

### 3. Extraordinary Relief

In recognition that as new participants join the test that electronic system malfunctions may occur, CBP is not precluded from considering petitions for relief and granting extraordinary relief when system failure is determined to be the cause of a nonpayment or late payment.

### 4. Enforcement Discretion

CBP always retains the right to exercise enforcement discretion and refrain from issuing a claim for liquidated damages or penalty if circumstances warrant. These situations will be considered on a case-by-case basis.

### 5. Termination of Bonds

Nothing in this Notice changes any procedures or authorities regarding termination of bonds described in the Notice of September 22, 2005 (70 FR 55623).

### 6. Delegation of Authority

For purposes of the test, the authority to assess claims for liquidated damages resides with the Office of Finance, Revenue Division, Indianapolis, Indiana. The authority to mitigate or cancel any claim for liquidated damages arising for failure to pay or the untimely payment of estimated duties and fees under the Periodic Monthly Payment Statement test or to refrain from issuing such a claim shall reside with CBP Headquarters, Office of International Trade. Petitions for relief should be addressed to officials designated on the CF-5955A.

Dated: October 10, 2008.

**Daniel Baldwin,**

*Assistant Commissioner, Office of International Trade.*

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## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5186-N-42]

### Federal Property Suitable as Facilities To Assist the Homeless

**AGENCY:** Office of the Assistant Secretary for Community Planning and Development, HUD.

**ACTION:** Notice.

**SUMMARY:** This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

### FOR FURTHER INFORMATION CONTACT:

Kathy Ezzell, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 7266, Washington, DC 20410; telephone (202) 708-1234; TTY number for the hearing- and speech-impaired (202) 708-2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 800-927-7588.

**SUPPLEMENTARY INFORMATION:** In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless v. Veterans Administration*, No. 88-2503-OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Where property is described as for "off-site use only" recipients of the property will be required to relocate the building to their own site at their own expense. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Theresa Rita, Division of Property Management, Program Support Center, HHS, room 5B-17, 5600 Fishers Lane, Rockville, MD 20857; (301) 443-2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a

suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1-800-927-7588 for detailed instructions or write a letter to Mark Johnston at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.*, acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: AGRICULTURE: Ms. Marsha Pruitt, Department of Agriculture, Reporters Building, 300 7th St, SW., Washington, DC 20250; (202) 720-4335; COAST GUARD: Commandant, United States Coast Guard, Attn: Teresa Sheinberg, 2100 Second St, SW., Rm 6109, Washington, DC 20593-0001; (202) 267-6142; GSA: Mr. John Smith, Deputy Assistant Commissioner, General Services Administration, Office of Property Disposal, 18th & F Streets, NW., Washington, DC 20405; (202) 501-0084; INTERIOR: Mr. Michael Wright, Acquisition & Property Management, Department of the Interior, 1849 C Street, NW., MS2603, Washington, DC 20240; (202) 208-5399; NAVY: Mrs. Mary Arndt, Acting Director, Department of the Navy, Real Estate Services, Naval Facilities Engineering Command, Washington Navy Yard,

1322 Patterson Ave., SE., Suite 1000,  
Washington, DC 20374-5065; (202) 685-  
9305. (These are not toll-free numbers.)

Dated: October 9, 2008.

**Mark R. Johnston,**

*Deputy Assistant Secretary for Special Needs.*

**TITLE V, FEDERAL SURPLUS PROPERTY  
PROGRAM**

**FEDERAL REGISTER REPORT FOR 10/17/  
2008**

**Suitable/Available Properties**

*Buildings (by State)*

Arizona

Bldg. 149

Desert View

Grand Canyon AZ 86023

Landholding Agency: Interior

Property Number: 61200830001

Status: Excess

Comments: 791 sq. ft., needs rehab, most  
recent use—residential, off-site use only.

Indiana

John A. Bushemi USARC

3510 W 15th Ave

Gary IN 46404

Landholding Agency: GSA

Property Number: 54200830027

Status: Excess

GSA Number: 1-D-IN-0602

Comments: 18,689 sq. ft. admin bldg & 3780  
sq. ft. maintenance bldg.

Maine

Bldg. 1010

Schoodic Ed & Rsh Ctr

Acadia National Park

Hancock ME

Landholding Agency: Interior

Property Number: 61200830007

Status: Unutilized

Comments: 14200 sq. ft., presence of  
asbestos/lead paint, most recent use—  
office, off-site use only.

Bldg. 1046

Schoodic Ed & Rsh Ctr

Acadia National Park

Hancock ME

Landholding Agency: Interior

Property Number: 61200830008

Status: Unutilized

Comments: 178 sq. ft., presence of lead paint,  
most recent use—storage, off-site use only.

Bldg. 1172

Schoodic Ed & Rsh Ctr

Acadia National Park

Hancock ME

Landholding Agency: Interior

Property Number: 61200830009

Status: Unutilized

Comments: 1200 sq. ft., presence of asbestos/  
lead paint, most recent use—shed, off-site  
use only.

Bldg. 1210

Schoodic Ed & Rsh Ctr

Acadia National Park

Hancock ME

Landholding Agency: Interior

Property Number: 61200830011

Status: Unutilized

Comments: 108 sq. ft., most recent use—  
shed, off-site use only.

Bldg. 1213

Schoodic Ed & Rsh Ctr

Acadia National Park

Hancock ME

Landholding Agency: Interior

Property Number: 61200830012

Status: Unutilized

Comments: 544 sq. ft., most recent use—  
maintenance, off-site use only.

Bldgs. 1224, 1232

Schoodic Ed & Rsh Ctr

Acadia National Park

Hancock ME

Landholding Agency: Interior

Property Number: 61200830013

Status: Unutilized

Comments: 543/768 sq. ft., most recent use—  
storage, off-site use only.

Pennsylvania

Fmr Visitor Ctr/Cyclorama Bldg

National Military Park

Gettysburg PA 17325

Landholding Agency: Interior

Property Number: 61200830002

Status: Excess

Comments: needs major rehab, off-site use  
only.

Washington

Blaine Parking Lot

SR 543

Blaine WA 98230

Landholding Agency: GSA

Property Number: 54200830028

Status: Excess

GSA Number: 9-G-WA-1242

Comments: 2665 sq. ft., border crossing.

**Unsuitable Properties**

*Buildings (by State)*

California

2 Trailers

Mades/Skyline Buddy

Paicines CA 95043

Landholding Agency: Interior

Property Number: 61200830003

Status: Excess

Reasons: Extensive deterioration.

Bldg. 1391

Marine Corps Base

Camp Pendleton CA 92055

Landholding Agency: Navy

Property Number: 77200830025

Status: Excess

Reasons: Extensive deterioration.

Bldgs. 1211, 1213, 1214, 1216

Marine Corps Base

Camp Pendleton CA 92055

Landholding Agency: Navy

Property Number: 77200830026

Status: Excess

Reasons: Extensive deterioration.

Bldgs. 52654, 52655

Marine Corps Base

Camp Pendleton CA 92055

Landholding Agency: Navy

Property Number: 77200830027

Status: Excess

Reasons: Extensive deterioration.

3512/3518 & 2780/2786

Concord Housing

Concord CA

Landholding Agency: Coast Guard

Property Number: 88200830002

Status: Unutilized

Reasons: Extensive deterioration.

Colorado

Bldg. 782

La Poudre Pass

Larimer CO 80517

Landholding Agency: Interior

Property Number: 61200830004

Status: Unutilized

Reasons: Extensive deterioration.

Maine

Bldgs. 1008, 1009, 1140, 1155

Schoodic Ed & Rsh Ctr

Acadia National Park

Hancock ME

Landholding Agency: Interior

Property Number: 61200830010

Status: Unutilized

Reasons: Extensive deterioration.

Bldgs. 1208, 1223

Schoodic Ed & Rsh Ctr

Acadia National Park

Hancock ME

Landholding Agency: Interior

Property Number: 61200830014

Status: Unutilized

Reasons: Extensive deterioration.

Maryland

Bldg. 1675

Andrews AFB

Andrews AFB MD

Landholding Agency: Navy

Property Number: 77200830028

Status: Unutilized

Reasons: Secured Area.

Bldgs. 3000, 3093

Andrews AFB

Andrews AFB MD

Landholding Agency: Navy

Property Number: 77200830029

Status: Unutilized

Reasons: Secured Area.

Bldgs. 3150, 3157, 3164, 3165

Andrews AFB

Andrews AFB MD

Landholding Agency: Navy

Property Number: 77200830030

Status: Unutilized

Reasons: Secured Area.

Pennsylvania

4 Tracts

101-03, 101-04, 101-05, 101-06

Valley Forge NHP

King of Prussia PA 19406

Landholding Agency: Interior

Property Number: 61200830005

Status: Excess

Reasons: Extensive deterioration.

Tracts 101-28, 101-29

Valley Forge NHP

Wayne PA 19480

Landholding Agency: Interior

Property Number: 61200830006

Status: Excess

Reasons: Extensive deterioration.

Texas

Bldgs. 1414, 3190

Naval Air Station

Joint Reserve Base

Ft. Worth TX 76127

Landholding Agency: Navy

Property Number: 77200830031  
Status: Unutilized  
Reasons: Secured Area.

Washington

Bldgs. 986, 987  
Naval Air Station  
Whidbey Island  
Oak Harbor WA 98278  
Landholding Agency: Navy  
Property Number: 77200840001  
Status: Unutilized  
Reasons: Secured Area.

Bldg. 94  
Naval Air Station  
Whidbey Island  
Oak Harbor WA 98278  
Landholding Agency: Navy  
Property Number: 77200840002  
Status: Excess  
Reasons: Secured Area.

Wisconsin  
Bldg. 41  
Forest Products Lab  
Madison WI  
Landholding Agency: Agriculture  
Property Number: 15200830001  
Status: Excess  
Reasons: Extensive deterioration.

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS-R4-ES-2008-N0276; 40120-1112-0000-F2]

#### Receipt of Application for an Incidental Take Permit for the City Gate Project in Collier County, FL

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

**ACTION:** Notice.

**SUMMARY:** Citygate Development, LLC and CG II, LLC (Applicants) request an incidental take permit (ITP) pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act) for the take of the red-cockaded woodpecker (*Picoides borealis*) and the Florida panther (*Puma (=Felis) concolor coryi*). The Applicants propose to develop 240 acres of occupied red-cockaded woodpecker and Florida panther habitat to construct a mixed-use, nonresidential, commercial/industrial office park complex (Project) in Collier County, Florida. The modification of this habitat is expected to result in incidental take, in the form of harm, of one group of red-cockaded woodpeckers and harassment of the Florida panther. The Applicants' Habitat Conservation Plan (HCP) describes the mitigation and minimization measures proposed to address the effects of the Project on the

red-cockaded woodpecker and Florida panther. These measures are outlined in the **SUPPLEMENTARY INFORMATION** section below.

**DATES:** Written comments on the ITP application and HCP should be sent to the Southeast Regional Office (see **ADDRESSES**) and should be received on or before December 16, 2008.

**ADDRESSES:** Persons wishing to review the ITP application, Environmental Assessment (EA), and HCP may obtain a copy by writing the Service's Southeast Regional Office. Please reference permit number TE145823-0 in such requests. Documents will also be available for public inspection by appointment during normal business hours at the Regional Office, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345, or Field Supervisor, South Florida Ecological Services Office, U.S. Fish and Wildlife Service, 1339 20th Street, Vero Beach, Florida 32960-3559.

**FOR FURTHER INFORMATION CONTACT:** Mr. David Dell, Regional Permit Coordinator (see **ADDRESSES**), telephone: 404/679-7313; or George Dennis, Ecologist, South Florida Ecological Services Office (see **ADDRESSES**), telephone: 772/562-3909 ext. 309.

**SUPPLEMENTARY INFORMATION:** If you wish to comment, you may submit comments by any one of several methods. Please reference permit application number TE145823-0 in such comments. You may mail comments to the Service's Regional Office (see **ADDRESSES**). You may also comment via the internet to [david\\_dell@fws.gov](mailto:david_dell@fws.gov). Please include your name and return address in your Internet message. If you do not receive a confirmation from the Service that we have received your Internet message, contact us directly at either telephone number listed above (see **FOR FURTHER INFORMATION CONTACT**). Finally, you may hand deliver comments to either Service office listed above (see **ADDRESSES**). Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the administrative record. We will honor such requests to the extent allowable by law. There may also be other circumstances in which we would withhold from the administrative record a respondent's identity, as allowable by law. If you wish us to withhold your name and address, you must state this prominently at the beginning of your comments. We will not, however, consider anonymous comments. We

will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

The red-cockaded woodpecker is the only North American woodpecker that excavates its roost and nest cavities in living trees. It is nonmigratory, territorial, and lives in cooperative breeding social units, usually comprising two to six birds, called groups. Nest and roost cavities are almost always excavated in old-age living pines. In south Florida, hydric slash pine flatwoods provide the preferred nesting and foraging habitat for red-cockaded woodpeckers. The most recent surveys estimate the rangewide population of the red-cockaded woodpecker at 4,919 active groups. The estimated breeding population of the red-cockaded woodpecker in Florida is 1,500 groups, with about 75 percent occurring in the Florida Panhandle.

The Florida panther is the last subspecies of *Puma* still surviving in the eastern United States. Historically occurring throughout the southeastern United States, today the Florida panther is restricted to less than 5 percent of its historical range in one breeding population of approximately 100 animals, located in south Florida. Florida panthers are wide ranging, secretive, and occur at low densities. They require large contiguous areas to meet their social, reproductive, and energetic needs.

Limiting factors for the Florida panther are habitat availability, prey availability, and lack of human tolerance. Habitat loss, degradation, and fragmentation are among the greatest threats to Florida panther survival, while lack of human tolerance is one of the greatest threats to Florida panther recovery.

The Project proposes construction of a mixed-use, nonresidential, commercial/industrial office park complex that will substantially modify 240 acres comprising primarily pine flatwoods, and will result in take in the form of harm to red-cockaded woodpecker and harassment of the Florida panther, incidental to the carrying out of these otherwise lawful activities. Habitat alteration associated with the proposed development activities will reduce the availability of nesting, foraging, and sheltering habitat for one group of red-cockaded woodpecker. In addition, the loss of this habitat may result in take in the form of harassment of Florida panthers. The Applicants propose to mitigate take of