

60246, the third column correct the **DATES** section to read:

**DATES:** The public comment period for the DEIS will end 70 days after publication of an NOA in the **Federal Register** by the U.S. Environmental Protection Agency.

On page 60247, first column, lines 25–26, correct to read:  
[www.mcphersonredevelopment.com](http://www.mcphersonredevelopment.com).

On page 60247, second column, lines 24–27, correct to read: at <http://www.mcphersonredevelopment.com> and [http://www.hqda.army.mil/acsimweb/brac/nepa\\_eis\\_docs.htm](http://www.hqda.army.mil/acsimweb/brac/nepa_eis_docs.htm).

Dated: October 10, 2008.

**H.E. Wolfe,**

*Principal Assistant, Deputy Assistant Secretary of the Army (Environment, Safety and Occupational Health).*

[FR Doc. E8–24717 Filed 10–16–08; 8:45 am]

**BILLING CODE 3710–08–M**

## DEPARTMENT OF DEFENSE

### Department of the Army; Corps of Engineers

#### Intent To Prepare an Environmental Impact Statement on an Application for a Department of the Army Permit under Section 404 of the Clean Water Act by the Upper Trinity Regional Water District for the Construction of Lake Ralph Hall, a Proposed 7,605-Surface-Acre Water Supply Reservoir in Fannin County, TX

**AGENCY:** Department of the Army, U. S. Army Corps of Engineers, DoD.

**ACTION:** Notice of intent.

**SUMMARY:** The U.S. Army Corps of Engineers, Fort Worth District (USACE) has received an application for a Department of the Army permit under Section 404 of the Clean Water Act (CWA) from the Upper Trinity Regional Water District (UTRWD) to construct Lake Ralph Hall. In accordance with the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 et seq.), the USACE has determined that issuance of such a permit may have a significant impact on the quality of the human environment and, therefore, requires the preparation of an Environmental Impact Statement (EIS).

The USACE intends to prepare an EIS to assess the environmental, social, and economic effects of issuance of a Department of the Army permit under Section 404 of the CWA for discharges of dredged and fill material into waters of the United States (U.S.) associated with the construction of the proposed water supply reservoir. In the EIS, the

USACE will assess potential impacts associated with a range of alternatives.

**DATES:** A public scoping meeting was held on Tuesday, April 15, 2008, from 4 p.m. to 8:30 p.m. The purpose of this meeting was to disseminate information about the proposed project and its potential effects to the human environment, and to seek public comments on the proposed project.

**ADDRESSES:** The public scoping meeting was held at the Fannindel High School, Located at 601 West Main Street, Ladonia, Fannin County, TX.

**FOR FURTHER INFORMATION CONTACT:** For further information and/or questions about the proposed action and EIS, please contact Ms. Mary J. Flores, Regulatory Project Manager, by letter at Regulatory Branch, CESWF-PER-R, U.S. Army Corps of Engineers, P.O. Box 17300, Fort Worth, TX 76102-0300 or by telephone at (817) 886-1739.

#### SUPPLEMENTARY INFORMATION:

##### 1. *Description of the Proposed Project:*

The proposed Lake Ralph Hall would be located north of the City of Ladonia, Fannin County, TX. The proposed project site consists of approximately 11,200 acres, including approximately 505 acres associated with the proposed dam, principal spillway, emergency spillway, raw water intake structure and pump station, and approximately 7,605 acres associated with the proposed conservation pool. The proposed dam would be located on the North Sulphur River approximately 4.8 miles northeast of the City of Ladonia and 22.5 miles southeast of the City of Bonham, between State Highway 34 and Farm-to-Market Road 904 in Fannin County, TX. The proposed project would involve the discharge of dredged and fill material into approximately 14.3 acres of waters of the U.S. associated with the construction of the proposed Lake Ralph Hall dam, principal spillway, and emergency spillway. The proposed project would inundate approximately 325 acres of the North Sulphur River and its tributaries associated with the establishment of an approximately 7,603-acre conservation pool with an elevation of 551 feet mean sea level. Overall, the proposed project would adversely impact approximately 339.3 acres of waters of the U.S. associated with filling, clearing, excavation, and inundation.

The purpose of the proposed project is to provide water for approximately 33 towns, cities, and utility districts in portions of Collin, Cooke, Dallas, Denton, Fannin, Grayson and Wise Counties. The UTRWD has requested the right to impound up to 180,000 acre-feet of water. The Lake Ralph Hall

conservation pool would impound approximately 160,235 acre-feet of water and would provide a firm yield of up to 45,000 acre-feet per year.

The proposed project would likely adversely impact 339.3 acres of waters of the U.S. as a result of dam construction and inundation of areas within the conservation pool. Waters of the U.S. affected would include the following: Approximately 57,858 linear feet (135 acres) along intermittent reaches of the North Sulphur River, 549,009 linear feet (131.8 acres) of named and unnamed ephemeral tributaries of the North Sulphur River, and 72.5 acres of on-channel ponds. Approximately 1,900 acres of young and mature upland forested areas are present within the approximately 11,200-acre proposed project site. The Caddo-Lyndon B. Johnson (CLBJ) National Grasslands—Ladonia Unit, which is comprised of 2,780 acres, is located within the vicinity of the proposed project site. The proposed conservation pool would inundate approximately 254 acres within this unit. The CLBJ National Grasslands are administered by the U.S. Forest Service and managed under a cooperative agreement with the Texas Parks and Wildlife Department.

2. *Alternatives:* Alternatives available to the USACE are to: (1) Issue the Department of the Army permit; (2) issue the Department of the Army permit with special conditions; or (3) deny the Department of the Army permit. Alternatives available to UTRWD include: (1) Constructing Lake Ralph Hall as proposed by UTRWD; (2) constructing Lake Ralph Hall as proposed by UTRWD, with modifications; (3) developing or acquiring other water supply sources; or (4) no action.

3. *Scoping and Public Involvement Process:* A public scoping meeting to disseminate information about the proposed project and its potential effects to the human environment, and to seek public comments on the proposed project was conducted (see **DATES & ADDRESSES**). A Public Notice was issued on October 10, 2008, to extend the opportunity for federal, state, and local agencies and officials, and interested individuals to further comment on the proposed project and the scope of the EIS.

4. *Significant Issues:* Issues to be given significant analysis in the EIS are likely to include, but will not be limited to: the effects of the lake on the immediate and adjacent property owners, nearby communities, downstream hydraulics and hydrology, streams, wetlands, surface water quantity and quality, groundwater

quantity and quality, geologic resources, vegetation, fish and wildlife, threatened and endangered species, soils, prime farmland, noise, light, aesthetics, historic and pre-historic cultural resources, socioeconomic, land use, public roads, and air quality.

5. *Cooperating Agencies:* At this time, no other federal or state agencies have been established as cooperating agencies in preparation of the EIS. However, numerous federal and state agencies, including the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service, the Texas Commission on Environmental Quality, the Texas Parks and Wildlife Department, the Texas Historical Commission, and the U.S. Forest Service are expected to be involved in the preparation of, and provide comments on, the EIS.

6. *Additional Review and Consultation:* Compliance with other federal and state requirements that will be addressed in the EIS include, but will not be limited to, state water quality certification under Section 401 of the Clean Water Act, protection of water quality under the Texas Pollutant Discharge Elimination System, protection of air quality under the Texas Air Quality Act, protection of endangered and threatened species under Section 7 of the Endangered Species Act, and protection of cultural resources under Section 106 of the National Historic Preservation Act.

7. *Availability of the Draft EIS:* The Draft EIS is projected to be available by June 2009. A public hearing will be conducted following the release of the Draft EIS.

**Brenda S. Bowen,**

*Army Federal Register Liaison Officer.*

[FR Doc. E8-24818 Filed 10-16-08; 8:45 am]

**BILLING CODE 3720-58-P**

## DEPARTMENT OF DEFENSE

### Department of the Army; Corps of Engineers

#### Inland Waterways Users Board

**AGENCY:** Department of the Army, U.S. Army Corps of Engineers, DoD.

**ACTION:** Notice of open meeting.

**SUMMARY:** In Accordance with 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the forthcoming meeting.

*Name of Committee:* Inland Waterways Users Board (Board).

*Date:* November 18, 2008.

*Location:* Chicago Marriott O'Hare, 8535 West Higgins Road, Chicago,

Illinois 60631, (773-693-4444 or 800-228-9290).

*Time:* Registration will begin at 8:30 a.m. and the meeting is scheduled to adjourn at 1 p.m.

*Agenda:* The Board will hear briefings on the status of the funding for inland navigation projects and studies, an assessment of the Inland Waterways Trust Fund, and a preliminary plan for a future business model for inland waterways projects.

**FOR FURTHER INFORMATION CONTACT:** Mr. Mark R. Pointon, Headquarters, U.S. Army Corps of Engineers, CECW-IP, 441 G Street, NW., Washington, DC 20314-1000; Ph: 202-761-4258.

**SUPPLEMENTARY INFORMATION:** The meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee.

**Brenda S. Bowen,**

*Army Federal Register Liaison Officer.*

[FR Doc. E8-24679 Filed 10-16-08; 8:45 am]

**BILLING CODE 3720-58-P**

## DEPARTMENT OF EDUCATION

### Title III of the Elementary and Secondary Education Act of 1965 (ESEA), as Amended by the No Child Left Behind Act of 2001 (NCLB)

**AGENCY:** Office of English Language Acquisition, U.S. Department of Education.

**ACTION:** Notice of final interpretations.

**SUMMARY:** In a notice of proposed interpretations published on May 2, 2008, the Secretary of Education (Secretary) proposed interpretations of several provisions of Title III of the ESEA regarding the annual administration of English language proficiency (ELP) assessments to limited English proficient (LEP) students served by Title III, the establishment and implementation of annual measurable achievement objectives (AMAOs) for States and subgrantees receiving Title III funds, and State and local implementation of Title III accountability provisions. This notice of final interpretations provides the Secretary's final interpretation for each of the ten proposed interpretations.

**DATES:** These final interpretations are effective November 17, 2008.

**FOR FURTHER INFORMATION CONTACT:** Richard L. Smith, Office of English Language Acquisition, U.S. Department of Education, 400 Maryland Avenue, SW., room 5C-132, Washington, DC 20202. Telephone: (202) 401-1402.

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1-800-877-8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotope, or computer diskette) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

## SUPPLEMENTARY INFORMATION:

### Background

*General.* The intent of this notice of final interpretations (notice) is to ensure that all States understand and implement the requirements of Title III in accordance with the Secretary's "bright-line" principles of NCLB—including annual assessments of and accountability for all students—as they apply to the implementation of Title III of the ESEA.

One of the key goals of Title III of the ESEA is to ensure that LEP students attain English language proficiency, attain high levels of academic achievement in English, and meet the same challenging State academic content and student academic achievement standards that all children are expected to meet. To achieve this goal, Title III grants provide States and their subgrantees<sup>1</sup> with funds to implement language instruction educational programs to help LEP students acquire English and achieve at high levels in the core academic subjects.

Title III subgrantees are required to use Title III funds to support (1) high-quality professional development designed to improve services to LEP students, and (2) high-quality language instruction educational programs that are designed to increase the English proficiency and academic achievement of LEP students. Title III does not require subgrantees to use a specific or particular curriculum or approach to language instruction, except that the language instruction must be, as required in section 3113(b)(6) of the ESEA, tied to scientifically based research on teaching LEP students and demonstrated to be effective.

With the enactment of NCLB, States for the first time were required to

<sup>1</sup> This notice refers to "subgrantees" throughout, consistent with the language in Title III of the ESEA, to refer to entities receiving Title III, Part A subgrants. The vast majority of subgrantees under Title III are local educational agencies (LEAs). However, subgrantees may also include groups of LEAs in which one or more LEAs is too small to be individually eligible to apply for a Title III grant; such LEAs may join together to form consortia in order to qualify to receive the minimum amount of a Title III subgrant, \$10,000.