

their 1995 NCCP/HCP. Specific measures include implementing 61 operational protocols to minimize impacts to covered species and deducting mitigation credits from existing preserved and managed lands conserved by SDG&E to benefit the covered species.

### Proposed Action and Alternatives

The Proposed Action consists of the issuance of an incidental take permit and implementation of the proposed HCP, which includes measures to avoid, minimize, and mitigate impacts to 37 covered species. If we approve the permit, take of the 15 animal species and impacts to 22 plant species would be authorized for SDG&E to conduct O&M activities and minor new construction. In the proposed HCP, the applicant considers alternatives to the taking of covered species under the proposed action. A “No Action” alternative was considered where SDG&E would continue to conduct its activities in accordance with the applicant’s 1995 NCCP/HCP until the 400-acre cap on habitat impacts is reached. Simultaneously, SDG&E would work with the Service and the California Department of Fish and Wildlife to develop and adopt a revised NCCP/HCP. However, if this process is not completed by the time the 400-acre cap is reached, SDG&E would have to suspend its routine O&M activities until the process is complete or seek individual permits for distinct activities. Any suspension would pose significant risks to SDG&E’s ability to provide safe and reliable service to its customers and pursuing individual permits for routine activities would impose significant administrative burdens and costs and potential delays on SDG&E.

### Our Preliminary Determination

The Service has made a preliminary determination that approval of the proposed HCP qualifies as a categorical exclusion under NEPA (42 U.S.C. 4321 *et seq.*), as provided by the Department of the Interior implementing regulations in part 46 of title 43 of the Code of Federal Regulations (43 CFR 46.205, 46.210, and 46.215), and that the HCP qualifies as a “low-effect” plan as defined by the *Habitat Conservation Planning Handbook* (December 2016).

We base our determination that a HCP qualifies as a low-effect plan on the following three criteria:

- (1) Implementation of the HCP would result in minor or negligible effects on federally listed, proposed, and candidate species and their habitats;
- (2) Implementation of the HCP would result in minor or negligible effects on

other environmental values or resources; and

(3) Impacts of the HCP, considered together with the impacts of other past, present, and reasonably foreseeable similarly situated projects, would not result, over time, in cumulative effects to environmental values or resources that would be considered significant.

Based upon this preliminary determination, we do not intend to prepare further NEPA documentation. We will consider public comments in making the final determination on whether to prepare such additional documentation.

### Next Steps

We will evaluate the proposed HCP and comments we receive to determine whether the permit application meets the requirements and issuance criteria under section 10(a) of the Act (16 U.S.C. 1531 *et seq.*). We will also evaluate whether issuance of a section 10(a)(1)(B) incidental take permit would comply with section 7 of the Act by conducting an intra-Service consultation. We will use the results of this consultation, in combination with the above findings, in our final analysis to determine whether or not to issue a permit. If the requirements and issuance criteria under section 10(a) are met, we will issue the permit to the applicant for incidental take and assurances, as appropriate, for the 37 covered species.

### Public Comments

If you wish to comment on the permit application, proposed HCP, and associated documents, you may submit comments by any of the methods noted in **ADDRESSES**.

### Public Availability of Comments

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.

### Authority

We provide this notice under section 10 of the Act (16 U.S.C. 1531 *et seq.*) and NEPA regulations (40 CFR 1506.6).

### Karen A. Goebel,

*Acting Field Supervisor, Carlsbad Fish and Wildlife Office, Carlsbad, California.*

[FR Doc. 2016–31698 Filed 12–29–16; 8:45 am]

**BILLING CODE 4333–15–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

[178A2100DD/AAKC001030/  
AOA501010.999900 253G]

### Guidelines for Implementing the Indian Child Welfare Act

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

**ACTION:** Notice of availability.

**SUMMARY:** This notice announces the availability of the Department’s new *Guidelines for Implementing the Indian Child Welfare Act*. These guidelines are intended to assist those involved in child custody proceedings in understanding and uniformly applying the Indian Child Welfare Act (ICWA) and the Department’s regulations. All such parties—including the courts, State child welfare agencies, private adoption agencies, Tribes, and family members—have a stake in ensuring the proper implementation of this important Federal law designed to protect Indian children, their parents, and Indian tribes.

**ADDRESSES:** The guidelines are available at: <http://bia.gov/WhoWeAre/BIA/OIS/HumanServices/IndianChildWelfareAct/index.htm>. You can also reach this Web page by going to [www.bia.gov](http://www.bia.gov) and clicking the “Indian Child Welfare Act” icon on the right-hand side of the page.

**FOR FURTHER INFORMATION CONTACT:** For information on implementation of these guidelines, please contact Ms. Debra Burton, ICWA Specialist, Bureau of Indian Affairs, U.S. Department of the Interior, 1849 C Street NW., MS 3642, Washington, DC 20240, (202) 513–7610; [debra.burton@bia.gov](mailto:debra.burton@bia.gov). For information regarding the development of these guidelines, please contact Ms. Elizabeth Appel, Office of Regulatory Affairs & Collaborative Action—Indian Affairs, U.S. Department of the Interior, 1849 C Street NW., MS 3642, Washington, DC 20240, (202) 273–4680; [elizabeth.appel@bia.gov](mailto:elizabeth.appel@bia.gov).

**SUPPLEMENTARY INFORMATION:** The ICWA is a statute passed by Congress and codified in the United States Code (U.S.C.) at 25 U.S.C. 1901 *et seq.* The Department promulgated ICWA regulations to implement the statute; the regulations were published in the **Federal Register** at 81 FR 38778 (June 14, 2016) and will be codified in the Code of Federal Regulations (CFR) at 25 CFR part 23.

The Department is now issuing *Guidelines for Implementing the Indian Child Welfare Act* to complement the

regulations. While not imposing binding requirements, the guidelines provide a reference and resource for all parties involved in child custody proceedings involving Indian children. The guidelines explain the statute and regulations and also provide examples of best practices for the implementation of the statute, with the goal of encouraging greater uniformity in the application of ICWA. The guidelines replace the 1979 and 2015 versions of the Department's guidelines.

The Department encourages all involved in child custody proceedings who seek to understand and uniformly apply ICWA and the Department's regulations to review the guidelines, which are available at the Web page listed in the **ADDRESSES** section of this notice.

Dated: December 16, 2016.

**Lawrence S. Roberts,**

*Principal Deputy Assistant Secretary—Indian Affairs.*

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## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

[178A2100DD/AAKC001030/  
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#### Indian Gaming; Tribal-State Class III Gaming Compacts Taking Effect in the State of New Mexico

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

**ACTION:** Notice.

**SUMMARY:** The Pueblo of Santa Ana and the State of New Mexico entered into a compact governing Class III gaming. This notice announces that the compact is taking effect.

**DATES:** The effective date of the compact is December 30, 2016.

**FOR FURTHER INFORMATION CONTACT:** Ms. Paula L. Hart, Director, Office of Indian Gaming, Office of the Assistant Secretary—Indian Affairs, Washington, DC 20240, (202) 219–4066.

**SUPPLEMENTARY INFORMATION:** Section 11 of the Indian Gaming Regulatory Act (IGRA) requires the Secretary of the Interior to publish in the **Federal Register** notice of approved Tribal-State compacts that are for the purpose of engaging in Class III gaming activities on Indian lands. *See* Public Law 100–497, 25 U.S.C. 2701 *et seq.* All Tribal-State Class III compacts, including amendments, are subject to review and approval by the Secretary under 25 CFR 293.4. The Secretary took no action on

the compact within 45 days of its submission. Therefore, the compact is considered to have been approved, but only to the extent the compact is consistent with IGRA. *See* 25 U.S.C. 2710(d)(8)(C).

Dated: December 22, 2016.

**Lawrence S. Roberts,**

*Principal Deputy Assistant Secretary—Indian Affairs.*

[FR Doc. 2016–31725 Filed 12–29–16; 8:45 am]

**BILLING CODE 4337–15–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

[167A2100DD/AAKC001030/  
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#### Notice of Intent To Prepare an Environmental Impact Statement for the Tule River Tribe's Proposed Fee-to-Trust and Eagle Mountain Casino Relocation Project, Tulare County, California

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

**ACTION:** Notice.

**SUMMARY:** This notice advises the public that the Bureau of Indian Affairs (BIA), as lead agency, intends to gather information necessary for preparing an environmental impact statement (EIS) in connection with the Tule River Tribe's (Tribe) proposed Eagle Mountain Casino Relocation Project in Tulare County, California. This notice also opens public scoping to identify potential issues, concerns and alternatives to be considered in the EIS.

**DATES:** To ensure consideration during the development of the EIS, written comments on the scope of the EIS should be sent as soon as possible and no later than January 30, 2017. The date of the public scoping meeting will be announced at least 15 days in advance through a notice to be published in the local newspaper (Porterville Recorder) and online at <http://www.tuleriveris.com>.

**ADDRESSES:** You may mail or hand-deliver written comments to Ms. Amy Dutschke, Regional Director, Bureau of Indian Affairs, Pacific Region, 2800 Cottage Way, Sacramento, California 95825. Please include your name, return address, and "NOI Comments, Tule River Tribe Casino Relocation Project" on the first page of your written comments. You may also submit comments through email to Mr. John Rydzik, Chief, Division of Environmental, Cultural Resource Management and Safety, Bureau of

Indian Affairs, at [john.rydzik@bia.gov](mailto:john.rydzik@bia.gov). If emailing comments, please use "NOI Comments, Tule River Tribe Casino Relocation Project" as the subject of your email.

The location of the public scoping meeting will be announced at least 15 days in advance through a notice to be published in the local newspaper (Porterville Recorder) and online at <http://www.tuleriveris.com>.

**FOR FURTHER INFORMATION CONTACT:** Mr. John Rydzik, Chief, Division of Environmental, Cultural Resource Management and Safety, Bureau of Indian Affairs, Pacific Regional Office, 2800 Cottage Way, Room W–2820, Sacramento, California 95825; telephone: (916) 978–6051; email: [john.rydzik@bia.gov](mailto:john.rydzik@bia.gov). Information is also available online at <http://www.tuleriveris.com>.

**SUPPLEMENTARY INFORMATION:** The Tribe submitted an application to the Bureau of Indian Affairs (BIA) requesting the placement of approximately 40 acres of fee land in trust by the United States upon which the Tribe would construct a casino resort. The facility would include an approximately 105,000 square foot casino, an approximately 250-room hotel, approximately 36,000 square feet of food and beverage facilities, administrative space, a multi-purpose events center, a conference center, and associated parking and infrastructure. The new facility would replace the Tribe's existing casino, and the existing casino buildings would be converted to tribal government or service uses. Accordingly, the proposed action for the Department is the acquisition requested by the Tribe. The proposed fee-to-trust property is located within the boundaries of the City of Porterville, in Tulare County, California, adjacent to the Porterville Airport and approximately 15 miles west of the Tule River Tribe Reservation. The proposed trust property includes 17 parcels, bound by West Street on the west, an off-highway vehicle park (OHV) owned by the City of Porterville to the north and east, and a photovoltaic power station (solar farm) to the south. The Assessor's parcel numbers (APNs) for the property are 302–400–001 through 302–400–017. The purpose of the proposed action is to improve the economic status of the tribal government so it can better provide housing, health care, education, cultural programs, and other services to its members.

The proposed action encompasses the various Federal approvals which may be required to implement the Tribe's proposed project, including approval of