

Paper-based records are not maintained by VDS—Best Ex.

b. *Retrievability*: Electronic records are retrieved by FHA case number and/or property address as the primary data identifier.

c. *Safeguards*: Records are maintained in a secured computer network and in the contractors' secured facilities. Access is limited to authorized personnel. VDS—Best Ex data and outputs are transmitted via approved Secure File Transfer Protocol methodology.

d. *Retention and Disposal*: In accordance with General Records Schedule 1.1, Financial Management and Reporting Records, Items 010 and 011, the records are maintained for 6 years or when business use ceases. Paper records are not in use. Backup and Recovery digital media will be destroyed or otherwise rendered irrecoverable per NIST SP 800–88, Rev. 1, “Guidelines for Media Sanitization” (December 2014).

#### ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

FHA ensures the protection of program participants' PII and mortgagee business sensitive information by ensuring VDS—Best Ex's compliance with HUD and Federal Information Security Management Act (FISMA) security and privacy controls.

#### RECORD ACCESS PROCEDURES:

For Information, assistance, or inquiries about records, contact John Bravacos, Senior Agency Official for Privacy, 451 Seventh Street SW, Room 10139, Washington, DC 20410, telephone number 202–402–6836. When seeking records about yourself from this system of records or any other HUD system of records, your request must conform with the Privacy Act regulations in 24 CFR part 16. You must first verify your identity, by providing your full name, 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. In addition, your request should:

- Explain why you believe HUD would have information on you.
  - Identify which HUD office you believe has the records about you.
  - Specify when you believe the records would have been created.
  - Provide any other information that will help Freedom of Information Act (FOIA) staff determine which HUD office may have responsive records.
- If your request is seeking records pertaining to another living individual,

you must include a statement obtained from that individual certifying their agreement for you to access their records. Without the above information, the HUD FOIA office may not conduct an effective search, and your request may be denied due to lack of specificity or lack of compliance with regulations.

#### CONTESTING RECORD PROCEDURES:

The Department's rules for contesting contents of records and appealing initial denials appear in 24 CFR part 16, Procedures for Inquiries. Additional assistance may be obtained by contacting John Bravacos, Senior Agency Official for Privacy, 451 Seventh Street SW, Room 10139, Washington, DC 20410, or the HUD Departmental Privacy Appeals Officers, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street SW, Room 10110, Washington, DC 20410.

#### NOTIFICATION PROCEDURES:

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 Privacy Office at the address provided above or to the component's FOIA Officer, whose contact information can be found at <http://www.hud.gov/foia> under “contact”. If an individual believes more than one component maintains Privacy Act records concerning him or her the individual may submit the request to the Senior Agency Official for Privacy, HUD, 451 7th Street SW, Room 10139, Washington, DC 20410.

#### EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

#### HISTORY:

Not Applicable.

John Bravacos,

Senior Agency Official for Privacy.

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BILLING CODE 4210–67–P

## DEPARTMENT OF THE INTERIOR

### Geological Survey

[GR.19.ZD01.BNEEC.00; OMB Control Number 1028/New]

### Agency Information Collection Activities; Tribal Perspectives for and Values of Resources Downstream of Glen Canyon Dam

**AGENCY:** U.S. Geological Survey, Interior.

**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, we, the U.S. Geological Survey (USGS) are proposing a new information collection.

**DATES:** Interested persons are invited to submit comments on or before June 10, 2019.

**ADDRESSES:** Send your comments on the information collection request (ICR) by mail to the U.S. Geological Survey, Information Collections Clearance Officer, 12201 Sunrise Valley Drive, MS 159, Reston, VA 20192; or by email to [gs-info\\_collections@usgs.gov](mailto:gs-info_collections@usgs.gov). Please reference OMB Control Number 1028–NEW in the subject line of your comments.

**FOR FURTHER INFORMATION CONTACT:** To request additional information about this ICR, contact U.S. Geological Survey by email at [lbair@usgs.gov](mailto:lbair@usgs.gov), or by telephone at 928–556–7362.

**SUPPLEMENTARY INFORMATION:** In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the USGS; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the USGS enhance the quality, utility, and clarity of the information to be collected; and (5) how might the USGS minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email 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 may 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.

**Abstract:** The National Park Service (NPS) Act of 1916, 38 Stat 535, 16 U.S.C. 1, *et seq.*, requires that the NPS preserve national parks for the use and enjoyment of present and future generations. This collection will provide the Glen Canyon Dam Adaptive Management Program (GCDAMP) with information about tribal stakeholder's perspectives on the condition and protection of natural and cultural resources in Glen and Grand Canyons. Identifying tribal preferences and values for natural and cultural resources in Glen and Grand Canyons is a high priority for the GCDAMP. There are substantial ongoing and prior studies exploring the preferences and values recreationists and the general public hold for resources (for example, whitewater rafting and hydropower) in Glen and Grand Canyons. However, there is almost a complete absence of relevant prior tribal socioeconomic studies exploring this information. This collection will provide information needed to inform decisions on management actions and policies related to operation of Glen Canyon Dam. This notice will cover the development and pretesting of the final survey instrument.

**Title of Collection:** Tribal Perspectives for and Values of Resources

**Downstream of Glen Canyon Dam.**

**OMB Control Number:** 1028–NEW.

**Form Number:** None.

**Type of Review:** New.

**Respondents/Affected Public:** Individuals/households.

**Total Estimated Number of Annual Respondents:** 350.

**Total Estimated Number of Annual Responses:** 300.

**Estimated Completion Time per Response:** 120 minutes.

**Total Estimated Number of Annual Burden Hours:** 700.

**Respondent's Obligation:** Voluntary.

**Frequency of Collection:** One time.

**Total Estimated Annual Non-hour Burden Cost:** We have not identified any "non-hour cost" burdens associated with this collection of information.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authorities for this action are the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*).

**David Lytle,**

*Director, Southwest Biological Science Center.*

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## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

[190A2100DD/AAKC001030/  
A0A501010.999900]

### HEARTH Act Approval of Mississippi Band of Choctaw Indians Regulations

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

**ACTION:** Notice.

**SUMMARY:** On March 5, 2019, the Bureau of Indian Affairs (BIA) approved the Mississippi Band of Choctaw Indians (Tribe) leasing regulations under the Helping Expedite and Advance Responsible Tribal Homeownership Act of 2012 (HEARTH Act). With this approval, the Tribe is authorized to enter into agricultural, residential, business, wind and solar, wind energy evaluation, and other authorized purposes, leases without further BIA approval.

**FOR FURTHER INFORMATION CONTACT:** Ms. Sharlene Round Face, Bureau of Indian Affairs, Division of Real Estate Services, 1849 C Street NW, MS–4642–MIB, Washington, DC 20240, telephone: (202) 208–3615.

#### SUPPLEMENTARY INFORMATION:

#### I. Summary of the HEARTH Act

The HEARTH Act makes a voluntary, alternative land leasing process available to Tribes, by amending the Indian Long-Term Leasing Act of 1955, 25 U.S.C. 415. The HEARTH Act authorizes Tribes to negotiate and enter into agricultural and business leases of Tribal trust lands with a primary term of 25 years, and up to two renewal terms of 25 years each, without the approval of the Secretary of the Interior (Secretary). The HEARTH Act also authorizes Tribes to enter into leases for residential, recreational, religious or educational purposes for a primary term of up to 75 years without the approval of the Secretary. Participating Tribes develop Tribal leasing regulations, including an environmental review process, and then must obtain the Secretary's approval of those regulations prior to entering into leases. The HEARTH Act requires the Secretary to approve Tribal regulations if the Tribal regulations are consistent with the Department of the Interior's (Department) leasing regulations at 25 CFR part 162 and provide for an environmental review process that meets requirements set forth in the HEARTH Act. This notice announces that the Secretary, through the Assistant Secretary—Indian Affairs, has approved

the Tribal regulations for the Mississippi Band of Choctaw Indians.

### II. Federal Preemption of State and Local Taxes

The Department's regulations governing the surface leasing of trust and restricted Indian lands specify that, subject to applicable Federal law, permanent improvements on leased land, leasehold or possessory interests, and activities under the lease are not subject to State and local taxation and may be subject to taxation by the Indian Tribe with jurisdiction. *See* 25 CFR 162.017. As explained further in the preamble to the final regulations, the Federal government has a strong interest in promoting economic development, self-determination, and Tribal sovereignty. 77 FR 72,440, 72,447–48 (December 5, 2012). The principles supporting the Federal preemption of State law in the field of Indian leasing and the taxation of lease-related interests and activities applies with equal force to leases entered into under Tribal leasing regulations approved by the Federal government pursuant to the HEARTH Act.

Section 5 of the Indian Reorganization Act, 25 U.S.C. 5108, preempts State and local taxation of permanent improvements on trust land. *Confederated Tribes of the Chehalis Reservation v. Thurston County*, 724 F.3d 1153, 1157 (9th Cir. 2013) (citing *Mescalero Apache Tribe v. Jones*, 411 U.S. 145 (1973)). Similarly, section 5108 preempts State taxation of rent payments by a lessee for leased trust lands, because "tax on the payment of rent is indistinguishable from an impermissible tax on the land." *See Seminole Tribe of Florida v. Stranburg*, No. 14–14524, \*13–\*17, n.8 (11th Cir. 2015). In addition, as explained in the preamble to the revised leasing regulations at 25 CFR part 162, Federal courts have applied a balancing test to determine whether State and local taxation of non-Indians on the reservation is preempted. *White Mountain Apache Tribe v. Bracker*, 448 U.S. 136, 143 (1980). The *Bracker* balancing test, which is conducted against a backdrop of "traditional notions of Indian self-government," requires a particularized examination of the relevant State, Federal, and Tribal interests. We hereby adopt the *Bracker* analysis from the preamble to the surface leasing regulations, 77 FR at 72,447–48, as supplemented by the analysis below.

The strong Federal and Tribal interests against State and local taxation of improvements, leaseholds, and activities on land leased under the