

3 (PAR) Bldgs.  
Coast Guard Base Support Unit  
Honolulu HI  
Landholding Agency: Coast Guard  
Property Number: 88201040001  
Status: Unutilized  
Reasons: Secured Area, Extensive deterioration

#### Illinois

5 Bldgs.  
Naval Station  
Great Lakes IL 60088  
Landholding Agency: Navy  
Property Number: 77201040007  
Status: Unutilized  
Directions: 323, 430, 431, 432, 837  
Reasons: Secured Area

#### New Mexico

Bldg. 15-0562  
Los Alamos National Lab  
Los Alamos NM 87545  
Landholding Agency: Energy  
Property Number: 41201040002  
Status: Unutilized  
Reasons: Extensive deterioration, Secured Area

#### Tennessee

37 Elkmont Bldgs.  
Great Smoky Mountains  
National Park  
Sevier TN 37886  
Landholding Agency: Interior  
Property Number: 61201040003  
Status: Unutilized  
Reasons: Extensive deterioration

#### Land

#### Hawaii

Land/395 sq. ft.  
Marine Corps Base  
Bellows HI 96795  
Landholding Agency: Navy  
Property Number: 77201040006  
Status: Underutilized  
Reasons: Secured Area

[FR Doc. 2010-26293 Filed 10-21-10; 8:45 am]

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## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5441-N-01]

### Additional Waivers Granted to and Alternative Requirements for the State of Illinois' CDBG Disaster Recovery Grant Under Public Law 110-329

**AGENCY:** Office of the Secretary, HUD.

**ACTION:** Notice of additional waivers and alternative requirements.

**SUMMARY:** This notice describes additional waivers and alternative requirements applicable to the Community Development Block Grant (CDBG) disaster recovery grant provided to the State of Illinois for the purpose of assisting in the recovery related to the consequences of the State's 2008 disasters. HUD previously published

allocation and application notices applicable to this grant on February 13, 2009 (74 FR 7244), and August 14, 2009 (74 FR 41146).

**DATES:** *Effective Date:* October 27, 2010.

#### FOR FURTHER INFORMATION CONTACT:

Scott Davis, Director, Disaster Recovery and Special Issues Division, Office of Block Grant Assistance, Department of Housing and Urban Development, 451 7th Street, SW., Room 7286, Washington, DC 20410, telephone number 202-708-3587. Persons with hearing or speech impairments may access this number via TTY by calling the Federal Information Relay Service at telephone number 800-877-8339. Facsimile inquiries may be sent to Mr. Davis at facsimile number 202-401-2044. (Except for the "800" number, these telephone numbers are not toll free.)

#### SUPPLEMENTARY INFORMATION:

##### Authority To Grant Waivers

The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Pub. L. 110-329, approved September 30, 2008) (hereinafter, "Second 2008 Act") to differentiate it from the earlier 2008 Supplemental Appropriations Act, Public Law 110-252, approved June 30, 2008) appropriated \$6.5 billion, to remain available until expended, in CDBG funds for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure, housing and economic revitalization in areas affected by hurricanes, flooding, and other natural disasters occurring during 2008 for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*).

The Second 2008 Act authorizes the Secretary to waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or use by the recipient of these funds and guarantees, except for requirements related to fair housing, nondiscrimination, labor standards, and the environment (including requirements concerning lead based paint), upon a request by a state grantee explaining why such waiver is required to facilitate the use of such funds or guarantees and a finding by the Secretary that such a waiver would not be inconsistent with the overall purpose of Title I of the Housing and Community Development Act of 1974 (HCD Act). Additionally, regulatory waiver authority is provided by 24 CFR 5.110, 91.600, and 570.5. The

following application and reporting waivers and alternative requirements are in response to a request received from the State of Illinois regarding its use of funds under the Second 2008 Act.

The Secretary finds that the following waivers and alternative requirements, as described below, are necessary to facilitate use of the funds for the statutory purposes and are not inconsistent with the overall purpose of Title I of the HCD Act or the Cranston-Gonzalez National Affordable Housing Act, as amended.

Under the requirements of the Second 2008 Act and the Department of Housing and Urban Development Reform Act of 1989 (the HUD Reform Act), regulatory waivers must be justified and published in the **Federal Register**. Except as described in this Notice, statutory and regulatory provisions governing the CDBG program for states, including those at 24 CFR part 570, shall apply to the use of these funds. In accordance with the Second 2008 Act, HUD will reconsider every waiver in this Notice on the two-year anniversary of the day this Notice is published.

##### Waiver Justification

Except as described below, the waivers, alternative requirements, and statutory changes published in notices on February 13, 2009 (74 FR 7244) and August 14, 2009 (74 FR 41146) will continue to apply to the State's CDBG disaster recovery funds appropriated under the Second 2008 Act (Pub. L. 110-329). The actions below provide additional flexibility in program design and implementation and implement statutory requirements unique to this appropriation. The provisions of this Notice do not apply to funds provided under the annual CDBG program.

*National Objective Documentation for Economic Development Activities.* For the national objective documentation for business assistance activities, Illinois has asked to apply individual salaries or wages per job and the income limits for a household of one, rather than the usual CDBG standard of total household income and the limits-by-total household size. Illinois has asserted that this proposed documentation would be simpler and quicker for participating lenders to administer, easier to verify, and would not misrepresent the amount of low- and moderate-income benefit provided. Upon consideration, HUD is granting this waiver, which has also been granted to a number of other state grantees under the Second 2008 Act. It will play a key role in streamlining the State's documentation process because it allows collection of wage data for

each position created or retained from the assisted businesses, rather than from each individual household.

*Eligibility—buildings for the general conduct of government.* Illinois has requested a limited waiver of the prohibition on funding buildings for the general conduct of government as many of these buildings were damaged by the 2008 disasters. HUD has considered this request and agrees that it is consistent with the overall purposes of the 1974 Act. Therefore, Illinois may use funds provided under the Second 2008 Act to repair or reconstruct buildings used for the general conduct of government so long as (1) the buildings are selected in accordance with a method described in the State's Action Plan for Disaster Recovery, and (2) the State determines that the selected buildings have substantial value in promoting disaster recovery. However, as stipulated by the Second 2008 Act, funds may not be used for activities reimbursable by, or for which funds are made available by, the Federal Emergency Management Agency or the Army Corps of Engineers.

*Public benefit for certain economic development activities.* Illinois has requested a waiver of the public benefit standards for certain economic development activities. The public benefit provisions set standards for individual economic development activities (such as a single loan to a business) and for economic development activities in the annual aggregate. Currently, public benefit standards limit the amount of CDBG assistance per job retained or created, or the amount of CDBG assistance per low and moderate-income person to which goods or services are provided by the activity. Essentially, the public benefit standards are a proxy for all the other possible public benefits provided by an assisted activity. These dollar thresholds were set more than a decade ago and under disaster recovery conditions (which often require a larger investment to achieve a given result), can be too low and thus impede recovery by limiting the amount of assistance the grantee may provide to a critical activity.

After consideration, this Notice waives the public benefit standards for the cited activities, except that the State shall report and maintain documentation on the creation and retention of (a) Total jobs, (b) number of jobs within certain salary ranges, (c) the average amount of assistance per job and activity or program, and (d) the types of jobs. As a conforming change for the same activities or programs, HUD is also waiving paragraph (g) of 24 CFR 570.482 to the extent its provisions are

related to public benefit. Illinois has made public in its Action Plan the disaster recovery needs each activity is addressing.

*Housing incentives to resettle in disaster-affected communities.* The State believes that incentives are vital to encourage its citizens to move out of harms' way to safer areas outside the 100 year floodplain. Upon consideration, the Department is waiving 42 U.S.C 5305(a) of the 1974 Act and associated regulations to permit the State to offer disaster recovery or mitigation housing incentives to promote housing development or resettlement in particular geographic areas.

*Limitation on emergency grant payments.* HUD is waiving 42 U.S.C. 5305(a) to allow the State to extend interim mortgage assistance to qualified individuals for up to 20 months. The State plans to create an Interim Mortgage Assistance Program to assist homeowners (likely to be applicants in the State's future buyout program) with mortgage payments and other eligible property carrying costs while they may be living in temporary housing. As it takes more than three months for buyout decisions to be made and implemented, this will provide key assistance to qualified homeowners during this interim period.

#### **Applicable Rules, Statutes, Waivers, and Alternative Requirements**

1. Except as described in this Notice, statutory and regulatory provisions governing the Community Development Block Grant program for states, including those at 42 U.S.C. 5301 *et seq.* and 24 CFR part 570, and those described in **Federal Register** notices 74 FR 7244 and 74 FR 41146, shall apply to the use of these funds. Also, please note that any program changes implemented as a result of the waivers published in today's Notice must be in accordance with the State's approved Action Plan for Disaster Recovery.

2. *National Objective Documentation for Economic Development Activities.* 24 CFR 570.483(b)(4)(i) is waived to allow the State to establish low- and moderate-income jobs benefit by documenting for each person employed the name of the business, type of job, and the annual wages or salary of the job. HUD will consider the person income-qualified if the annual wages or salary of the job is at or under the HUD-established income limit for a one-person family.

3. *Buildings for the general conduct of government.* 42 U.S.C. 5305(a) and associated regulations are waived to the extent necessary to allow Illinois to

fund the rehabilitation or reconstruction of public buildings that are otherwise ineligible and that the State selects in accordance with its approved Action Plan for Disaster Recovery and that the State has determined have substantial value in promoting disaster recovery.

4. *Public benefit for certain economic development activities.* For economic development activities designed to create or retain jobs or businesses (including but not limited to long-term, short-term, and infrastructure projects), the public benefit standards at 42 U.S.C. 5305(e)(3) and 24 CFR 570.482(f)(1), (2), (3), (4)(i), (5), and (6) are waived, except that the State shall report and maintain documentation on the creation and retention of total jobs, the number of jobs within certain salary ranges, the average amount of assistance provided per job by activity or program, and the types of jobs. Paragraph (g) of 24 CFR 570.482 is also waived to the extent its provisions are related to public benefit.

5. *Housing incentives to resettle in disaster-affected communities.* 42 U.S.C. 5305(a) of the 1974 Act and associated regulations are waived to permit the State to offer disaster recovery or mitigation housing incentives to promote housing development or resettlement in particular geographic areas. The incentives must be in accordance with State's approved Action Plan and published program design(s), and the State must maintain documentation that the costs are necessary and reasonable.

6. *Limitation on emergency grant payments.* 42 U.S.C. 5305(a) is waived so that Illinois can use funds under the Second 2008 Act to extend interim mortgage assistance to qualified individuals for up to 20 months.

#### **Catalog of Federal Domestic Assistance**

The Catalog of Federal Domestic Assistance numbers for the disaster recovery grant under this Notice are as follows: 14.218 and 14.228.

#### **Finding of No Significant Impact**

A Finding of No Significant Impact (FONSI) with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332). The FONSI is available for public inspection between 8 a.m. and 5 p.m. weekdays in the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, Room 10276, 451 7th Street, SW., Washington, DC 20410-0500. Due to security measures at the HUD Headquarters building, an advance appointment to

review the docket file must be scheduled by calling the Regulations Division at 202-708-3055 (this is not a toll-free number). Hearing or speech-impaired individuals may access this number through TTY by calling the toll-free Federal Information Relay Service at 800-877-8339.

Dated: October 4, 2010.

**Mercedes M. Márquez,**

*Assistant Secretary for Community Planning and Development.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS-R6-R-2010-N152; 60138-1265-6CCP-S3]

#### National Elk Refuge, Jackson, WY; Comprehensive Conservation Plan and Environmental Assessment

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

**ACTION:** Notice of intent; request for comments.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), intend to prepare a comprehensive conservation plan (CCP) and environmental assessment (EA) for the National Elk Refuge in Jackson, Wyoming. We provide this notice in compliance with our CCP policy to advise other Federal and State agencies, Tribes, and the public of our intentions, and to obtain suggestions and information on the scope of issues to consider in the planning process.

**DATES:** To ensure consideration, please send your written comments by November 22, 2010. Submit comments by one of the methods under

**ADDRESSES.** We will announce opportunities for public input in local news media throughout the CCP process.

**ADDRESSES:** Send your comments or requests for more information by any of the following methods.

*E-mail:* [nationalelkrefuge@fws.gov](mailto:nationalelkrefuge@fws.gov). Include "National Elk Refuge CCP" in the subject line of the message.

*Fax:* Attn: Toni Griffin, Planning Team Leader, 303-236-4792.

*U.S. Mail:* Toni Griffin, Planning Team Leader, Division of Refuge Planning, 134 Union Blvd., Suite 300, Lakewood, CO 80228.

*In-Person Drop-off:* You may drop off comments during regular business hours at the above address, or at the National

Elk Refuge office located at 675 E. Broadway, Jackson, WY 83001.

**FOR FURTHER INFORMATION CONTACT:** Toni Griffin, 303-236-4378 (phone); or David C. Lucas, Chief, Division of Planning, P.O. Box 25486, Denver Federal Center, Denver, CO 80228.

#### SUPPLEMENTARY INFORMATION:

##### Introduction

With this notice, we initiate our process for developing a CCP for the National Elk Refuge in Jackson, WY. This notice complies with our CCP policy to (1) advise other Federal and State agencies, Tribes, and the public of our intention to conduct detailed planning on this refuge and (2) to obtain suggestions and information on the scope of issues to consider in the environmental document and during development of the CCP.

##### Background

###### *The CCP Process*

The National Wildlife Refuge System Administration Act of 1966 as amended (16 U.S.C. 668dd-668ee) (Administration Act) by the National Wildlife Refuge System Improvement Act of 1997, requires us to develop a CCP for each national wildlife refuge. The purpose for developing a CCP is to provide refuge managers with a 15-year plan for achieving refuge purposes and contributing toward the mission of the National Wildlife Refuge System, consistent with sound principles of fish and wildlife management, conservation, legal mandates, and our policies. In addition to outlining broad management direction on conserving wildlife and their habitats, CCPs identify wildlife-dependent recreational opportunities available to the public including, where appropriate, opportunities for hunting, fishing, wildlife observation and photography, and environmental education and interpretation. We will review and update the CCP at least every 15 years in accordance with the Administration Act.

Each unit of the National Wildlife Refuge System was established for specific purposes. We use these purposes as the foundation for developing and prioritizing the management goals and objectives for each refuge within the National Wildlife Refuge System, and to determine how the public can use each refuge. The planning process is a way for us and the public to evaluate management goals and objectives that will ensure the best possible approach to wildlife, plant, and habitat conservation, while providing for wildlife-dependent recreation opportunities that are compatible with

each refuge's establishing purposes and the mission of the National Wildlife Refuge System.

Our CCP process provides participation opportunities for Tribal, State, and local governments; agencies; organizations; and the public. At this time we encourage input in the form of issues, concerns, ideas, and suggestions for the future management of the National Elk Refuge.

We will conduct the environmental review of this project and develop an EA in accordance with the requirements of the National Environmental Policy Act of 1969, as amended (NEPA) (42 U.S.C. 4321 *et seq.*); NEPA regulations (40 CFR parts 1500-1508); other appropriate Federal laws and regulations; and our policies and procedures for compliance with those laws and regulations.

##### *National Elk Refuge*

The National Elk Refuge was established in 1912 as a "winter game (elk) reserve" (37 Stat. 293, 16 USC 673), and the following year Congress designated the area as "a winter elk refuge" (37 Stat. 847). In 1921 all lands included in the refuge, or that might be added in the future, were reserved and set apart as "refuges and breeding grounds for birds" [Executive Order (EO) 3596], which was affirmed in 1922 (EO 3741). In 1927 the refuge was expanded to provide "for the grazing of, and as a refuge for, American elk and other big game animals" (44 Stat. 1246, 16 USC 673a). These purposes apply to all or most of the lands now within the refuge. Several parcels have been added to the refuge specifically for the conservation of fish and wildlife (Fish and Wildlife Act of 1956), the development of wildlife-oriented recreational opportunities (Refuge Recreation Act of 1962, 16 U.S.C. 460k-1), the protection of natural resources, and the conservation of threatened and endangered species (Endangered Species Act of 1973).

The refuge is located in Teton County, Wyoming. A wide variety of habitats are found on the National Elk Refuge, including grassy meadows, marshes, timbered areas, sagebrush, and rocky outcroppings. Between November and May, the wildlife concentrations and diversity provide spectacular wildlife viewing opportunities.

The refuge's nearly 25,000 acres provide a winter home for one of the largest wintering concentrations of elk. In addition to the large elk herds, a free-roaming bison herd winters at the refuge.

A variety of waterfowl, including trumpeter swans, can be seen on nearly