

Former mortgagors and purchasers of HUD-owned properties, home improvement loan debtors who are delinquent or in default (at least 90-days delinquent on their loans or who have had their partial claim subordinate mortgage called due and payable and has not been paid in full); or who have any outstanding claims paid during the last three years on a title II insured or guaranteed home mortgage loans, or individual who has claim paid in the last three years on a Title I loan.

Period of the Match: Matching will begin at least 40 days from the date copies of the signed (by both agencies DIBS) computer matching agreements are sent to both Houses of Congress or at least 30 days from the date this Notice is published in the **Federal Register**, whichever is later, providing no comments are received which would result in a contrary determination. The matching program will be in effect and continue for 18 months with an option to renew for 12 additional months unless one of the parties to the agreement advises the other in writing to terminate or modify the agreement.

Dated: May 22, 2008.

Joseph M. Milazzo,

Acting Chief Information Officer.

[FR Doc. E8-12050 Filed 5-29-08; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS-R4-ES-2008-N0139; 40120-1112-0000-F2; ABC Code: F2]

Endangered and Threatened Wildlife and Plants; Permits

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of an application for an incidental take permit for the expansion of the Sun Ray Wastewater Treatment Facility, Polk County, Florida.

SUMMARY: We, the Fish and Wildlife Service (Service), announce the availability of an incidental take permit (ITP) and Habitat Conservation Plan (HCP). Polk County Utilities (applicants) request an ITP pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The applicants anticipate taking about 6.63 acres of sand skink (*Neopseps reynoldsi*) and bluetail mole skink (*Eumeces egregius lividus*) (skinks) foraging and sheltering habitat incidental to construction activities associated with the expansion of the

existing Sun Ray Wastewater Treatment Facility in Polk County, Florida (project). The applicants' HCP describes the mitigation and minimization measures proposed to address the effects of the project on the skinks.

DATES: We must receive your written comments on the ITP application and HCP on or before June 30, 2008.

ADDRESSES: See the **SUPPLEMENTARY INFORMATION** section below for information on how to submit your comments on the ITP application and HCP. You may obtain a copy of the ITP application and HCP by writing the South Florida Ecological Services Office, Attn: Permit number TE182090-0, U.S. Fish and Wildlife Service, 1339 20th Street, Vero Beach, FL 32960-3559. In addition, we will make the ITP application and HCP available for public inspection by appointment during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Ms. Trish Adams, Fish and Wildlife Biologist, South Florida Ecological Services Office (see **ADDRESSES**); telephone: (772) 562-3909, ext. 232.

SUPPLEMENTARY INFORMATION: If you wish to comment on the ITP application and HCP, you may submit comments by any one of the following methods. Please reference permit number TE182090-0 in such comments.

1. Mail or hand-deliver comments to our South Florida Ecological Services Office address (see **ADDRESSES**).

2. E-mail comments to trish_adams@fws.gov. If you do not receive a confirmation that we have received your e-mail message, contact us directly at the telephone number listed under **FOR FURTHER INFORMATION CONTACT**.

Before including your address, phone number, e-mail address, or other personal identifying information in your comments, 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.

Construction activities associated with the expansion of the existing wastewater treatment facility will take place within Sections 7 and 18, Township 32, Range 28, Frostproof, Polk County, Florida.

Polk County Utilities is proposing to expand the Sun Ray Wastewater Treatment Facility onto a 37.09 acre site adjacent to the existing facility that would result in the development of 6.63

acres of occupied skink habitat. The applicant proposes to mitigate for impacts by restoring and managing in perpetuity 19.9 acres of scrub habitat on site.

We have determined that the applicants' proposal, including the proposed mitigation and minimization measures, will have a minor or negligible effect on the species covered in the HCP. Therefore, the ITP is a "low-effect" project and qualifies as a categorical exclusion under the National Environmental Policy Act (NEPA), as provided by the Department of the Interior Manual (516 DM 2 Appendix 1 and 516 DM 6 Appendix 1). Low-effect HCPs are those involving (1) minor or negligible effects on federally listed or candidate species and their habitats and (2) minor or negligible effects on other environmental values or resources. Based on our review of public comments that we receive in response to this notice, we may revise this preliminary determination.

We will evaluate the HCP and comments submitted thereon to determine whether the application meets the requirements of section 10(a) of the Act (16 U.S.C. 1531 et seq.). If we determine that the application meets the requirements, we will issue the ITP for incidental take of the skinks. We will also evaluate whether issuance of the section 10(a)(1)(B) ITP 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 ITP.

Authority: We provide this notice pursuant to Section 10 of the Endangered Species Act (16 U.S.C. 1531 et seq.) and NEPA regulations (40 CFR 1506.6).

Dated: May 14, 2008.

Paul Souza,

Field Supervisor, South Florida Ecological Services Office.

[FR Doc. E8-12067 Filed 5-29-08; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Amended Proposed Finding Against Acknowledgment of the Biloxi, Chitimacha Confederation of Muskogees, Inc. (BCCM) of Louisiana

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of amended proposed finding.

SUMMARY: Pursuant to 25 CFR 83.10(h), the Department of the Interior (Department) gives notice that the Assistant Secretary—Indian Affairs (AS-IA) proposes to determine that the Biloxi, Chitimacha Confederation of Muskogees, Inc. (BCCM), c/o Randy Verdun, 114 Retreat Drive, Bourg, Louisiana 70343, is not an Indian tribe within the meaning of Federal law.

This notice is based on a determination that the petitioner does not satisfy all seven of the criteria set forth in Part 83 of Title 25 of the Code of Federal Regulations (25 CFR part 83), specifically criteria 83.7(b), 83.7(c), 83.7(d), and 83.7(e), and therefore, does not meet the requirements for a government-to-government relationship with the United States.

DATES: Comments on this amended proposed finding are due on or before November 26, 2008. Publication of this notice of the amended proposed finding in the **Federal Register** initiates a 180-day comment period during which the petitioner and interested and informed parties may submit arguments and evidence to support or rebut the evidence relied upon in the amended proposed finding. Interested or informed parties must provide a copy of their comments to the petitioner. The regulations, 25 CFR 83.10(k), provide petitioners a minimum of 60 days to respond to any submissions on the amended proposed finding received from interested and informed parties during the comment period.

ADDRESSES: Comments and requests for a copy of the summary evaluation of the evidence should be addressed to the Office of the Assistant Secretary—Indian Affairs, Attention: Office of Federal Acknowledgment, 1951 Constitution Avenue, NW., Mail Stop 34B-SIB, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: R. Lee Fleming, Director, Office of Federal Acknowledgment, (202) 513-7650.

SUPPLEMENTARY INFORMATION: The Department publishes this notice in the exercise of authority that the Secretary of the Interior delegated to the AS-IA by 209 DM 8.

The Biloxi, Chitimacha Confederation of Muskogees, Inc. (BCCM), Petitioner #56a, is a confederation of three subgroups each of which claims to be the continuation of a historical Indian community on a specific bayou in south-central Louisiana: The Bayou Lafourche Band, Grand Caillou/Dulac Band, and Isle de Jean Charles Band. BCCM has 2,545 members in its three subgroups. BCCM's subgroups have adopted constitutions, but BCCM has not submitted a governing document for

the confederation. BCCM claims to descend from the historical Biloxi, Chitimacha, Acolapissa, Atakapa, and Choctaw tribes, but its members and their ancestors have been called "Houma" Indians since at least 1907. The petitioner's current organization was formed in 1995. Most of BCCM's members previously had been members of the United Houma Nation (UHN), Petitioner #56, which received a negative proposed finding in 1994.

BCCM submitted a letter of intent to petition for Federal acknowledgment in 1995. The Department advised the BCCM petitioner in 1996 of its decision to issue an "amended Proposed Finding" for BCCM, saying that, "[p]rocedurally, BCCM is being treated as a petitioner with a proposed finding. * * *" The Department informed the BCCM petitioner that it would treat the petitioner as being "covered by the documented petition which was previously submitted" by the UHN petitioner. The Department set a time period for BCCM to comment on the UHN proposed finding and submit its own petition documentation. On November 6, 1996, BCCM submitted comments on the UHN petition plus its own petition documentation. BCCM submitted additional petition documentation on May 15, 1997. The Department notified BCCM that evaluation of its petition began on February 4, 2005, and a period to submit additional materials would close on April 15, 2005. Three subgroups of BCCM separately submitted petition documentation to the Department by April 15, 2005.

This notice is based on a determination that BCCM does not satisfy all of the seven mandatory criteria for acknowledgment in 25 CFR 83.7. The acknowledgment process is based on the regulations at 25 CFR part 83. Under these regulations, the petitioner has the burden to present evidence that it meets the seven mandatory criteria in section 83.7. This amended proposed finding reaches the following conclusions for each of the mandatory criteria in 25 CFR part 83.7:

The BCCM petitioner meets the requirements of criterion 83.7(a). This amended proposed finding concludes that identifications of a "Houma" population or group when combined with other identifications of settlements or groups of the "Houma" associated with the petitioner's subgroups provide evidence sufficient to demonstrate the substantially continuous identification of the subgroups of the petitioner as Indian entities since 1900. Therefore, the BCCM petitioner meets the requirements of this criterion.

The BCCM petitioner does not meet the requirements of criterion 83.7(b). This amended proposed finding concludes the BCCM petitioner has not demonstrated that it meets the requirements of this criterion. The evidence is insufficient to demonstrate that the petitioner's ancestors and others associated with them constituted a community before 1830. This finding concludes the BCCM petitioner meets this criterion between 1830 and 1940 on the basis of the conclusions contained in the 1994 proposed finding on the UHN petitioner. For the period since 1940, there is sufficient evidence for the Isle de Jean Charles subgroup of the petitioner, but the evidence in the record is not sufficient to show that all of the petitioner's subgroups, or the petitioner as a whole, meet the requirements of this criterion. Because the evidence in the record does not show that the petitioning group has existed as a community from historical times to the present, the BCCM petitioner has not demonstrated that it meets the requirements of this criterion.

The BCCM petitioner does not meet the requirements of criterion 83.7(c). This amended proposed finding concludes the BCCM petitioner has not demonstrated that it meets the requirements of this criterion. There is insufficient evidence the petitioner maintained political influence over its historical ancestors before 1830. This finding concludes the BCCM petitioner meets this criterion between 1830 and 1940 on the basis of the conclusions contained in the 1994 proposed finding on the UHN petitioner. For the period since 1940, there is sufficient evidence for the Isle de Jean Charles subgroup of the petitioner only since the 1990's. Thus, the evidence in the record is insufficient to show that the petitioner's subgroups meet the requirements of this criterion since 1940. The available evidence is not sufficient to show that the petitioner's confederation currently maintains political influence over its members. Because the evidence in the record is insufficient to show that the petitioning group has maintained political influence over group members from historical times to the present, the BCCM petitioner has not demonstrated that it meets the requirements of this criterion.

The BCCM petitioner does not meet the requirements of criterion 83.7(d). The petitioner, a confederation comprising three subgroups, lacks a governing document for the confederation or a statement describing in full how the confederation governs itself and defines its membership criteria, and did not respond to a

request for this document. The three subgroups of the BCCM petitioner submitted current and former governing documents describing their individual governing procedures and membership criteria. All three subgroups require descent from historical Indians, but do not identify which historical Indians. In the absence of a BCCM governing document, or a descriptive statement, the BCCM petitioner does not meet the requirements of this criterion.

The BCCM petitioner does not meet the requirements of criterion 83.7(e). The three subgroups of the petitioner submitted separate membership lists identifying a total of 2,545 members. The GCD subgroup's membership list lacked certification, and the "Grand Council" governing body of the petitioner did not separately certify the three subgroups' lists. The regulations require that the petitioner's governing body separately certify its current, complete membership list. An analysis of selected members demonstrates that more than half of them descend from at least one of two individual historical "Indians," but those historical individuals have not been shown to be a part of a historical Indian tribe, or of historical tribes which combined and functioned as a single tribal entity. The evidence in the record has not demonstrated that the BCCM petitioner's members descend from a historical Indian tribe. Therefore, the petitioner does not meet the requirements of criterion 83.7(e).

The BCCM petitioner meets the requirements of criterion 83.7(f). The names of current BCCM members do not appear on rolls of federally recognized Indian tribes reviewed for this amended proposed finding. Additionally, each of the BCCM petitioner's subgroups requires its members to disavow membership in any other Indian group, and their submissions included disavowals for 89 percent of the 2,545 BCCM members. Because evidence in the record indicates that the petitioning group is composed principally of persons who are not members of any acknowledged North American Indian tribe, the BCCM petitioner meets the requirements of this criterion.

The BCCM petitioner meets the requirements of criterion 83.7(g). Because no evidence has been submitted or located that indicates the petitioner, its members, or their ancestors have been the subject of congressional legislation that has expressly terminated or forbidden a relationship with the Federal Government as Indians or as an Indian tribe, the BCCM petitioner meets the requirements of this criterion.

As provided by 25 CFR 83.10(h), a report summarizing the evidence, reasoning, and analyses that are the basis for the amended proposed finding will be provided to the petitioner and interested parties, and is available to other parties upon written request.

After the expiration of the comment and response periods described above, the Department will consult with the petitioner concerning establishment of a schedule for preparation of the final determination. The AS-IA will publish the final determination of the petitioner's status in the **Federal Register** as provided in 25 CFR 83.10(1), at a time that is consistent with that schedule.

Dated: May 22, 2008.

Carl J. Artman,

Assistant Secretary—Indian Affairs.

[FR Doc. E8-12155 Filed 5-29-08; 8:45 am]

BILLING CODE 4310-G1-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Amended Proposed Finding Against Acknowledgment of the Pointe-au-Chien Indian Tribe (PACIT) of Louisiana

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of amended proposed finding.

SUMMARY: Pursuant to 25 CFR 83.10(h), the Department of the Interior (Department) gives notice that the Assistant Secretary—Indian Affairs (AS-IA) proposes to determine that the Pointe-au-Chien Indian Tribe, c/o Charles Verdin, P.O. Box 416, Montegut, Louisiana 70377, is not an Indian tribe within the meaning of Federal law.

This notice is based on a determination that the petitioner does not satisfy all seven of the criteria set forth in Part 83 of Title 25 of the Code of Federal Regulations (25 CFR Part 83), specifically criteria 83.7(b), 83.7(c), and 83.7(e), and therefore, does not meet the requirements for a government-to-government relationship with the United States.

DATES: Comments on this amended proposed finding are due on or before November 26, 2008. Publication of this notice of the amended proposed finding in the **Federal Register** initiates a 180-day comment period during which the petitioner and interested and informed parties may submit arguments and evidence to support or rebut the evidence relied upon in the amended proposed finding. Interested or

informed parties must provide a copy of their comments to the petitioner. The regulations, 25 CFR 83.10(k), provide petitioners a minimum of 60 days to respond to any submissions on the amended proposed finding received from interested and informed parties during the comment period.

ADDRESSES: Comments and requests for a copy of the summary evaluation of the evidence should be addressed to the Office of the Assistant Secretary—Indian Affairs, Attention: Office of Federal Acknowledgment, 1951 Constitution Avenue, NW., Mail Stop 34B-SIB, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: R. Lee Fleming, Director, Office of Federal Acknowledgment, (202) 513-7650.

SUPPLEMENTARY INFORMATION: The Department publishes this notice in the exercise of authority that the Secretary of the Interior delegated to the AS-IA by 209 DM 8.

The Pointe-au-Chien Indian Tribe (PACIT), Petitioner #56b, claims to be the continuation of a historical Indian community on a bayou in south-central Louisiana that was originally settled in the mid-19th century. PACIT has 682 members. It has a written constitution as its governing document. PACIT's membership criteria require its members to descend from an individual living in the Bayou "Pointe-au-Chien" Indian settlement in 1900. It has described its members as descendants of the historical Chitimacha, Acolapissa, Atakapa, Choctaw, and Biloxi Indian tribes, but its members and their ancestors have been called "Houma" Indians since at least 1907. The petitioner's current organization was incorporated under Louisiana law in 1993 as the "Documented Houma Tribe" and adopted the name "Pointe au Chien Indian Tribe" in 1995, adding hyphens to its name in 2005. Most of PACIT's members previously had been members of the United Houma Nation (UHN), Petitioner #56, which received a negative proposed finding in 1994.

PACIT submitted a letter of intent to petition for Federal acknowledgment in 1996. The Department advised the PACIT petitioner in 1997 of its decision to issue an "amended Proposed Finding" for PACIT, saying that, "[p]rocedurally, PACIT is being treated as a petitioner with a proposed finding. * * *" The Department informed the PACIT petitioner that it would treat the petitioner as being "covered by the documented petition which was previously submitted" by the UHN petitioner. The Department set a time period for PACIT to comment on the UHN proposed finding and submit its