

York Field Office at 3817 Luker Road, Cortland, New York. Additionally, the Draft RP will be available for review at the following Web site link: <http://nyfo.fws.gov/ec/CorteseDRP.pdf>.

Written comments will be considered and addressed in the final RP/ Environmental Assessment at the conclusion of the restoration planning process.

**Author:** The primary author of this notice is Ken Karwowski, U.S. Fish and Wildlife Service, New York Field Office, 3817 Luker Road, Cortland, New York 13045.

**Authority:** The authority for this action is the CERCLA of 1980 as amended, commonly known as Superfund, (42 U.S.C. 9601 *et seq.*), and the Natural Resource Damage Assessment Regulations found at 43 CFR, part 11.

Dated: June 5, 2006.

**Kathleen Bangert,**

*Acting Regional Director, Region 5, U.S. Fish and Wildlife Service, U.S. Department of the Interior, DOI Authorized Official.*

[FR Doc. E6-9567 Filed 6-16-06; 8:45 am]

**BILLING CODE 4310-55-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Notice of Availability, Draft Restoration Plan

**AGENCY:** U.S. Fish and Wildlife Service, Department of the Interior.

**ACTION:** Notice of availability.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service), on behalf of the Department of the Interior (DOI), the National Oceanic and Atmospheric Administration (NOAA), and the New York State Department of Environmental Conservation (NYSDEC), as natural resource trustees, announces the release for public review of the Draft Restoration Plan (RP) for the Mattiace Petrochemical Superfund Site (Site). The Draft RP presents a preferred alternative, consisting of a single restoration project that compensates for impacts to natural resources caused by contaminant releases and remedial activities associated with the Site.

**DATES:** Written comments must be submitted on or before July 19, 2006.

**ADDRESSES:** Requests for copies of the Draft RP may be made to: U.S. Fish and Wildlife Service, New York Field Office, 3817 Luker Road, Cortland, New York 13045.

Written comments or materials regarding the Draft RP should be sent to the same address.

**FOR FURTHER INFORMATION CONTACT:** Ken Karwowski, Environmental Contaminants Program, U.S. Fish and Wildlife Service, New York Field Office, 3817 Luker Road, Cortland, New York 13045. Interested parties may also call 607-753-9334 or e-mail [Ken\\_Karwowski@fws.gov](mailto:Ken_Karwowski@fws.gov) for further information.

**SUPPLEMENTARY INFORMATION:** During the period of March 1996 through December 2000, natural resource damage settlements were achieved for the Site. NOAA and the State of New York were settling Trustees with the Department of the Interior. A variety of hazardous chemicals were discharged from the Site into Glen Cove Creek located in the Town of Oyster Bay, Nassau County New York. Chemical releases and remedial activities at the Site adversely affected natural resources such as anadromous, catadromous, euryhaline and marine finfish, shellfish and invertebrates, waterfowl, other migratory birds, and reptiles. The funds available from the settlement for restoration activities total approximately \$155,000.

The Draft RP is being released in accordance with the CERCLA of 1980 as amended, commonly known as Superfund (42 U.S.C. 9601 *et seq.*), the Natural Resource Damage Assessment Regulations found at 43 CFR, part 11, and the National Environmental Policy Act. It is intended to describe the Trustees' proposal to restore natural resources injured at the Site and evaluate the potential impacts of the project.

The Draft RP describes a number of habitat restoration and protection alternatives and discusses the environmental consequences of each. The restoration effort with the greatest potential to restore natural resources and services that were injured by contaminants or remedial activities is preferred. Based on an evaluation of the various restoration alternatives, the preferred alternative consists of a single restoration project involving tidal marsh/wetland restoration and protection.

Interested members of the public are invited to review and comment on the Draft RP. Copies of the Draft RP are available for review at the Service's New York Field Office at 3817 Luker Road, Cortland, New York. Additionally, the Draft RP will be available for review at the following Web site link: <http://nyfo.fws.gov/ec/MattiaceDRP.pdf>. Written comments will be considered and addressed in the final RP/ Environmental Assessment at the

conclusion of the restoration planning process.

**Author:** The primary author of this notice is Ken Karwowski, U.S. Fish and Wildlife Service, New York Field Office, 3817 Luker Road, Cortland, New York 13045.

**Authority:** The authority for this action is the CERCLA of 1980 as amended, commonly known as Superfund, (42 U.S.C. 9601 *et seq.*), and the Natural Resource Damage Assessment Regulations found at 43 CFR, part 11.

Dated: June 5, 2006.

**Kathleen Bangert,**

*Acting Regional Director, Region 5, U.S. Fish and Wildlife Service, U.S. Department of the Interior, DOI Authorized Official.*

[FR Doc. E6-9566 Filed 6-16-06; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Notice of Availability of Final Comprehensive Conservation Plan (CCP) for Maxwell National Wildlife Refuge, Maxwell, NM

**AGENCY:** Fish and Wildlife Service, Department of the Interior.

**ACTION:** Notice of availability.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service) announces that the Final CCP for the Maxwell National Wildlife Refuge is available. This CCP was prepared pursuant to the National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 668dd-668ee *et seq.*), and the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4370d). Goals and objectives in the CCP describe how the Service intends to manage the refuge over the next 15 years.

**ADDRESSES:** Copies of the CCP are available on compact disk or in hard copy, and can be obtained by writing: U.S. Fish and Wildlife Service, Attn: Carol Torrez, Division of Planning, P.O. Box 1306, Albuquerque, New Mexico, 87103-1306. It will be available for viewing or downloaded online at <http://www.fws.gov/southwest/refuges/plan/index.html>.

**FOR FURTHER INFORMATION CONTACT:** Patty Hoban, Refuge Manager, Maxwell National Wildlife Refuge, P.O. Box 276, Maxwell, New Mexico 87728; telephone: 505-375-2331; or Carol Torrez, Biologist/Natural Resource Planner, U.S. Fish and Wildlife Service, Division of Planning, P.O. Box 1306, Albuquerque, New Mexico, 87103-

1306; telephone: 505-248-6821; e-mail: [carol\\_torrez@fws.gov](mailto:carol_torrez@fws.gov).

**SUPPLEMENTARY INFORMATION:** The Maxwell National Wildlife Refuge is located in Colfax County, in northeastern New Mexico. This 3,699 acre refuge is comprised of 2,300 acres of grassland; 907 acres of lakes (which are leased from Vermejo Conservancy District); 50 acres of wetlands; 39 acres of woodlots; 440 acres of croplands; several miles of irrigation canals; and 10 acres of administrative lands. It was established on August 24, 1965 by the authority of the Migratory Bird Conservation Act of 1929 (16 U.S.C. 712d) “\* \* \* for use as an inviolate sanctuary, or any other management purpose, for migratory birds.” The refuge provides important habitat for numerous migratory waterfowl and neotropical bird species, as well as other resident wildlife.

The National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 668dd-668ee *et seq.*), requires the Service to develop a CCP for each national wildlife refuge. The purpose of developing CCPs 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 science, conservation, legal mandates, and Service policies. In addition to outlining broad management direction on conserving wildlife and their habitats, the CCPs identify wildlife-dependent recreational opportunities available to the public, including opportunities for hunting, fishing, wildlife observation and photography, and environmental education and interpretation. These CCPs will be reviewed and updated at least every 15 years in accordance with the National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997, and the National Environmental Policy Act of 1969.

The availability of Maxwell NWR's Draft CCP and Environmental Assessment (EA) for a 60-day public review and comment period was announced in the **Federal Register** on December 23, 2005 (70 FR 76323). The Draft CCP/EA identified and evaluated three alternatives for managing the refuge for the next 15 years. Alternative A, the No Action Alternative, would have continued current management of the refuge. Alternative B, the Preferred Alternative, would implement a variety

of management activities (farming, prescribed burning, experimental grazing, and mechanical and chemical invasive species control methods) to improve habitat and benefit a wide variety of wildlife species that use the refuge. Alternative C proposes to manage Maxwell NWR as part of a complex with Las Vegas NWR and turn all farming efforts over to cooperative farmers. Based on this assessment and comments received, the Preferred Alternative (Alternative B) was selected for implementation. This alternative was selected because it best meets the purposes and goals of the refuge, as well as the goals of the National Wildlife Refuge System. Management of the refuge for the next 15 years will focus on farming to provide food for migrating and wintering waterfowl, encouraging ecological integrity, promoting native prairie restoration, controlling invasive plant species, and enhancing habitat for grassland birds and other resident wildlife. Opportunities for wildlife-dependent activities such as observation, photography, environmental education, and interpretation will be enhanced. Partnerships with county, state, and Federal agencies, private landowners, and conservation groups will also enable the refuge to achieve its goals and objectives, minimize costs, and bridge relationships with others.

Dated: April 14, 2006.

**Geoffrey L. Haskett,**

*Acting Regional Director, U.S. Fish and Wildlife Service, Albuquerque, New Mexico.*

[FR Doc. E6-9569 Filed 6-16-06; 8:45 am]

**BILLING CODE 4310-55-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 051906E]

#### **Notice of Intent to Conduct Public Scoping and to Prepare an Environmental Impact Statement Related to the City of Kent, Washington (WA), Clark Springs Water Supply System Habitat Conservation Plan**

**AGENCY:** Fish and Wildlife Service (FWS), Interior; National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice; scoping meetings.

**SUMMARY:** The U.S. Fish and Wildlife Service and the National Marine Fisheries Service (Services) advise interested parties of their intent to conduct public scoping under the National Environmental Policy Act (NEPA) to gather information to prepare an Environmental Impact Statement (EIS) related to a permit application from the City of Kent, WA, for the incidental take of listed species. The permit application would be associated with the Clark Springs Water Supply System Habitat Conservation Plan, in Rock Creek, near Kent, WA.

**DATES:** The public scoping meeting will be held on June 29, 2006, from 6—8 p.m. in Kent, WA.

Written comments should be received on or before August 3, 2006.

**ADDRESSES:** The public scoping meeting will be held in the Kent City Hall Council Chambers, 220 Fourth Avenue South, Kent, WA 98032.

All comments concerning the preparation of the EIS and the NEPA process should be addressed to: Tim Romanski, FWS, 510 Desmond Drive SE, Suite 102, Lacey, WA 98503-1263, facsimile (360)753-9518, or John Stadler, NMFS, 510 Desmond Drive SE, Suite 103, Lacey, WA 98503-1273, facsimile (360)753-9517. Comments may be submitted by e-mail to the following address:

[KentHCP.nwr@noaa.gov](mailto:KentHCP.nwr@noaa.gov). In the subject line of the e-mail, include the document identifier: The City of Kent HCP - EIS.

**FOR FURTHER INFORMATION CONTACT:** Tim Romanski, FWS (360)753-5823; or John Stadler, NMFS (360)753-9576.

#### **SUPPLEMENTARY INFORMATION:**

##### **Statutory Authority**

Section 9 of the Endangered Species Act (ESA) (16 U.S.C. 1538) and implementing regulations prohibit the taking of animal species listed as endangered or threatened. The term “take” is defined under the ESA (16 U.S.C. 1532(19)) as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. “Harm” is defined by FWS regulation to include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, and sheltering (50 CFR 17.3). NMFS’ definition of “harm” includes significant habitat modification or degradation where it actually kills or injures fish or wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, spawning,