

<i>To submit comments:</i>	<i>Send them to:</i>
By e-mail	<i>pubcomment-ees.enrd@usdoj.gov.</i>
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the proposed Modification to the 2011 Consent Decree may be examined and downloaded at this Justice Department Web site: <http://www.justice.gov/enrd/consent-decrees>. We will provide a paper copy of the proposed Modification to the 2011 Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for \$5.00 (25 cents per page reproduction cost) payable to the United States Treasury.

Robert E. Maher Jr.,

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

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DEPARTMENT OF JUSTICE

Notice of Lodging Proposed Consent Decree

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree and Stipulation and Order in *United States, et al. v. James C. Justice, II, et al.*, No. 1:15–cv–16018, were lodged with the United States District Court for the Southern District of West Virginia (Bluefield Division) on December 10, 2015.

The proposed Consent Decree and Stipulation and Order concern a complaint filed by the United States and the State of West Virginia, by and through the West Virginia Department of Environmental Protection, against James C. Justice, II, the James C. Justice Companies, Inc., and High Mountain Living, LLC, pursuant to 33 U.S.C. 1311, 1319 and 1344, and the West Virginia Water Pollution Control Act, W. Va. Code Chapter 22, Article 11, *et seq.*, to obtain injunctive relief from and impose civil penalties against the Defendants for violating the Clean Water Act by discharging pollutants without a permit into waters of the United States. The proposed Consent Decree resolves these allegations against Defendants James C.

Justice, II and the James C. Justice Companies, Inc. by requiring the Defendants to restore the impacted areas, perform mitigation as needed, and pay a civil penalty. The Stipulation and Order resolves the allegations against Defendant High Mountain Living, LLC by requiring the payment of a civil penalty.

The Department of Justice will accept written comments relating to the proposed Consent Decree and Stipulation and Order for thirty (30) days from the date of publication of this Notice. Please address comments to Austin D. Saylor, Trial Attorney, United States Department of Justice, Environment and Natural Resources Division, Environmental Defense Section, Post Office Box 7611, Washington, DC 20044, and refer to *United States, et al. v. James C. Justice, II, et al.*, DJ #90–5–1–1–20019.

The proposed Consent Decree and Stipulation and Order may be examined at the Clerk's Office, United States District Court for the Southern District of West Virginia (Bluefield Division), 601 Federal Street, Room 2303, Bluefield, WV 24701. In addition, the proposed Consent Decree and Stipulation and Order may be examined electronically at <http://www.justice.gov/enrd/consent-decrees>.

Cherie L. Rogers,

Assistant Section Chief, Environmental Defense Section, Environment and Natural Resources Division.

[FR Doc. 2015–32110 Filed 12–21–15; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

Labor Certification Process for the Temporary Employment of Aliens in Agriculture in the United States: 2016 Adverse Effect Wage Rates

AGENCY: Employment and Training Administration, Department of Labor.

ACTION: Notice.

SUMMARY: The Employment and Training Administration (ETA) of the Department of Labor (Department) is issuing this notice to announce the 2016 Adverse Effect Wage Rates (AEWRs) for the employment of temporary or seasonal nonimmigrant foreign workers (H–2A workers) to perform agricultural labor or services.

AEWRs are the minimum wage rates the Department has determined must be offered and paid by employers to H–2A workers and workers in corresponding

employment for a particular occupation and area so that the wages of similarly employed U.S. workers will not be adversely affected. In this notice, the Department announces the annual update of the AEWRs which must be paid for agricultural work performed by H–2A and U.S. workers on or after the effective date of this notice.

DATES: *Effective Date:* This notice is effective December 22, 2015.

FOR FURTHER INFORMATION CONTACT:

William W. Thompson, II, Acting Administrator, Office of Foreign Labor Certification, U.S. Department of Labor, Box 12–200, 200 Constitution Avenue NW., Washington, DC 20210. Telephone: 202–513–7350 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The U.S. Citizenship and Immigration Services of the Department of Homeland Security will not approve an employer's petition for the admission of H–2A nonimmigrant temporary agricultural workers in the U.S. unless the petitioner has received from the Department an H–2A labor certification. The labor certification provides that: (1) There are not sufficient U.S. workers who are able, willing, and qualified and who will be available at the time and place needed to perform the labor or services involved in the petition; and (2) the employment of the foreign worker(s) in such labor or services will not adversely affect the wages and working conditions of workers in the U.S. similarly employed. 8 U.S.C. 1101(a)(15)(H)(ii)(a), 1184(c)(1), and 1188(a); 8 CFR 214.2(h)(5); 20 CFR 655.100.

Adverse Effect Wage Rates for 2016

The Department's H–2A regulations at 20 CFR 655.120(l) provide that employers must pay their H–2A workers and workers in corresponding employment at least the highest of: (1) The AEWR; (2) the prevailing hourly wage rate; (3) the prevailing piece rate; (4) the agreed-upon collective bargaining wage rate, if applicable; or (5) the Federal or State minimum wage rate, in effect at the time the work is performed.

Except as otherwise provided in 20 CFR part 655, subpart B, the region-wide AEWR for all agricultural employment (except those occupations characterized by other than a reasonably regular workday or workweek as described in 20 CFR 655.102) for which temporary H–2A certification is being sought is equal to the annual weighted average hourly wage rate for field and livestock workers (combined) in the State or region as published annually by the United States Department of