

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
Public Housing RAD— Application Form .....	5,900	1	5,900	2	11,800	\$40	\$472,000
Total .....	5,900	.....	5,900	.....	11,800	.....	472,000

## B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

**Authority:** 12 U.S.C. 1701z-1 Research and Demonstrations.

Dated: September 30, 2015.

**Colette Pollard,**

*Department Reports Management Officer,  
Office of the Chief Information Officer.*

[FR Doc. 2015-25259 Filed 10-2-15; 8:45 am]

**BILLING CODE 4210-67-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS-R1-ES-2015-N181;  
FXES11120100000-156-FF01E00000]

### Draft Habitat Conservation Plan for Oregon Department of Transportation Routine Maintenance Activities

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

**ACTION:** Notice of availability; request for comment.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), have received an application from the Oregon Department of Transportation (ODOT) for an incidental take permit (permit) under the Endangered Species Act (ESA) of 1973, as amended. The ODOT's

application requests a 25-year permit that would authorize "take" of the endangered Fender's blue butterfly and the threatened Oregon silverspot butterfly incidental to otherwise lawful activities associated with road right-of-way (ROW) maintenance and management activities. The application includes ODOT's draft habitat conservation plan (HCP), which describes the actions ODOT will implement to minimize and mitigate the impacts of incidental take caused by covered activities. We invite comment on the application, draft HCP, and the Service's draft environmental action statement (EAS) and preliminary determination that the draft HCP qualifies for a categorical exclusion under the National Environmental Policy Act (NEPA).

**DATES:** Written comments on the draft HCP and the NEPA categorical exclusion determination must be received from interested parties no later than November 4, 2015.

**ADDRESSES:** To request further information or submit written comments, please use one of the following methods, and note that your information request or comments are in reference to the ODOT HCP.

- **Internet:** Documents may be viewed on the Internet at <http://www.fws.gov/oregonfwo/ToolsForLandowners/HabitatConservationPlans/>.

- **Email:** [ODOTHCPcomments@fws.gov](mailto:ODOTHCPcomments@fws.gov). Include "ODOT HCP" in the subject line of the message or comments.

- **U.S. Mail:** State Supervisor, Oregon Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2600 SE 98th Avenue, Suite 100, Portland, OR 97266.

- **Fax:** 503-231-6195, Attn: ODOT HCP.

- **In-Person Viewing or Pickup:** Comments and materials received will be available for public inspection, by appointment, during normal business hours at the Oregon Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2600 SE 98th Avenue, Suite 100, Portland, OR 97266.

**FOR FURTHER INFORMATION CONTACT:** Richard Szlemp, U.S. Fish and Wildlife Service (see **ADDRESSES**), telephone: 503-231-6179, facsimile: 503-231-6195. If you use a telecommunications

device for the deaf, please call the Federal Information Relay Service at 800-877-8339.

## SUPPLEMENTARY INFORMATION:

### Background

Section 9 of the ESA (16 U.S.C. 1531 *et seq.*) prohibits the take of fish and wildlife species listed as endangered or threatened under section 4 of the ESA. Under the ESA, the term "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct (16 U.S.C. 1532(19)). The term "harm," as defined in our regulations, includes significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering (50 CFR 17.3). The term "harass" is defined in our regulations as an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns, which include, but are not limited to, breeding, feeding, or sheltering (50 CFR 17.3).

Under specified circumstances, the Service may issue permits that authorize take of federally listed species, provided the take is incidental to, but not the purpose of, an otherwise lawful activity. Regulations governing permits for endangered and threatened species are at 50 CFR 17.22 and 17.32, respectively. Section 10(a)(1)(B) of the ESA contains provisions for issuing such incidental take permits to non-Federal entities for the take of endangered and threatened species, provided the following criteria are met:

- (1) The taking will be incidental;
- (2) The applicant will prepare a conservation plan that, to the maximum extent practicable, identifies the steps the applicant will take to minimize and mitigate the impact of such taking;
- (3) The applicant will ensure that adequate funding for the plan will be provided;
- (4) The taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild; and
- (5) The applicant will carry out any other measures that the Service may

require as being necessary or appropriate for the purposes of the plan.

### Proposed Action

The Service proposes to approve the HCP and to issue a permit, both with a term of 25 years, to ODOT for incidental take of the endangered Fender's blue butterfly (*Icaricia icarioides fenderi*) and the threatened Oregon silverspot butterfly (*Speyeria zerene hippolyta*) caused by covered activities, if permit issuance criteria are met.

The HCP addresses routine maintenance activities on ODOT-managed roads and their associated right-of-ways (ROWs) throughout Oregon. The ROW is defined as property along the State highway system owned by ODOT, including paved surface, shoulders, and drainage ditches. Medians and interchanges associated with the highway system are part of the ROW. The ROW width varies considerably and is often based on property purchased when the highway was constructed. Typically, the ROW boundary is just beyond the top of slopes cut into hills or the bottom of low areas filled for construction of the highway. Populations of Federal and State listed plants known to occur within ODOT ROW were field located through targeted surveys, verified, and posted.

The "Operational Roadway" is that portion of the ROW that has been identified as critical for maintaining the integrity of the highway and the safety of the travelling public. Under the HCP, ODOT will not specifically protect or manage listed plants or butterfly habitat in the Operational Roadway because of the importance of this area for road safety and functionality. This does not preclude the continued presence of listed species and is one reason an incidental take permit is being sought.

ODOT has identified known populations of listed species outside the Operational Roadway that they propose to avoid impacting. ODOT established a Special Management Area (SMA) Program designed to protect and manage threatened and endangered species, primarily plants, occurring adjacent to the highway. The specific boundary between the Operational Roadway and protected areas is determined on a case-by-case basis, depending on topography, highway features and facilities, and proximity to protected resources. When a roadside ditch is present, the Operational Roadway typically ends 4 feet beyond the bottom center of the ditch. When no ditch is apparent, the Operational Roadway boundary is usually 10 feet beyond the edge of pavement. Under the HCP, the SMAs

incorporate the known populations of rare plants on ODOT ROW that ODOT has agreed to avoid impacting. In most cases, only periodic maintenance is necessary in SMAs and site-specific restrictions have been developed to protect listed species in each SMA. However, most of the highway facilities that require routine maintenance are located in the Operational Roadway.

All federally listed plants in Oregon are also protected by State law under the Oregon Endangered Species Act, and their protection and conservation are administered by the Oregon Department of Agriculture (ODA). The Oregon ESA protects many other plant species beyond those protected under the Federal ESA. All State agencies, including ODOT, must consult with ODA when a proposed action on land owned or leased by the State, or for which the State holds a recorded easement, has the potential to appreciably reduce the likelihood of the survival or recovery of any listed plant species. ODA will accept the HCP as the foundation for consultation with ODOT regarding possible routine roadside maintenance impacts to State listed plants. Because of the Oregon ESA, conservation measures for many plant species are included in the HCP, but they will not be included under the incidental take permit since the Federal ESA has very limited take prohibitions with respect to federally listed plants.

The anticipated extent of impacts for which incidental take permit coverage is sought includes 0.066 acre of Fender's blue butterfly larval host plants and 1.11 acres of adult nectar plants. These impacts will be mitigated at a ratio of 3:1. Impacts to the Oregon silverspot butterfly along the ROW would amount to about 0.27 acre of its habitat. These impacts would occur as a result of ODOT mowing less than a mile of ROW containing herbaceous flowering plants alongside U.S. Highway 101 in the central coast area to discourage use by Oregon silverspot butterflies so as to reduce their likelihood of being hit by highway traffic. Additional measures may involve increasing listed butterfly nectar and larval food plants in meadows that are distant from the road, and adding hedgerow or forest fringe shelter to meadows on both sides of the highway so listed butterflies will not have to cross the road to access nectar and larval plant resources.

### National Environmental Policy Act Compliance

The development of the draft HCP and the proposed issuance of an incidental take permit is a Federal action that triggers the need for

compliance with the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*) (NEPA). We have made a preliminary determination that the proposed HCP and permit issuance are eligible for categorical exclusion under the NEPA. The basis for our preliminary determination is contained in an EAS, which is available for public review (see ADDRESSES).

### Public Comments

You may submit your comments and materials by one of the methods listed in the ADDRESSES section. We request data, comments, new information, or suggestions from the public, other concerned governmental agencies, the scientific community, Tribes, industry, or any other interested party on our proposed Federal action. We particularly seek comments on the following: (1) Biological data or other information regarding the Fender's blue butterfly and Oregon silverspot butterfly; (2) additional information concerning the range, distribution, population size, and population trends of these butterflies; (3) current or planned activities in the HCP area and their possible impacts on these species; (4) the presence of archeological sites, buildings and structures, historic events, sacred and traditional areas, and other historic preservation concerns in the HCP area, which are required to be considered in Federal project planning by the National Historic Preservation Act; (5) identification of any other environmental issues that should be considered with regard to the permit action; and (6) information regarding the adequacy of the HCP pursuant to the requirements for permits at 50 CFR parts 13 and 17.

### Public Availability of Comments

All comments and materials we receive become part of the public record associated with this action. Before including your address, phone number, email 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. Comments and materials we receive, as well as supporting documentation will be available for public inspection by appointment, during normal business hours, at our Oregon Fish and Wildlife Office (see ADDRESSES).

## Next Steps

We will evaluate the HCP, as well as any comments we receive, to determine whether implementation of the HCP would meet the criteria for issuance of a permit under section 10(a)(1)(B) of the ESA. We will also evaluate whether the proposed permit action would comply with section 7 of the ESA by conducting an intra-Service section 7 consultation. We will consider the results of this consultation, in combination with the above findings, in our final analysis to determine whether or not to issue a permit to the ODOT. We will not make the final NEPA and permit decisions until after the end of the 30-day public comment period on this notice, and we will fully consider all comments we receive during the public comment period. If we determine that the permit issuance requirements are met, the Service will issue a permit to the ODOT.

## Authority

We provide this notice in accordance with the requirements of section 10 of the ESA (16 U.S.C. 1531 *et seq.*), and NEPA (42 U.S.C. 4321 *et seq.*) and their implementing regulations (50 CFR 17.22 and 40 CFR 1506.6, respectively).

## Paul Henson,

*Oregon State Supervisor, U.S. Fish and Wildlife Service, Portland, Oregon.*

[FR Doc. 2015-25216 Filed 10-2-15; 8:45 am]

**BILLING CODE 4333-15-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

[156A2100DD/AAKC001030/  
A0A501010.999900 253G]

### Indian Gaming

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

**ACTION:** Notice of extension of Tribal—State Class III Gaming Compact.

**SUMMARY:** This publishes notice of the Extension of the Class III gaming compact between the Rosebud Sioux Tribe of the Rosebud Indian Reservation and the State of South Dakota.

**DATES:** Effective October 5, 2015.

**FOR FURTHER INFORMATION CONTACT:** Ms. Paula L. Hart, Director, Office of Indian Gaming, Office of the Deputy Assistant Secretary—Policy and Economic Development, Washington, DC 20240, (202) 219-4066.

**SUPPLEMENTARY INFORMATION:** Pursuant to 25 CFR 293.5, an extension to an existing tribal-state Class III gaming compact does not require approval by the Secretary if the extension does not

include any amendment to the terms of the compact. The Rosebud Sioux Tribe of the Rosebud Indian Reservation and the State of South Dakota have reached an agreement to extend the expiration of their existing Tribal-State Class III gaming compact to February 5, 2016. This publishes notice of the new expiration date of the compact.

Dated: September 29, 2015.

**Kevin K. Washburn,**

*Assistant Secretary—Indian Affairs.*

[FR Doc. 2015-25307 Filed 10-2-15; 8:45 am]

**BILLING CODE 4337-15-P**

## DEPARTMENT OF THE INTERIOR

### Office of the Secretary

[167A2100DD/AAKC001030/  
A0A501010.999900]

### List of Programs Eligible for Inclusion in Funding Agreements Negotiated With Self-Governance Tribes by Interior Bureaus Other Than the Bureau of Indian Affairs and Fiscal Year 2015 Programmatic Targets

**AGENCY:** Office of the Secretary, Interior.  
**ACTION:** Notice.

**SUMMARY:** This notice lists programs or portions of programs that are eligible for inclusion in funding agreements with self-governance Indian tribes and lists Fiscal Year 2015 programmatic targets for each of the non-Bureau of Indian Affairs (BIA) bureaus in the Department of the Interior, pursuant to the Tribal Self-Governance Act.

**DATES:** Submit written comments on this notice on or before November 4, 2015.

**ADDRESSES:** Send written comments to Ms. Sharee M. Freeman, Director, Office of Self-Governance (MS 355H-SIB), 1849 C Street NW., Washington, DC 20240-0001, telephone: (202) 219-0240, fax: (202) 219-1404, or to the bureau-specific points of contact listed below.

**FOR FURTHER INFORMATION CONTACT:** Inquiries regarding this notice may be directed to Ms. Sharee M. Freeman at (202) 219-0240.

### SUPPLEMENTARY INFORMATION:

#### I. Background

Title II of the Indian Self-Determination Act Amendments of 1994 (Pub. L. 103-413, the “Tribal Self-Governance Act” or the “Act”) instituted a permanent self-governance program at the Department of the Interior. Under the self-governance program, certain programs, services, functions, and activities, or portions thereof, in Interior bureaus other than

BIA are eligible to be planned, conducted, consolidated, and administered by a self-governance tribe.

Under section 405(c) of the Tribal Self-Governance Act, the Secretary of the Interior is required to publish annually: (1) A list of non-BIA programs, services, functions, and activities, or portions thereof, that are eligible for inclusion in agreements negotiated under the self-governance program; and (2) programmatic targets for these bureaus.

Under the Tribal Self-Governance Act, two categories of non-BIA programs are eligible for self-governance funding agreements:

(1) Under section 403(b)(2) of the Act, any non-BIA program, service, function, or activity that is administered by Interior that is “otherwise available to Indian tribes or Indians,” can be administered by a tribe through a self-governance funding agreement. The Department interprets this provision to authorize the inclusion of programs eligible for self-determination contracts under Title I of the Indian Self-Determination and Education Assistance Act (Pub. L. 93-638, as amended). Section 403(b)(2) also specifies, “nothing in this subsection may be construed to provide any tribe with a preference with respect to the opportunity of the tribe to administer programs, services, functions, and activities, or portions thereof, unless such preference is otherwise provided for by law.”

(2) Under section 403(c) of the Act, the Secretary may include other programs, services, functions, and activities or portions thereof that are of “special geographic, historical, or cultural significance” to a self-governance tribe.

Under section 403(k) of the Tribal Self-Governance Act, funding agreements cannot include programs, services, functions, or activities that are inherently Federal or where the statute establishing the existing program does not authorize the type of participation sought by the tribe. However, a tribe (or tribes) need not be identified in the authorizing statutes in order for a program or element to be included in a self-governance funding agreement. While general legal and policy guidance regarding what constitutes an inherently Federal function exists, the non-BIA Bureaus will determine whether a specific function is inherently Federal on a case-by-case basis considering the totality of circumstances. In those instances where the tribe disagrees with the Bureau’s determination, the tribe may request reconsideration from the Secretary.