

integrity of DHS or is necessary to demonstrate the accountability of DHS's officers, employees, or individuals covered by the system, except to the extent it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**DISCLOSURE TO CONSUMER REPORTING**

**AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records in this system are stored electronically or on paper in secure facilities in a locked drawer behind a locked door. The records are stored on magnetic disc, tape, digital media, and CD-ROM.

**RETRIEVABILITY:**

Records may be retrieved by the employee/guardian's name and by the child's name.

**SAFEGUARDS:**

Records in this system are safeguarded in accordance with applicable rules and policies, including all applicable DHS automated systems security and access policies. Strict controls have been imposed to minimize the risk of compromising the information that is being stored. Access to the computer system containing the records in this system is limited to those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions.

**RETENTION AND DISPOSAL:**

Child's record file is destroyed three years after date of last action. Registration/medical forms may be sent to another facility if a child transfers. Child Care Food Program eligibility records are transferred to an audit file at the end of each year where they are not retrieved by child's name. Records subject to an audit are destroyed after three years or after being audited, whichever is sooner.

**SYSTEM MANAGER AND ADDRESS:**

For Headquarters components of DHS, the System Manager is the Director of Departmental Disclosure, Department of Homeland Security, Washington, DC 20528. For components of DHS, the System Manager can be found at <http://www.dhs.gov/foia> under "contacts."

**NOTIFICATION PROCEDURE:**

Individuals seeking notification of and access to any record contained in

this system of records, or seeking to contest its content, may submit a request in writing to the Headquarters' or component's FOIA Officer, whose contact information can be found at <http://www.dhs.gov/foia> under "contacts." If an individual believes more than one component maintains Privacy Act records concerning him or her the individual may submit the request to the Chief Privacy Officer, Department of Homeland Security, 245 Murray Drive, SW., Building 410, STOP-0550, Washington, DC 20528.

When seeking records about yourself from this system of records or any other Departmental system of records your request must conform with the Privacy Act regulations set forth in 6 CFR part 5. You must first verify your identity, meaning that you must provide your full name, current address and date and place of birth. You must sign your request, and your signature must either be notarized or submitted under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury as a substitute for notarization. While no specific form is required, you may obtain forms for this purpose from the Director, Disclosure and FOIA, <http://www.dhs.gov> or 1-866-431-0486. In addition you should provide the following:

- An explanation of why you believe the Department would have information on you,
- Identify which component(s) of the Department you believe may have the information about you,
- Specify when you believe the records would have been created,
- Provide any other information that will help the FOIA staff determine which DHS component agency may have responsive records,
- If your request is seeking records pertaining to another living individual, you must include a statement from that individual certifying his/her agreement for you to access his/her records.

Without this bulleted information the component(s) may not be able to conduct an effective search, and your request may be denied due to lack of specificity or lack of compliance with applicable regulations.

**RECORD ACCESS PROCEDURES:**

See "Notification procedure" above.

**CONTESTING RECORD PROCEDURES:**

See "Notification procedure" above.

**RECORD SOURCE CATEGORIES:**

Records are generated from guardians and child's medical care providers.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

Dated: September 23, 2008.

**Hugo Teufel III,**

*Chief Privacy Officer, Department of Homeland Security.*

[FR Doc. E8-23306 Filed 10-2-08; 8:45 am]

**BILLING CODE 4410-10-P**

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

[FWS-R1-ES-2008-N0222; 81440-1112-0000 ABC Code F2]

**Endangered and Threatened Wildlife and Plants; Incidental Take Permits in Santa Cruz County, CA**

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

**ACTION:** Notice of receipt of applications for permit.

**SUMMARY:** We, the Fish and Wildlife Service (Service), announce the availability of five Incidental Take Permit applications and Habitat Conservation Plans (HCPs) under section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The applicants collectively anticipate removing a total of approximately 2.04 acres of Mount Hermon June beetle (*Polyphylla barbata*) occupied habitat, and one HCP also includes the federally endangered Ben Lomond spineflower (*Chorizanthe pungens* var. *hartwegiana*) as a covered species. We are requesting comments on the permit applications and on our preliminary determination that the proposed HCPs qualify as "low effect" HCPs, eligible for a categorical exclusion under the National Environmental Policy Act of 1969, as amended.

**DATES:** Written comments should be received on or before November 3, 2008.

**ADDRESSES:** Please address written comments to Diane Noda, Field Supervisor, Ventura Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2493 Portola Road, Suite B, Ventura, California 93003. You may also send comments by facsimile to (805) 644-3958. To obtain copies of draft documents, see "Availability of Documents" under **SUPPLEMENTARY INFORMATION**.

**FOR FURTHER INFORMATION CONTACT:** Jen Lechuga, HCP Coordinator (*see ADDRESSES*), telephone: (805) 644-1766 extension 224.

**SUPPLEMENTARY INFORMATION:**

**Availability of Documents**

You may obtain copies of the applications and HCPs by contacting the HCP Coordinator (*see FOR FURTHER*

**INFORMATION CONTACT).** Documents will also be available for review by appointment, during normal business hours, at the Ventura Fish and Wildlife Office (see **ADDRESSES**), or via the Internet at: <http://www.fws.gov/ventura>.

### Background

Section 9 of the Act (16 U.S.C. 1531 *et seq.*) and Federal regulations prohibit the “take” of fish or wildlife species listed as endangered or threatened, respectively. Take of listed fish or wildlife is defined under the Act to mean to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. However, the Service, under limited circumstances, may issue permits to cover incidental take, i.e., take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity. Regulations governing incidental take permits for threatened and endangered species are found at 50 CFR 17.32 and 17.22, respectively. Among other criteria, issuance of such permits must not jeopardize the existence of federally listed fish, wildlife, or plants.

We announce the availability of five Incidental Take Permit (ITP) applications and Habitat Conservation Plans (HCPs) from the following five applicants: Blake Lane LLP, Larry Busch, Jim Sisk, Richard and Carolyn Tinkess, and Ed and Lita West. Blake Lane LLP, Larry Busch, and Jim Sisk each request an ITP for a duration of 5 years; Richard and Carolyn Tinkess and Ed and Lita West each request an ITP for a duration of 3 years, under section 10(a)(1)(B) of the Act. The applicants collectively anticipate removing a total of approximately 2.04 acres of Mount Hermon June beetle (*Polyphylla barbata*) occupied habitat incidental to constructing six condominiums, nine single-family homes, one single-family home relocation, and an addition to an existing single-family home in Santa Cruz County, California (Projects).

The applicants’ HCPs describe the mitigation and minimization measures the applicants propose to address the effects of the Projects on the Mount Hermon June beetle. In addition, the Richard and Carolyn Tinkess HCP includes the federally endangered Ben Lomond spineflower (*Chorizanthe pungens* var. *hartwegiana*) as a covered species, and their HCP describes mitigation and minimization measures for this species as well.

The Projects are located on soils known as “Zayante sands.” These soils support the Zayante sandhills ecosystem that occurs exclusively in the Santa Cruz Mountains near the city of

Scotts Valley and the communities of Ben Lomond, Mount Hermon, Felton, Olympia, Corralitos, and Bonny Doon. The Mount Hermon June beetle is restricted to Zayante sands soils in the Scotts Valley-Mount Hermon-Felton-Ben Lomond area and is found in association with vegetation of the Zayante sandhills, which is characterized by a mosaic of ponderosa pines (*Pinus ponderosa*), silverleaf manzanita (*Arctostaphylos silvicola*), and areas that are sparsely vegetated with grasses and herbs.

The five applicants are requesting to remove approximately 2.04 acres of combined Mount Hermon June beetle habitat incidental to construction of the Projects. Residential construction of the six condominiums for Blake Lane LLP would occur within parcel 022-172-47 in Scotts Valley, Santa Cruz County, California. Residential construction of two single-family homes and a single-family home relocation for Mr. and Mrs. Larry Busch would occur within parcel 067-041-24 near the city of Scotts Valley, Santa Cruz County, California. Residential construction of six single-family homes for Jim Sisk would occur within parcels 021-231-09 and 021-071-02 near the city of Scotts Valley in Santa Cruz County, California. Residential construction of one single-family home for Richard and Carolyn Tinkess would occur within parcel 067-411-39 near the city of Scotts Valley in Santa Cruz County, California. Residential construction of a room addition to a single-family home for Ed and Lita West would occur within parcel 072-273-34 in Ben Lomond, Santa Cruz County, California.

The parcels combined encompass about 3.54 acres, and the footprints of the homes, infrastructure, and landscaping would eliminate 2.04 acres of Mount Hermon June beetle habitat. To mitigate for incidental take on the project sites, the applicants propose to purchase a total of 2.33 acres of conservation credits for the Mount Hermon June beetle at the recently approved Ben Lomond Sandhills Preserve of the Zayante Sandhills Conservation Bank operated by PCO, LLC. In addition, the applicants will implement a number of minimization and mitigation measures intended to reduce impacts from the proposed Projects on the Mount Hermon June beetle.

### National Environmental Policy Act

We are requesting comments on the permit applications and on our preliminary determination that the proposed Habitat Conservation Plans (HCP) qualify as “low effect” HCPs,

eligible for a categorical exclusion under the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 *et seq.*). We explain the basis for this possible determination in draft Environmental Action Statements (EAS) and associated Low Effect Screening Forms. The Applicants’ Low Effect HCPs describe the mitigation and minimization measures they would implement, as required in section 10(a)(2)(B) of the Act, to address the effects of the Projects on the Mount Hermon June beetle. The draft HCPs and EASs are available for public review.

We have made a preliminary determination that the HCPs qualify as “low-effect” plans as defined by our Habitat Conservation Planning Handbook (November 1996). Our determination that an HCP qualifies as a low-effect plan is based on the following criteria: (1) Implementation of the plan would result in minor or negligible effects on federally listed, proposed, and candidate species and their habitats; (2) implementation of the plan would result in minor or negligible effects on other environmental values or resources; and (3) impacts of the plan, considered together with the impacts of other past, present, and reasonably foreseeable similarly situated projects would not result, over time, in cumulative effects to the environmental values or resources that would be considered significant. As more fully explained in our EASs and associated Low Effect Screening Forms, the Applicants’ proposals for residential construction qualify as “low effect” plans for the following reasons:

(1) Approval of the HCPs would result in minor or negligible effects on the Mount Hermon June beetle and Ben Lomond spineflower and their habitat. The Service does not anticipate significant direct or cumulative effects to the Mount Hermon June beetle or Ben Lomond spineflower resulting from the proposed Projects.

(2) Approval of the HCPs would not have adverse effects on unique geographic, historic, or cultural sites, or involve unique or unknown environmental risks.

(3) Approval of the HCPs would not result in any cumulative or growth-inducing impacts and would not result in significant adverse effects on public health or safety.

(4) The Projects do not require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act, nor do they threaten to violate a Federal, State, local, or tribal law or requirement

imposed for the protection of the environment.

(5) Approval of the HCPs would not establish a precedent for future actions or represent a decision in principle about future actions with potentially significant environmental effects.

The Service, therefore, has made a preliminary determination that approvals of the HCPs qualify as categorical exclusions under NEPA, as provided by the Department of the Interior Manual (516 DM 2, Appendix 1 and 516 DM 6, Appendix 1). Based upon this preliminary determination, we do not intend to prepare further NEPA documentation. The Service will consider public comments in making its final determination on whether to prepare such additional documentation.

#### Public Review and Comment

We will evaluate the permit applications, HCPs, and comments submitted thereon to determine whether the applications meet the requirements of section 10(a) of the Act. If we determine that the applications meet those requirements, we will issue the ITPs for incidental take of the Mount Hermon June beetle. We will also evaluate whether issuance of the section 10(a)(1)(B) ITPs complies with section 7 of the Act by conducting an intra-Service section 7 consultation. We will use the results of this consultation, in combination with the above findings, in the final analysis to determine whether or not to issue the ITPs.

If you wish to comment on the permit applications, draft Environmental Action Statements or the proposed HCPs, you may submit your comments to the address listed in the **ADDRESSES** section of this document. Our practice is to make comments, including names, home addresses, etc., of respondents available for public review. Individual respondents may request that we withhold their names and/or home addresses, etc., but if you wish us to consider withholding this information you must state this prominently at the beginning of your comments. In addition, you must provide a rationale demonstrating and documenting that disclosure would constitute a clearly unwarranted invasion of privacy. In the absence of exceptional, documented circumstances, this information will be released. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, are available for public inspection in their entirety.

The Service provides this notice pursuant to section 10(c) of the Act and

pursuant to implementing regulations for NEPA (40 CFR 1506.6).

Dated: September 29, 2008.

**Diane K. Noda,**

*Field Supervisor, Ventura Fish and Wildlife Office, Ventura, California.*

[FR Doc. E8-23403 Filed 10-2-08; 8:45 am]

**BILLING CODE 4310-55-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### Notice of Intent To Prepare an Environmental Impact Statement for the Proposed Big Sandy Casino and Resort Project, Fresno County, CA

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice.

**SUMMARY:** This notice advises the public that the Bureau of Indian Affairs (BIA) has replaced the National Indian Gaming Commission (NIGC) as lead agency in the preparation of an Environmental Impact Statement (EIS) for a proposed casino and hotel project to be located near Friant, in Fresno County, California. The BIA, with the Big Sandy Rancheria Band of Western Mono Indians (Tribe) as a cooperating agency, intends to gather information necessary for preparing the EIS. The NIGC initiated the public scoping process, including a public scoping meeting on September 15, 2005, to determine the issues, concerns and alternatives to be included in the EIS. The BIA is hereby continuing that process, but as project plans have not changed since the September 15, 2005, meeting, will not be holding additional public scoping meetings.

**DATES:** Written comments on the scope and implementation of this proposal must arrive by November 4, 2008.

**ADDRESSES:** You may mail or hand carry written comments to Dale Morris, Regional Director, Pacific Regional Office, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, CA 95825. Please include your name, return address and the caption "DEIS Scoping Comments, Big Sandy Casino and Resort Project, Fresno County, California," on the first page of your written comments.

**FOR FURTHER INFORMATION CONTACT:** John Rydzik, (916) 978-6051.

**SUPPLEMENTARY INFORMATION:** The proposed project will be located east of Friant in Fresno County, California, on undeveloped foothill property comprising approximately 48 acres of allotted Indian land currently held in trust by the United States for the

beneficial interest of an individual member of the Tribe. The Tribe and the individual Indian allottee have executed and submitted for BIA approval a lease agreement granting use of the property to the Tribe for the development of a casino, resort hotel, and supporting facilities. The BIA's proposed federal action is the approval of this lease agreement.

The Big Sandy Rancheria is a federally recognized Indian Tribe with a land base near Auberry, California. The Tribe has approximately 450 members and is governed by a Tribal Council consisting of five members, under a federally approved constitution. The Big Sandy Rancheria currently has a federally approved tribal-state gaming compact with the State of California.

#### Public Comment Availability

Comments, including names and addresses of respondents, will be available for public review at the mailing address shown in the **ADDRESSES** section, during regular business hours, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. Before including your address, telephone 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 any time. 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.

#### Authority

This notice is published in accordance with sections 1501.7 and 1506.6 of the Council of Environmental Quality regulations (40 CFR parts 1500 through 1508) implementing the procedural requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4371 *et seq.*), the Department of the Interior Manual (516 DM 1-6), and is in the exercise of authority delegated to the Assistant Secretary—Indian Affairs by 209 DM 8.1.

Dated: May 2, 2008.

**Carl J. Artman,**

*Assistant Secretary—Indian Affairs.*

**Editorial Note:** This document was received in the Office of the Federal Register on September 30, 2008.

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