment period.

Dated: August 30, 2006.

**Ed Buskirk,**

*Acting Regional Director, Southeast Region.*

[FR Doc. E6-14868 Filed 9-7-06; 8:45 am]

**BILLING CODE 4310-55-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Notice of intent To Prepare a Comprehensive Conservation Plan and Environmental Assessment for Tensas River National Wildlife Refuge in Madison, Tensas, and Franklin Parishes, LA

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

**ACTION:** Notice of intent.

**SUMMARY:** The Fish and Wildlife Service, Southeast Region, intends to gather information necessary to prepare a comprehensive conservation plan and environmental assessment for Tensas River National Wildlife Refuge, pursuant to the National Environmental Policy Act of 1969 and its implementing regulations.

The National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997, requires the Service to develop a comprehensive conservation plan for each national wildlife refuge. The purpose in developing a comprehensive conservation plan is to provide refuge managers with a 15-year strategy for achieving refuge purposes and contributing toward the mission of the National Wildlife Refuge System, consistent with sound principles of fish and wildlife management, conservation, legal mandate, and Service policies. In

addition to outlining broad management direction on conserving wildlife and their habitats, plans identify wildlife-dependent recreational opportunities available to the public, including opportunities for hunting, fishing, wildlife observation, wildlife photography, and environmental education and interpretation.

*The purpose of this notice is to machine the following:*

(1) Advise other agencies and the public of our intentions, and

(2) Obtain suggestions and information on the scope of issues to include in the environmental document.

**DATES:** To ensue consideration, written comments must be received no later than November 7, 2006.

**ADDRESSES:** Address comments, questions, and requests for more information to Tina Chouinard, Natural Resource Planner, Central Louisiana National Wildlife Refuge Complex, 401 Island Road, Marksville, Louisiana 71351.

**SUPPLEMENTARY INFORMATION:** Special mailings, newspaper articles, and other media announcements will be used to inform the public and state and local government agencies of meeting dates and opportunities for input throughout the planning process. All comments received from individuals become part of the official public record. Requests for such comments will be handled in accordance with the Freedom of Information Act and the Council on Environmental Quality's NEPA, regulations [40 CFR 15076.6(f)].

Tensas River National Wildlife Refuge lies within a physiographic region known as the Mississippi Alluvial Valley. This valley was, at one time, a 25-million-acre forested wetland complex that extended along both sides of the Mississippi River from Illinois to Louisiana. More than 90 percent of the original forest has been cleared for agriculture. Congress authorized the establishment of the refuge in June 1980, in an effort to conserve the largest privately owned tract of bottomland hardwoods remaining in the region. It was acquired through a joint effort of the Fish and Wildlife Service and the Army Corps of Engineers to mitigate the loss of fish and wildlife resources associated with six flood control projects under construction, or being planned in that portion of the state.

The refuge, totaling 71,217 acres, is located in the Tensas River Basin in northeast Louisiana, approximately 60 miles east of Monroe, Louisiana, and 25 miles west of Vicksburg, Mississippi. The office/visitor center and maintenance facilities are located on the

refuge approximately 12 miles southwest of Tallulah, Louisiana.

**FOR FURTHER INFORMATION CONTACT:** Tina Chouinard, Natural Resource Planner, Central Louisiana National Wildlife Refuge Complex, telephone: 318/253-4238; fax: 318/253-7139; e-mail: [tina\\_chouinard@fws.gov](mailto:tina_chouinard@fws.gov) or mail (write to the Natural Resource Planner at address in **ADDRESSES** section).

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

Dated: August 9, 2006.

**Cynthia K. Dohen,**

*Acting Regional Director.*

[FR Doc. 06-7503 Filed 9-7-06; 8:45 am]

**BILLING CODE 4310-55-M**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Clean Water Act, Clean Air Act, and the Emergency Planning and Community Right-to-Know Act

Under the policy set out as 28 CFR 50.7, notice is hereby given that on August 31, 2006, the United States lodged with the United States District Court for the Northern District of Iowa, Eastern Division, a proposed consent decree ("Consent Decree") in the case of *United States v. AgriProcessors, Inc.*, Civ. A. No. C04-1037-LRR.

The Consent Decree settles claims by the United States, pursuant to Sections 301 and 307 of the Clean Water Act ("CWA"), 33 U.S.C. 1311 and 1317; Section 112(r) of the Clean Air Act ("CAA"), 42 U.S.C. 7412(r); and Sections 312 and 313 of the Emergency Planning and Community Right-to-Know Act ("EPCRA"), 42 U.S.C. 11022 and 11023, against AgriProcessors, Inc. ("Agri"), regarding its meat processing plant in Postville, Iowa. A complaint filed in December 2004 alleged, *inter alia*, that Agri (1) contributed wastewater from its plant to the City of Postville's publicly owned treatment works in violation of Section 307 of the CWA; (2) failed to properly submit emergency and hazardous chemical inventory forms and other records in violation of Sections 312(a) and 313 of EPCRA; and (3) failed to properly develop and implement a risk management program in violation of Section 112(r) of the CAA.

Under the Consent Decree, Agri agrees to resolve the United States' claims for a civil penalty and a Supplemental Environmental Project ("SEP"). For the SEP, Agri will expend at least \$12,330 to purchase certain emergency response

equipment needed by the City of Postville Fire Department. Agri will pay the cash penalty, \$590,756, over a two-year period with interest. In addition, Agri agrees to perform an environmental compliance audit at its Postville facility, to assess current compliance with the CAA and EPCRA, including applicable state analogues. Agri will also perform an environmental compliance audit at its new meat processing facility in Gordon, Nebraska, to assess current compliance with all applicable Federal and state environmental requirements.

The Department of Justice will receive comments relating to the Consent Decree for a period ending on October 5, 2006. Comments must be submitted by close of business on October 5, 2006, and should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. AgriProcessors, Inc.*, DOJ Ref. No. 90-5-1-1-08078/2.

The Consent Decree may be examined at the offices of the United States Attorney, Northern District of Iowa, 401 First Street, SE., Hach Building, Suite 400, Cedar Rapids, IA 52401-1825, and at the offices of U.S. EPA Region 7, 901 N. 5th Street, Kansas City, KS 66101.

During the public comment period, the Consent Decree may also be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/open.html>. A copy of the Consent 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](mailto: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 \$12.25 (25 cents per page reproduction cost) payable to the U.S. Treasury).

**Maureen M. Katz,**

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

[FR Doc. 06-7515 Filed 9-7-06; 8:45 am]

**BILLING CODE 4410-15-M**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Partial Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA")

Consistent with Section 122(d) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. 9622(d), and 28 CFR 50.7, notice is hereby given that on September 1, 2006, a proposed Partial Consent Decree with Gerdau Ameristeel US Inc. in *United States v. American Cyanamid, et al.*, Nos. 1:02-CV-109-1 and 1:03-CV-122-3 (M.D. Ga.), was lodged with the United States District Court for the Middle District of Georgia.

In this action, the United States seeks to recover from various defendants, pursuant to Sections 107 and 113(g)(2) of CERCLA, 42 U.S.C. 9607 and 9613(g)(2), the costs incurred and to be incurred by the United States in responding to the release and/or threatened release of hazardous substances at and from the Stoller Chemical Company/Pelham Phosphate Company Site ("Site") in Pelham, Mitchell County, Georgia. Under the proposed Partial Consent Decree, Defendant Gerdau Ameristeel US Inc. will pay \$7,250,000 to the Hazardous Substances Superfund in reimbursement of the costs incurred by the United States at the Site.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Partial Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. American Cyanamid, et al.*, (M.D. Ga.) (Partial Consent Decree with Gerdau Ameristeel US Inc., DOJ Ref. No. 90-11-3-07602).

The Partial Consent Decree may be examined at the Office of the United States Attorney, Middle District of Georgia, Cherry St. Galleria, 4th Floor, 433 Cherry St., Macon, GA 31201 ((478) 752-3511), and at U.S. EPA Region 4, Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, Georgia 30303 (contact Bonnie Sawyer, Esq. (404) 562-9539). During the public comment period, the Partial Consent Decree may also be examined on the following Department of Justice Web site, [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). A copy of the Partial Consent Decree may also be