

in conjunction with other information, indicates a violation or potential violation of law—criminal, civil or regulatory in nature, and the disclosure is compatible with the purpose for which the records were compiled.

(6) To an official of another Federal agency to provide information needed in the performance of official duties related to reconciling or reconstructing data files or to enable that agency to respond to an inquiry by the individual to whom the record pertains.

(7) To Federal, state, territorial, local, tribal or foreign agencies that have requested information relevant or necessary to the hiring, firing or retention of an employee or contractor, or the issuance of a security clearance, license, contract, grant or other benefit, when the disclosure is compatible with the purpose for which the records were compiled.

(8) To representatives of the National Archives and Records Administration to conduct records management inspections under the authority of 44 U.S.C. 2904 and 2906.

(9) To state and local governments and tribal organizations to provide information needed in response to court order and/or for discovery purposes related to litigation, when the disclosure is compatible with the purpose for which the records were compiled.

(10) To an expert, consultant or contractor (including employees of the contractor) of DOI that performs services requiring access to these records on DOI's behalf to carry out the purposes of the system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records maintained in the Datamart are electronic and contain information from source systems. They are stored in magnetic media at the central computer processing center. All NIST guidelines, as well as Departmental and OMB guidance are followed concerning the storage of the records.

RETRIEVABILITY:

Records may be retrieved by entries reflecting the various categories of records in the system including name of individual, name of emergency contact, Social Security Number, Tax Identification Number, vendor code or number, date of birth, organizational code, etc.

SAFEGUARDS:

Electronic records are maintained with safeguards meeting all appropriate statutory and regulatory guidelines, as

well as Departmental guidance addressing the security requirements of Departmental Privacy Act Regulations (43 CFR 2.51) for automated records, and with Office of Management and Budget, and NIST. Further, agency officials only have access to records pertaining to their agencies.

(1) Physical security: Computer systems are maintained in locked rooms housed within secure Department of the Interior buildings.

(2) Technical Security: Electronic records are maintained in conformity with Office of Management and Budget and Departmental guidelines reflecting the implementation of the Federal Information Security Management Act. The electronic data are protected through user identification, passwords, database permissions, encryption and software controls. Such security measures establish different degrees of access for different types of users. An audit trail is maintained and reviewed periodically to identify unauthorized access. A Privacy Impact Assessment was completed to ensure that Privacy Act requirements and personally identifiable information safeguard requirements are met.

(3) Administrative Security: All DOI and contractor employees with access to Datamart are required to complete Privacy Act, Federal Records Act and IT Security Awareness training prior to being given access to the system, and on an annual basis thereafter. In addition, Federal employees supervise and monitor the use of Datamart.

RETENTION AND DISPOSAL:

Records contained in this system are documented as items 1400 and 7554 of the Department of the Interior, Office of the Secretary's pending records schedule.

SYSTEM MANAGER AND ADDRESS:

Chief, Applications Management and Technical Services Branch, National Business Center, U.S. Department of the Interior, 7301 West Mansfield Avenue, Denver, CO 80235-2230.

NOTIFICATION PROCEDURES:

Inquiries regarding the existence of records should be addressed to the System Manager. The request must be in writing, signed by the requester, and meet the requirements of 43 CFR 2.60, which requires writing PRIVACY ACT INQUIRY prominently on your envelope and correspondence.

RECORDS ACCESS PROCEDURES:

A request for access should be submitted to the System Manager at the above address. It must be submitted in

writing, signed by the requester, and meet the requirements of 43 CFR 2.63, which requires writing PRIVACY ACT REQUEST FOR ACCESS prominently on the envelope and the front of the request.

CONTESTING RECORDS PROCEDURES:

A petition for amendment should be addressed to the System Manager. The request must be in writing, signed by the requester, and meet the content requirements of 43 CFR 2.71, which include stating the reasons why the petitioner believes the record is in error, and the changes sought.

RECORD SOURCE CATEGORIES:

The source data for the system comes from FPPS and FFS.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS-R9-MB-2008-NO156; 91200-1231-9BPP]

Take of Migrant Peregrine Falcons in the United States for Use in Falconry

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: This notice is to announce the availability of a *Final Environmental Assessment and Management Plan (FEA)* for take of migrant peregrine falcons (*Falco peregrinus*) in the United States for use in falconry.

ADDRESSES: The FEA is available from the Division of Migratory Bird Management, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Room 634, Arlington, VA 22203-1610. You can request a copy of the FEA by calling 703-358-1825. The FEA also is available on the Division of Migratory Bird Management Web site at <http://www.fws.gov/migratorybirds/>.

FOR FURTHER INFORMATION CONTACT: Dr. George Allen, Division of Migratory Bird Management, U.S. Fish and Wildlife Service, at 703-358-1825.

SUPPLEMENTARY INFORMATION: We published a notice of the availability of a Draft Environmental Assessment on November 13, 2007 (72 FR 63921). We stated in the DEA that our management goal is to allow a reasonable harvest of migrant Northern peregrines while not increasing cumulative harvest of the U.S. portion of the Western or the

Alaskan segment of the Northern population to a harvest rate (defined as the proportion/percentage of fledged young in a given year that are removed by falconers) greater than 5%, and to have a minimal impact on non-target populations by limiting take of peregrines from them to less than 1%.

In the DEA, we considered six alternatives to address potential take of migrant peregrine falcons in the United States and Alaska. Under the No-Action Alternative, no legal take of migrant peregrine falcons for falconry could occur. We also evaluated alternatives that would allow take in different locations and at different times.

Having reviewed the comments on the DEA, we have revised the assessment, have reanalyzed data on North American peregrine falcon migration, and have considered eight alternatives for the harvest of passage peregrines. We analyzed the likely effects of harvest under the eight alternatives using band recovery data for peregrines that had been banded as nestlings and re-encountered during their first year, and the best available conservative estimates of population size for each management population. From these data sets, we estimated the proportion of each management population's first-year cohort that potentially would be exposed to harvest risk annually under each alternative, and, assuming harvest was in proportion to availability, the likely makeup of harvest.

The preferred alternative in our FEA is to allow take of 116 nestling and post-fledging first-year peregrine falcons from the nesting period through 31 August west of 100 degrees W longitude (including Alaska), and allow a take of 36 first-year migrant peregrine falcons between 20 September and 20 October from anywhere in the U.S. east of 100 degrees W longitude. These harvest limits take into account an annual falconry harvest of up to two migrant peregrine falcons in Canada and up to 25 in Mexico, which we believe is consistent with the current harvest in the two countries.

We expect there to be extensive coordination through the flyway councils on matters of harvest allocation among participating States in the U.S. and Mexico, and Canadian provinces. We propose to work with the flyway councils to establish procedures for collection, housing, and assessment of feather samples, and to establish criteria for determining the sex of harvested peregrines. In addition, we propose to monitor the number, sex, and geographic distribution of peregrines that are harvested to ensure compliance with the frameworks in the proposed

action. We will work through the flyway councils, or take regulatory actions, to resolve issues of non-compliance.

Future population surveys may identify changes in population size or productivity values from those reported here. We will review population and harvest data for Canada, the U.S., and Mexico every five years, or at the request of the flyway councils, to reassess the allowable harvest limits. If, during one of these reviews, we determine that *F. p. anatum* is no longer formally considered threatened or endangered by the Canadian Wildlife Service in Canada, and if the Atlantic and Mississippi flyway councils have determined that peregrines from the Eastern management population no longer warrant special protection, we may consider a more liberal take of migrants.

Dated: November 20, 2008.

Kenneth Stansell,

Director, U.S. Fish and Wildlife Service.

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DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Jena Band of Choctaw Indians Liquor Control Ordinance

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice publishes the Liquor Control Ordinance of the Jena Band of Choctaw Indians. The Ordinance regulates and controls the possession, sale, and consumption of liquor within the tribal lands. The tribal lands are located in Indian Country and this Ordinance allows for possession and sale of alcoholic beverages within their boundaries. This Ordinance will increase the ability of the tribal government to control the tribe's liquor sales, distribution and possession, and at the same time will provide an important source of revenue for the continued operation and strengthening of the tribal government and the delivery of tribal services.

DATES: *Effective Date:* This Ordinance is effective January 7, 2009.

FOR FURTHER INFORMATION CONTACT:

Chanda M. Joseph, Tribal Operations Officer, Eastern Regional Office, 545 Marriott Drive, Suite 700, Nashville, TN 37214, Telephone (615) 564-6750; or Elizabeth Colliflower, Office of Tribal Services, 1849 C Street, NW., Mail Stop 4513-MIB, Washington, DC 20240;

Telephone (202) 513-7640; Fax (202) 501-0679.

SUPPLEMENTARY INFORMATION: Pursuant to the Act of August 15, 1953, Public Law 83-277, 67 Stat. 586, 18 U.S.C. 1161, as interpreted by the Supreme Court in *Rice v. Rehner*, 463 U.S. 713 (1983), the Secretary of the Interior shall certify and publish in the **Federal Register** notice of adopted liquor ordinances for the purpose of regulating liquor transactions in Indian Country. The Tribal Council for the Jena Band of Choctaw Indians adopted this Liquor Code on June 14, 2007. The purpose of this Ordinance is to govern the sale, possession and distribution of alcohol within the tribal lands of the Jena Band of Choctaw Indians. This notice is published in accordance with the authority delegated by the Secretary of the Interior to the Assistant Secretary-Indian Affairs. I certify that this Liquor Control Ordinance of the Jena Band of Choctaw Indians was duly adopted by the Tribal Council for the Jena Band of Indians on June 14, 2007.

Dated: November 24, 2008.

George T. Skibine,

Acting Deputy Assistant Secretary for Policy and Economic Development.

The Jena Band of Choctaw Indians Liquor Control Ordinance reads as follows:

The Jena Band of Choctaw Indians

Liquor Control Ordinance

Article I—Title

This Ordinance shall be known as the “Jena Band of Choctaw Indians Liquor Control Ordinance.”

Article II—Authority

This Ordinance is enacted pursuant to the Act of August 15, 1953 (Pub. L. 83-277, 67 Stat. 686, 18 U.S.C. 1161), the Constitution of the Jena Band of Choctaw Indians (the “Constitution”), and the Tribe's inherent sovereign authority. The Tribal Council, as the governing body of the Tribe, is empowered pursuant to Article VIII, Section 1(j) and Section 1(l), respectively, of the Constitution to “[p]romote and protect the health, peace, morals, education, and general welfare of the tribe and its members;” and to “[e]stablish policies relating to tribal economic affairs and enterprises consistent with this Constitution.” Furthermore, the Tribal Council is empowered pursuant to Article VIII, Section 1(o) and Section 1(n), respectively, to “[p]ass any ordinance and/or resolution necessary or incidental to the exercise of any of the foregoing powers and duties” and to