

information material that explains the pilot program requirements.

**DATES:** The pilot program will commence August 1, 2009.

**FOR FURTHER INFORMATION CONTACT:** Ms. Erin M. Martin via e-mail at [ERIN.Martin@dhs.gov](mailto:ERIN.Martin@dhs.gov).

**SUPPLEMENTARY INFORMATION:**

**Background**

On February 13, 2008, the Department of Homeland Security (DHS) published a Notice of Proposed Rulemaking in the **Federal Register** (73 FR 8230) proposing changes to requirements affecting temporary and seasonal agricultural workers within the H-2A nonimmigrant classification and their U.S. employers.<sup>1</sup> Among other things, DHS proposed to establish a visa exit program on a pilot basis that would require temporary agricultural workers within the H-2A nonimmigrant classification to register with CBP at the time of departure from the United States. DHS is publishing the final rule implementing the H-2A program in today's edition of the **Federal Register**, concurrent with this notice.

Specifically, the final rule implements the pilot program by adding 8 CFR 215.9, which provides that an alien admitted on an H-2A visa at a port of entry participating in the Temporary Worker Visa Exit Program must also depart at the end of his or her authorized period of stay through a port of entry participating in the program and present designated biographic and/or biometric information upon departure. Section 215.9 further states that CBP will publish a notice in the **Federal Register** designating which H-2A workers must participate in the Temporary Worker Visa Exit Program, which ports of entry are participating in the program, which biographical and/or biometric information would be required, and the format for submission of that information by the departing designated temporary workers.

The final rule indicates that the Temporary Worker Visa Exit Program will begin as a pilot. Accordingly, CBP is implementing the Temporary Worker Visa Exit Program, on a pilot basis. This notice contains all the required elements referenced in 8 CFR 215.9. Any alien subject to the program that is admitted into the United States at a designated port on or after August 1, 2009, is subject to the pilot program.

<sup>1</sup> The H-2A nonimmigrant classification applies to aliens seeking to perform agricultural labor or services of a temporary or seasonal nature in the United States. Immigration and Nationality Act (Act or INA) sec. 101(a)(15)(H)(ii)(a), 8 U.S.C. 1101(a)(15)(H)(ii)(a); see 8 CFR 214.1(a)(2) (designation for H-2A classification).

**General Requirements of the Temporary Worker Visa Exit Program Pilot**

Any alien subject to the Temporary Worker Visa Exit Program must depart from a designated port of entry and must submit certain biographic and biometric information at one of the kiosks established for this purpose.

*Aliens Subject to the Pilot Program*

Any alien admitted into the United States under an H-2A nonimmigrant visa at one of the designated ports.

*Designated Ports*

San Luis, Arizona; Douglas, Arizona.

*Entry Procedures*

Any nonimmigrant alien admitted under an H-2A nonimmigrant visa at one of the designated ports of entry will be issued a CBP Form I-94, Arrival and Departure Record, and be presented with information material that explains the pilot program requirements. The information material will instruct the alien to appear in person at one of the designated ports of entry and register his or her final departure from the United States at that port on or before the date his or her work authorization expires.

*Exit Procedures*

An alien admitted under an H-2A nonimmigrant visa must depart at a designated port on or before the date his or her work authorization expires. At the time of departure, the alien must present the following biographic and biometric information at a kiosk installed for this purpose:

- *1—Biographic information*—name, date of birth, country of citizenship, passport number, and the name of the Consulate where the alien's visa was issued. The biographic information will be provided by scanning the alien's travel document (visa). If the scan of the visa fails, the alien will scan his or her passport. If the scan of the passport fails the alien will manually enter the required biographic information.
- *2—Biometric information*—a 4-finger scan from one hand.
- *3—The departure portion of the CBP Form I-94*—this must be deposited into the kiosk and the departing alien will receive a receipt verifying a successfully completed checkout registration.

*Kiosks*

Instructions for departure registration will be available in both English and Spanish for use by departing aliens at the kiosks.

Officer assistance will be available in the event that an alien is unable to utilize the designated kiosk to record his or her departure.

**Jayson P. Ahern,**

*Acting Commissioner, U.S. Customs and Border Protection.*

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**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**[Docket No. FR-5274-N-01]**

**Notice of HUD-Held Multifamily and Healthcare Loan Sale**

**AGENCY:** Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

**ACTION:** Notice of sale of mortgage loan.

**SUMMARY:** This notice announces HUD's intention to sell an unsubsidized multifamily mortgage loan, without Federal Housing Administration (FHA) insurance, in a competitive, sealed bid sale (Pool 101 of MHLS 2009-1). This notice also describes generally the bidding process for the sale and certain persons who are ineligible to bid.

**DATES:** For Pool 101 of MHLS 2009-1, the Bidder's Information Package (BIP) was made available to qualified bidders on November 20, 2008. Bids for the loan must be submitted on the bid date, which is currently scheduled for December 19, 2008. HUD anticipates that an award will be made on or before December 22, 2008. The sale closing is expected to take place on December 30, 2008.

**ADDRESSES:** To become a qualified bidder and receive the BIP, prospective bidders must complete, execute, and submit a Confidentiality Agreement and a Qualification Statement acceptable to HUD. Both documents will be available on the HUD Web site at <http://www.hud.gov/fhaloansales.cfm>. The executed documents must be mailed and faxed to DebtX at: The Debt Exchange, 133 Federal Street, 10th Floor, Boston, MA 02111, Attention: MHLS 2009-1 Sale Coordinator, Fax 1-617-531-3499.

**FOR FURTHER INFORMATION CONTACT:** John Lucey, Deputy Director, Asset Sales Office, Room 3136, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410-8000; telephone 202-708-2625, extension 3927. Individuals with hearing or speech impairments may call 202-708-4594 (TTY). These are not toll-free numbers.

**SUPPLEMENTARY INFORMATION:** HUD announces its intention to sell in Pool 101 of MHLS 2009-1 an unsubsidized mortgage loan (Mortgage Loan) secured by a multifamily property located in Columbus, Ohio. The Mortgage Loan is non-performing. The Mortgage Loan will be sold without FHA insurance and with servicing released. HUD will offer qualified bidders an opportunity to bid competitively on the Mortgage Loan.

The mortgagor, if it is a qualified bidder, may submit a bid on the Mortgage Loan. If interested, the Mortgagor should review the Qualification Statement to determine whether it may be eligible to qualify to submit a bid for Pool 101 of MHLS 2009-1.

### The Bidding Process

The BIP will describe in detail the procedure for bidding in Pool 101 of MHLS 2009-1. The BIP or its supplement(s) will also include a standardized nonnegotiable loan sale agreement (Loan Sale Agreement). As part of its bid, each bidder must submit a deposit equal to the greater of \$100,000 or 10 percent of the bid price. In the event the bidder's bid is less than \$100,000.00, the minimum deposit shall be not less than fifty percent of the bidder's bid. HUD will evaluate the bids submitted and determine the successful bid in its sole and absolute discretion. If a bidder is successful, the bidder's deposit will be non-refundable and will be applied toward the purchase price. Deposits will be returned to unsuccessful bidders. The Closing for Pool 101 of MHLS 2009-1 is scheduled for December 30, 2008.

These are the essential terms of sale. The Loan Sale Agreement, which will be included in the BIP or its supplement(s), will contain additional terms and details. To ensure a competitive bidding process, the terms of the bidding process and the Loan Sale Agreement are not subject to negotiation.

### Due Diligence Review

The BIP will describe the due diligence process for reviewing loan files in Pool 101 of MHLS 2009-1. Qualified bidders will be able to access loan information remotely via a high-speed Internet connection. Further information on performing due diligence review of the Mortgage Loans will be provided in the BIP.

### Mortgage Loan Sale Policy

HUD reserves the right to reject any and all bids, in whole or in part, without prejudice to HUD's right to include this Mortgage Loan in a later

sale. The Mortgage Loan will not be withdrawn after the Award Date except as is specifically provided in the Loan Sale Agreement.

This is a sale of an unsubsidized mortgage loan, pursuant to Section 204(a) of the Departments of the Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act of 1997, 12 U.S.C. 1715z-11a(a).

### Mortgage Loan Sale Procedure

HUD selected a competitive sale as the method to sell the Mortgage Loan. This method of sale optimizes HUD's return on the sale of this Mortgage Loan, affords the greatest opportunity for all qualified bidders to bid on the Mortgage Loan, and provides the quickest and most efficient vehicle for HUD to dispose of the Mortgage Loan.

### Bidder Eligibility

In order to bid in the sale, a prospective bidder must complete, execute and submit both a Confidentiality Agreement and a Qualification Statement acceptable to HUD. The following individuals and entities are ineligible to bid on the Mortgage Loan included in Pool 101 of MHLS 2009-1:

(1) Any employee of HUD, a member of such employee's household, or an entity owned or controlled by any such employee or member of such an employee's household;

(2) Any individual or entity that is debarred, suspended, or excluded from doing business with HUD pursuant to Title 24 of the Code of Federal Regulations, Part 24, and Title 25 of the Code of Federal Regulations, Part 2424;

(3) Any contractor, subcontractor and/or consultant or advisor (including any agent, employee, partner, director, principal or affiliate of any of the foregoing) who performed services for or on behalf of HUD in connection with Pool 101 of MHLS 2009-1;

(4) Any individual who was a principal, partner, director, agent or employee of any entity or individual described in subparagraph 3 above, at any time during which the entity or individual performed services for or on behalf of HUD in connection with Pool 101 of MHLS 2009-1;

(5) Any individual or entity that uses the services, directly or indirectly, of any person or entity ineligible under subparagraphs 1 through 4 above to assist in preparing any of its bids on the Mortgage Loan;

(6) Any individual or entity which employs or uses the services of an employee of HUD (other than in such

employee's official capacity) who is involved in Pool 101 of MHLS 2009-1;

(7) Any mortgagor (or affiliate of a mortgagor) that failed to submit to HUD on or before February 21, 2008, audited financial statements for fiscal years 1999 through 2007 for a project securing a Mortgage Loan;

(8) Any individual or entity and any Related Party (as such term is defined in the Qualification Statement) of such individual or entity that is a mortgagor in any of HUD's multifamily housing programs and that is in default under such mortgage loan or is in violation of any regulatory or business agreements with HUD, unless such default or violation is cured on or before December 9, 2008;

(9) Any entity or individual that serviced or held the Mortgage Loan at any time during the 2-year period prior to December 1, 2008, is ineligible to bid on the Mortgage Loan or on the pool containing such Mortgage Loan; and

(10) Any affiliate or principal of any entity or individual described in the preceding sentence (subparagraph 9); any employee or subcontractor of such entity or individual during that 2-year period; or any entity or individual that employs or uses the services of any other entity or individual described in this subparagraph in preparing its bid on such Mortgage Loan.

Prospective bidders should carefully review the Qualification Statement to determine whether they are eligible to submit bids on the Mortgage Loan in Pool 101 of MHLS 2009-1.

### Eligible Bidders With Respect to Pool 101 of MHLS 2009-1

Notwithstanding the foregoing, in order to bid on Pool 101 of MHLS 2009-1, bidders must be a Non-Profit entity, Housing Finance Authority, or a unit of local government.

### Freedom of Information Act Requests

HUD reserves the right, in its sole and absolute discretion, to disclose information regarding Pool 101 of MHLS 2009-1, including, but not limited to, the identity of any successful bidder and its bid price or bid percentage for the loan, upon the closing of the sale. Even if HUD elects not to publicly disclose any information relating to Pool 101 of MHLS 2009-1, HUD will have the right to disclose any information that HUD is obligated to disclose pursuant to the Freedom of Information Act and all regulations promulgated thereunder.

### Scope of Notice

This notice applies to Pool 101 of MHLS 2009-1 and does not establish

HUD's policy for the sale of other mortgage loans.

Dated: December 12, 2008.

**Brian D. Montgomery,**

*Assistant Secretary for Housing—Federal Housing Commissioner.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS-R4-ES-2008-NO247; 40120-1113-0000-C2]

#### Notice of Availability of the Florida Panther Recovery Plan

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

**ACTION:** Notice of document availability.

**SUMMARY:** We, the Fish and Wildlife Service, announce the availability of the third revision of the Florida Panther Recovery Plan. The plan includes specific recovery objectives and criteria to be met in order to reclassify the Florida panther (*Puma concolor coryi*) to threatened status and eventually delist this species under the Endangered Species Act of 1973, as amended (Act).

**ADDRESSES:** You can obtain copies of the Florida Panther Recovery Plan by contacting the Fish and Wildlife Service, South Florida Ecological Services Office, 1339 20th Street, Vero Beach, FL 32960 (telephone, 772-562-3909) or by visiting our Web sites at <http://endangered.fws.gov> or <http://verobeach.fws.gov>.

**FOR FURTHER INFORMATION CONTACT:** Chris Belden, South Florida Ecological Services Office, 772-562-3909, ext. 237.

#### SUPPLEMENTARY INFORMATION:

##### Background

Restoring listed animals and plants to the point where they are again secure, self-sustaining components of their ecosystems is a primary goal of our threatened and endangered species program. To help guide the recovery effort, we are preparing recovery plans for most listed species. Recovery plans describe actions that may be necessary for conservation of species, establish criteria for reclassification from endangered to threatened status or delisting, and estimate time and cost for implementing recovery measures.

The Act (16 U.S.C. 1533 *et seq.*) requires the development of recovery plans for listed species, unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act requires us to

provide a public notice and an opportunity for public review and comment during recovery plan development. We made the draft third revision of the Florida Panther Recovery Plan available for public comment from January 31, 2006, through April 3, 2006 (71 FR 5066). We considered information we received during the public comment period and information from peer reviewers in our preparation of this final revised recovery plan. We will forward substantive comments to other Federal agencies so each agency can consider these comments in implementing approved recovery plans.

The Florida panther is the last subspecies of *Puma* still surviving in the eastern United States. Historically occurring throughout the southeastern United States, the panther today is restricted to less than 5 percent of its historic range in 1 breeding population of approximately 100 animals, located in south Florida. Wide ranging, and secretive, panthers occur at low densities. They require large contiguous areas to meet their social, reproductive, and energetic needs. Panther habitat selection is related to prey availability (i.e., habitats that make prey vulnerable to stalking and capturing are selected).

Habitat loss, degradation, and fragmentation are among the greatest threats to panther survival. Vehicle strikes and problems associated with being a single, small, isolated population have continued to keep the panther population at its current low numbers. Potential panther habitat throughout the southeast continues to be affected by urbanization, residential development, conversion to agriculture, mining and mineral exploration, and lack of land-use planning that recognizes panther needs. Public support is critical to attainment of recovery goals for the Florida panther and any reintroduction efforts. Potential opposition to panthers will be the most difficult aspect of panther recovery and must be addressed before any reintroduction efforts are initiated.

The goal of the Florida panther recovery plan is to achieve long-term viability of the panther to a point where it can be reclassified from endangered to threatened and then ultimately removed from the Federal List of Endangered and Threatened Species. The recovery plan identifies three objectives to meet this goal, including:

1. Maintain, restore, and expand the Florida panther population and its habitat in south Florida and expand the breeding portion of the population in south Florida to areas north of the Caloosahatchee River.

2. Identify, secure, maintain, and restore panther habitat in potential reintroduction areas within the panther's historic range, and establish viable populations of the panther outside south and south-central Florida.
3. Facilitate panther recovery through public awareness and education.

The plan presents criteria for reclassifying or delisting the panther. These criteria are based on the number of individuals and number of populations that provide for demographically and genetically viable populations, as determined by several population viability analyses, to ensure resilience to catastrophic events.

Reclassification of the Florida panther will be considered when:

1. Two viable populations of at least 240 individuals (adults and subadults) each have been established and subsequently maintained for a minimum of 12 years (or 2 panther generations).

2. Sufficient habitat quality, quantity, and spatial configuration to support these populations is retained/protected or secured for the long term.

Delisting of the Florida panther will be considered when:

1. Three viable, self-sustaining populations of at least 240 individuals (adults and subadults) each have been established and subsequently maintained for a minimum of 12 years.

2. Sufficient habitat quality, quantity, and spatial configuration to support these populations is retained/protected or secured for the long term.

A viable population, for purposes of Florida panther recovery, has been defined as one in which there is a 95 percent probability of persistence for 100 years. This population may be distributed in a metapopulation structure composed of subpopulations that total 240 individuals. There must be exchange of individuals and gene flow among subpopulations. For reclassification, exchange of individuals and gene flow can be either natural or through management. If managed, a commitment to such management must be formally documented and funded. For delisting, exchange of individuals and gene flow among subpopulations must be natural (i.e., not manipulated or managed). Habitat should be in relatively unfragmented blocks that provide for food, shelter, and characteristic movements (e.g., hunting, breeding, dispersal, and territorial behavior) and support each metapopulation at a minimum density of 2 to 3 animals per 100 square miles.

**Authority:** The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).