

60 days (December 2012 and January 2013).

d. 24 CFR 886.109 *Housing assistance payments to owners*. Section 886.109 provides conditions for when owners are able to receive vacancy payments. Owners that have units that are deemed uninhabitable due to Sandy can choose to exercise their option to receive vacancy claims in the amount of 80 percent of the contract rent for up to 60 days (December 2012 and January 2013).

## VII. Authority To Grant Waivers

Generally, waivers of HUD regulations are handled on a case-by-case basis. Under statutory requirements set forth in section 7(q) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(q)) and its implementing regulations, 24 CFR 5.110, a regulated party that seeks a waiver of a HUD regulation must request a waiver from HUD in writing and the waiver request must specify the need for the waiver. HUD then responds to the request in writing and, if the waiver is granted, HUD includes a summary of the waiver granted (and all regulatory waivers granted during a three-month period) in a **Federal Register** notice that is published quarterly. Since the damage to property and the displacement of families and individuals in the disaster areas is widespread, and the need for regulatory relief in many areas pertaining to HUD-assisted housing is readily apparent, HUD is suspending its usual regulatory waiver protocols for the disaster areas and has substituted an expedited process that meets the requirements of Section 7(q) and 24 CFR 5.110.

Dated: November 26, 2012.

**Carol J. Galante,**

*Acting Assistant Secretary for Housing—  
Federal Housing Commissioner.*

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**BILLING CODE 4210–67–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[LLCAD070000, L91310000, E10000]

### Notice of Availability of the Final Environmental Impact Statement for the West Chocolate Mountains Renewable Energy Evaluation Area, Imperial County, CA, and the Proposed California Desert Conservation Plan Amendment

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** In accordance with the National Environmental Policy Act of 1969, as amended, and the Federal Land Policy and Management Act of 1976, as amended, the Bureau of Land Management (BLM) has prepared a Final Environmental Impact Statement (EIS) for the West Chocolate Mountains Renewable Energy Evaluation Area (REEA) and a California Desert Conservation Area (CDCA) Proposed Plan Amendment, and by this notice is announcing its availability.

**DATES:** The BLM's planning regulations state that any person who meets the conditions as described in the regulations may protest the BLM's proposed plan amendment. A person who meets the conditions and files a protest must file the protest within 30 days of the date that the Environmental Protection Agency publishes its Notice of Availability in the **Federal Register**.

**ADDRESSES:** Copies of the West Chocolate Mountains Renewable Energy Evaluation Area Final EIS/Proposed Plan Amendment have been sent to affected Federal, State, local government agencies, tribal governments and other stakeholders. Copies are available for public inspection at the El Centro Field Office at 1661 S. 4th Street, El Centro, CA; California Desert District Office at 22835 Calle San Juan de Los Lagos, Moreno Valley, CA; and the Palm Springs—South Coast Field Office at 1201 Bird Center Drive, Palm Springs, CA. Interested persons may also review the Final EIS/Proposed Plan Amendment at <http://www.blm.gov/ca/st/en/fo/elcentro/nepa/wcm.html>. All protests must be in writing and mailed to one of the following addresses:

Regular mail	Overnight mail
BLM Director (210), Attention: Brenda Williams, P.O. Box 71383, Washington, DC 20024–1383.	BLM Director (210), Attention: Brenda Williams, 20 M Street SE., Room 2134LM, Washington, DC 20003.

### FOR FURTHER INFORMATION CONTACT:

Sandra McGinnis, BLM Planning and Environmental Coordinator, telephone 916–978–4427; address 2800 Cottage Way, Suite w-1623, Sacramento, CA 95825; email [wcm\\_comments@blm.gov](mailto:wcm_comments@blm.gov). Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** The Final EIS/Proposed Plan Amendment analyzes the potential environmental impacts of making available approximately 18,765 acres of BLM-managed surface lands in the West Chocolate Mountains REEA for testing and developing solar and wind energy facilities and for leasing approximately 20,027 acres of Federal mineral estate near Niland, California, for geothermal energy testing and development. The Final EIS also analyzes the potential environmental impacts of approving a pending geothermal lease application in the REEA.

The purpose of the proposed action is to facilitate appropriate development of geothermal, solar, and wind energy in the REEA and make land use plan decisions regarding the potential location, development, and management of those resources to balance competing uses and continue to achieve the resource condition goals for all resources in the planning area. The analysis includes consideration of the possible environmental consequences associated with a reasonably foreseeable development scenario, as well as possible conditions upon or restrictions for development that may be established to protect certain resource values.

The Final EIS/Proposed Plan Amendment analyzed six alternatives. The preferred alternative is Alternative 6—Geothermal Development Emphasis with Moderate Solar Development and No Wind Development. Under this alternative, the CDCA Plan would be amended to identify areas in the West Chocolate REEA as suitable for geothermal leasing and development and solar energy development, subject to constraints related to the presence of sensitive resources. Standard stipulations would be required for leasing and development, as well as a special stipulation for groundwater usage that would require preparation of a Water Supply Assessment under State law SB–610. Proposed renewable energy development that would require high water usage would not be authorized. The CDCA Plan would be amended to identify the West Chocolate REEA as unsuitable for wind energy development due to conflicts with the Chocolate Mountains Aerial Gunnery Range fly zone. Under the preferred alternative, overall development also would be managed with lands east of the Coachella Canal subject to a disturbance cap of 10 percent to preserve wildlife habitat, and the west side of the Coachella Canal identified as a Solar Energy Zone (SEZ). No projects would be authorized at this time. The principal issues identified during scoping and

public review included Native American concerns; potential land use conflicts including recreation; cumulative impacts considering existing, proposed, and potential geothermal projects in the area; and potential impacts on cultural resources, wildlife, visual resources, and surface and groundwater resources. The Final EIS addresses other issues such as geology, mining, vegetation, threatened or endangered species, air quality, noise, transportation, human health and safety, and social and economic issues, as well as issues raised during the scoping process.

Comments on the Draft Resource Management Plan Amendment/Draft EIS received from the public and internal BLM review were considered and incorporated as appropriate into the Final EIS/Proposed Plan Amendment. Public comments resulted in the addition of clarifying text, but did not significantly change proposed land use plan decisions.

Instructions for filing a protest with the Director of the BLM regarding the Final EIS/Proposed Plan Amendment may be found in the "Dear Reader" letter of the Final EIS and CDCA Plan Amendment for the West Chocolate Mountains REEA and at 43 CFR 1610.5–2. Email and faxed protests will not be accepted as valid protests unless the protesting party also provides the original letter by either regular or overnight mail postmarked by the close of the protest period. Under these conditions, the BLM will consider the email or faxed protest as an advance copy and it will receive full consideration. If you wish to provide the BLM with such advance notification, please direct faxed protests to the attention of the BLM protest coordinator at 202–245–0028, and emails to [Brenda\\_Hudgens-Williams@blm.gov](mailto:Brenda_Hudgens-Williams@blm.gov).

All protests, including the follow-up letter to emails or faxes, must be in writing and mailed to the appropriate address, as set forth in the **ADDRESSES** section above.

Before including your phone number, email address, or other personal identifying information in your protest, you should be aware that your entire protest—including your personal identifying information—may be made publicly available at any time. While you can ask us in your protest to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

**Authority:** 40 CFR 1506.6, 40 CFR 1506.10, 43 CFR 1610.2; 43 CFR 1610.5

**Cynthia Staszak,**

*Associate Deputy State Director.*

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## DEPARTMENT OF THE INTERIOR

### National Park Service

**[NPS–WASO–TPS–11136; 2200–686]**

#### Notice of Fee Schedule for Reviewing Historic Preservation Certification Applications and Instructions

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice of Fee Schedule and Instructions.

**SUMMARY:** The National Park Service (NPS) is revising the fees it charges for reviewing Historic Preservation Certification Applications.

**DATES:** *Effective Date:* December 31, 2012.

#### FOR FURTHER INFORMATION CONTACT:

Brian Goeken, Chief, Technical Preservation Services, National Park Service, 1849 C St., NW., Org Code 2255, Washington, DC 20240; telephone 202–354–2033; email: [brian\\_goeken@nps.gov](mailto:brian_goeken@nps.gov).

#### SUPPLEMENTARY INFORMATION:

- I. Background
- II. Response to Comments
- III. Final Action

#### I. Background

The NPS charges fees for reviewing certification applications for Federal tax incentives contained in Section 47 of the Internal Revenue Code (referred to herein as "Historic Preservation Certification Applications"). The fees have not been changed since 1984. Current fees do not cover the full costs of administering the program.

The fee schedule established in 1984 expressed the fees in fixed dollar amounts and did not contain provisions for adjusting the fees over time. This method contrasts with the now-standard Government practice of establishing and revising fees in periodic **Federal Register** notices, pursuant to the Independent Offices Appropriations Act (IOAA) and OMB Circular A–25. Accordingly, the NPS published a final rulemaking, effective June 27, 2011, which stated that "Fees are charged for reviewing certification requests according to the schedule and instructions provided in public notices in the **Federal Register** by NPS." 36 CFR 67.11(a) (2011). This rule authorizes the NPS to make the changes it is now

implementing. The NPS will be retaining the collected fees in accordance with Public Law. 106–113–Appendix C, 113 Stat. 1501A–142 (Nov. 29, 1999), which provides that notwithstanding any other provision of law, the NPS may hereafter recover all fees derived from providing necessary review services associated with historic preservation tax certification, and such funds shall be available until expended without further appropriation for the costs of such review services.

#### II. Response to Comments

On June 22, 2012, the NPS published the proposed revised fee schedule (77 FR 37708) to solicit public comment. A notice published July 6, 2012, corrected the addresses for submitting comments and extended the comment period (77 FR 40080). The NPS received four comments by the close of the comment period (August 6, 2012).

The proposed fee schedule was:

Cost of rehabilitation	Fee
\$0–\$49,999 .....	\$0–.
\$50,000–\$3,849,999	\$800 + 0.15% (0.0015) of rehabilitation costs over \$50,000.
\$3,850,000 or more ..	\$6,500.

Two of the four comments expressed support for the new fee schedule.

The third comment expressed general support for the new fee schedule, but suggested that additional fee revenues realized through the change in fees be used to expand services provided to applicants. The NPS notes that the current level of fees collected does not cover the costs of administering the program. The increase in fees collected as a result of the revised fee schedule is necessary to maintain the existing level of services. To the extent that the revised fee schedule may accommodate some expanded services as part of the program, such additions may be considered in the future.

The final comment suggested that the minimum rehabilitation costs for which fees apply should be raised to projects of \$100,000, or even higher, rather than \$50,000 as proposed. The commenter stated that this would make the rehabilitation tax credit more attractive for small projects. In setting the revised fee schedule as initially proposed, the NPS proposed to raise the minimum project level at which fees are charged from \$20,000 (the level in effect since 1984) to \$50,000 in rehabilitation costs. This change was roughly proportional to inflation since 1984. However, upon consideration of this comment, the NPS considered the amount of the fee