

economic issues might impact behaviors with regards to safe navigation and (2) to find a balanced solution for navigation concerns that addresses both the proposed uses of the waterway and the traditional uses of the waterway.

As MARIPARS is merely a study for the purpose of making recommendations, and not a regulatory action through which the Coast Guard is imposing a cost or other burden upon the public, the Coast Guard cannot complete such a study at this time. If, however, the Coast Guard were to later determine that it should take regulatory measures as a result of this study, it would then evaluate the economic aspects of the proposed regulatory activity as part of the rulemaking process.

#### IV. Study Recommendations

The recommendations of this PARS are primarily based on the comments received to the docket, public outreach, and consultation with other government agencies. The MARIPARS evaluated several concerns that resulted in the following recommendations:

A. That the MA/RI WEA's turbine layout be developed along a standard and uniform grid pattern with at least three lines of orientation and standard spacing to accommodate vessel transits, traditional fishing operations, and search and rescue operations, throughout the MA/RI WEA. The adoption of a standard and uniform grid pattern through BOEM's approval process will likely eliminate the need for the USCG to pursue formal or informal routing measures within the MA/RI WEA at this time.

1. Lanes for vessel transit should be oriented in a northwest to southeast direction, 0.6 NM to 0.8 NM wide. This width will allow vessels the ability to maneuver in accordance with the COLREGS while transiting through the MA/RI WEA.

2. Lanes for commercial fishing vessels actively engaged in fishing should be oriented in an east to west direction, 1 NM wide.

3. Lanes for USCG search and rescue operations should be oriented in a north to south and east to west direction, 1 NM wide. This will ensure two lines of orientation for USCG helicopters to conduct search and rescue operations.

In the event that subsequent MA/RI WEA project proposals diverge from a standard and uniform grid pattern approved in previous projects, the USCG will revisit the need for informal and formal measures to preserve safe, efficient navigation and SAR operations.

B. That mariners transiting in or near the MA/RI WEA should use extra

caution, ensure proper watch and assess all risk factors. Offshore renewable energy installations present new challenges to safe navigation, but proper voyage planning and access to relevant safety information should ensure that safety is not compromised.

In general, mariners transiting through this WEA should make a careful assessment of all factors associated with their voyage. These factors at a minimum should include;

(1) The operator's experience and condition with regard to fitness and rest.

(2) The vessels characteristics, which should include the size, maneuverability, and sea keeping ability. The overall reliable and operational material condition of propulsion, steering, and navigational equipment.

(3) Weather conditions—both current and predicted including sea state and visibility.

(4) Voyage planning to include up-to-date information regarding the positions of completed wind towers or wind towers under construction and their associated construction vessels. A great deal of consideration should also be given to whether the transit will be conducted during day or night.

#### V. Summary of Changes

No substantive changes were made to the report as a result of the comment period. Only minor editorial changes were made to the report.

#### VI. Future Actions

The USCG will continue to serve as a NEPA cooperating agency to BOEM's environmental review of each proposed project. In that role, the USCG will evaluate the navigational safety risks of each proposal on a case-by-case basis.

The First Coast Guard District actively monitors all waterways subject to its jurisdiction to ensure navigation safety and will continue to monitor the areas offshore of Massachusetts and Rhode Island for evolving conditions, which may require additional studies to ensure navigational safety and minimize impacts to USCG operations.

The final report is available for viewing and download from the **Federal Register** docket at <http://www.regulations.gov> or the USCG Navigation Center website at <https://www.navcen.uscg.gov/?pageName=PARSReports>.

This notice is published under the authority of 46 U.S.C. 70003, 70004 and 5 U.S.C. 552(a).

Dated: May 14, 2020.

**A.J. Tionsgon**,  
Rear Admiral, U.S. Coast Guard, Commander,  
First Coast Guard District.

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**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### U.S. Customs and Border Protection

[CBP Dec. 20-06]

#### Western Hemisphere Travel Initiative: Designation of an Approved Native American Tribal Card Issued by the Confederated Tribes of the Colville Reservation as an Acceptable Document To Denote Identity and Citizenship for Entry in the United States at Land and Sea Ports of Entry

**AGENCY:** U.S. Customs and Border Protection, DHS.

**ACTION:** Notice.

**SUMMARY:** This notice announces that the Commissioner of U.S. Customs and Border Protection is designating an approved Native American tribal card issued by the Confederated Tribes of the Colville Reservation (“Colville Tribes”) to U.S. and Canadian citizens as an acceptable travel document for purposes of the Western Hemisphere Travel Initiative. The approved card may be used to denote identity and citizenship of Colville Tribes members entering the United States from contiguous territory or adjacent islands at land and sea ports of entry.

**DATES:** This designation will become effective on May 27, 2020.

**FOR FURTHER INFORMATION CONTACT:** Colleen Manaher, Executive Director, Planning, Program Analysis, and Evaluation, Office of Field Operations, U.S. Customs and Border Protection, via email at [Colleen.M.Manaher@cbp.dhs.gov](mailto:Colleen.M.Manaher@cbp.dhs.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

##### *The Western Hemisphere Travel Initiative*

Section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA), Public Law 108-458, as amended, required the Secretary of Homeland Security (Secretary), in consultation with the Secretary of State, to develop and implement a plan to require U.S. citizens and individuals for whom documentation requirements have previously been waived under section 212(d)(4)(B) of the Immigration and Nationality Act (8 U.S.C.

1182(d)(4)(B)) to present a passport or other document or combination of documents as the Secretary deems sufficient to denote identity and citizenship for all travel into the United States. See 8 U.S.C. 1185 note. On April 3, 2008, the Department of Homeland Security (DHS) and the Department of State promulgated a joint final rule, effective on June 1, 2009, that implemented the plan known as the Western Hemisphere Travel Initiative (WHTI) at U.S. land and sea ports of entry. See 73 FR 18384 (the WHTI Land and Sea Final Rule). The rule amended various sections in the Code of Federal Regulations (CFR), including 8 CFR 212.0, 212.1, and 235.1. The WHTI Land and Sea Final Rule specifies the documents that U.S. citizens and nonimmigrant aliens from Canada, Bermuda, and Mexico are required to present when entering the United States at land and sea ports of entry.

Under the WHTI Land and Sea Final Rule, one type of citizenship and identity document that may be presented upon entry to the United States at land and sea ports of entry from contiguous territory or adjacent islands<sup>1</sup> is a Native American tribal card that has been designated as an acceptable document to denote identity and citizenship by the Secretary, pursuant to section 7209 of IRTPA. Specifically, 8 CFR 235.1(e), as amended by the WHTI Land and Sea Final Rule, provides that upon designation by the Secretary of Homeland Security of a United States qualifying tribal entity document as an acceptable document to denote identity and citizenship for the purposes of entering the United States, Native Americans may be permitted to present tribal cards upon entering or seeking admission to the United States according to the terms of the voluntary agreement entered between the Secretary of Homeland Security and the tribe. It provides that the Secretary of Homeland Security will announce, by publication of a notice in the **Federal Register**, documents designated under this paragraph. It further provides that a list of the documents designated under this section will also be made available to the public.

A United States qualifying tribal entity is defined as a tribe, band, or other group of Native Americans formally recognized by the United States Government which agrees to meet WHTI document standards. See 8 CFR

212.1.<sup>2</sup> Native American tribal cards are also referenced in 8 CFR 235.1(b), which lists the documents U.S. citizens may use to establish identity and citizenship when entering the United States. See 8 CFR 235.1(b)(7).

The Secretary has delegated to the Commissioner of U.S. Customs and Border Protection (CBP) the authority to designate certain documents as acceptable border crossing documents for persons arriving in the United States by land or sea from within the Western Hemisphere, including certain United States Native American tribal cards. See DHS Delegation Number 7105 (Revision 00), dated January 16, 2009.

#### *Tribal Card Program*

The WHTI Land and Sea Final Rule allowed U.S. federally recognized Native American tribes to work with CBP to enter into agreements to develop tribal ID cards that can be designated as acceptable to establish identity and citizenship when entering the United States at land and sea ports of entry from contiguous territory or adjacent islands. CBP has been working with various U.S. federally recognized Native American tribes to facilitate the development of such cards.<sup>3</sup> As part of the process, CBP will enter into one or more agreements with a U.S. federally recognized tribe that specify the requirements for developing and issuing WHTI-compliant Native American tribal cards, including a testing and auditing process to ensure that the cards are produced and issued in accordance with the terms of the agreements.

After production of the cards in accordance with the specified requirements, and successful testing and auditing by CBP of the cards and program, the Secretary of Homeland Security or the Commissioner of CBP may designate the Native American tribal card as an acceptable WHTI-compliant document for the purpose of establishing identity and citizenship when entering the United States by land or sea from contiguous territory or adjacent islands. Such designation will be announced by publication of a notice in the **Federal Register**. More information about WHTI-compliant documents is available at [www.cbp.gov/travel](http://www.cbp.gov/travel).

The Pascua Yaqui Tribe of Arizona became the first Native American tribe to have its Native American tribal card designated as a WHTI-compliant

document by the Commissioner of CBP. This designation was announced in a notice published in the **Federal Register** on June 9, 2011 (76 FR 33776). Subsequently, the Commissioner of CBP announced the designation of several other Native American tribal cards as WHTI-compliant documents. See, e.g., the Native American tribal cards of the Kootenai Tribe of Idaho, 77 FR 4822 (January 31, 2012); the Seneca Nation of Indians, 80 FR 40076 (July 13, 2015); the Hydaburg Cooperative Association of Alaska, 81 FR 33686 (May 27, 2016); and the Pokagon Band of Potawatomi Indians, 82 FR 42351 (September 7, 2017).

#### *Confederated Tribes of the Colville Reservation WHTI-Compliant Native American Tribal Card Program*

The Confederated Tribes of the Colville Reservation (“Colville Tribes”) have voluntarily established a program to develop a WHTI-compliant Native American tribal card that denotes identity and U.S. or Canadian citizenship. On May 21, 2013, CBP and the Colville Tribes entered into a Memorandum of Agreement (MOA) to develop, issue, test, and evaluate tribal cards to be used for border crossing purposes. Pursuant to this MOA, the cards are issued to members of the Colville Tribes who can establish identity, tribal membership, and U.S. or Canadian citizenship. The cards incorporate physical security features acceptable to CBP as well as facilitative technology allowing for electronic validation by CBP of identity, citizenship, and tribal membership.<sup>4</sup>

CBP has tested the cards developed by the Colville Tribes pursuant to the above MOA and related agreements, and has performed an audit of the tribes’ card program. On the basis of these tests and audit, CBP has determined that the Native American tribal cards meet the requirements of section 7209 of the IRTPA and are acceptable documents to denote identity and citizenship for purposes of entering the United States at land and sea ports of entry from contiguous territory or adjacent islands.<sup>5</sup> CBP’s continued acceptance of

<sup>4</sup> CBP and the Colville Tribes entered into a Service Level Agreement (SLA) on October 3, 2016, concerning the technical requirements and support for the production, issuance, and verification of the Native American tribal cards. CBP and the Colville Tribes also entered into an Interconnection Security Agreement in February 2016, with respect to individual and organizational security responsibilities for the protection and handling of unclassified information.

<sup>5</sup> The Native American tribal card issued by the Colville Tribes may not, by itself, be used by Canadian citizen tribal members to establish that

<sup>1</sup> “Adjacent islands” is defined in 8 CFR 212.0 as “Bermuda and the islands located in the Caribbean Sea, except Cuba.” This definition applies to 8 CFR 212.1 and 235.1.

<sup>2</sup> This definition applies to 8 CFR 212.1 and 235.1.

<sup>3</sup> The Native American tribal cards qualifying to be a WHTI-compliant document for border crossing purposes are commonly referred to as “Enhanced Tribal Cards” or “ETCs.”

the Native American tribal cards as a WHTI-compliant document is conditional on compliance with the MOA and related agreements.

Acceptance and use of the WHTI-compliant Native American tribal cards is voluntary for tribe members. If an individual is denied a WHTI-compliant Native American tribal card, he or she may still apply for a passport or other WHTI-compliant document.

#### Designation

This notice announces that the Commissioner of CBP designates the Native American tribal card issued by the Colville Tribes in accordance with the MOA and all related agreements between the tribes and CBP as an acceptable WHTI-compliant document pursuant to section 7209 of the IRTPA and 8 CFR 235.1(e). In accordance with these provisions, the approved card, if valid and lawfully obtained, may be used to denote identity and U.S. or Canadian citizenship of Colville Tribes members for the purposes of entering the United States from contiguous territory or adjacent islands at land and sea ports of entry.

Dated: May 21, 2020.

**Mark A. Morgan,**

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

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**BILLING CODE 9111-14-P**

## DEPARTMENT OF HOMELAND SECURITY

[Docket No. USCIS-2020-0014]

### Privacy Act of 1974; System of Records

**AGENCY:** Department of Homeland Security, U.S. Citizenship and Immigration Services.

**ACTION:** Notice of modified system of records.

**SUMMARY:** In accordance with the Privacy Act of 1974, the Department of Homeland Security (DHS) proposes to modify and reissue a current DHS system of records titled, "DHS/U.S. Citizenship and Immigration Services

they meet the requirements of section 289 of the Immigration and Nationality Act (INA) [8 U.S.C. 1359]. INA § 289 provides that nothing in this title shall be construed to affect the right of American Indians born in Canada to pass the borders of the United States, but such right shall extend only to persons who possess at least 50 per centum of blood of the American Indian race. While the tribal card may be used to establish a card holder's identity for purposes of INA § 289, it cannot, by itself, serve as evidence of the card holder's Canadian birth or that he or she possesses at least 50% American Indian blood, as required by INA § 289.

(USCIS)-004 Systematic Alien Verification for Entitlements (SAVE) Program System of Records." This system of records allows DHS/USCIS to collect and maintain records on applicants for public benefits, licenses, grants, governmental credentials, or other statutorily authorized purposes to operate the fee-based SAVE. SAVE allows users agencies to confirm immigration and naturalized and certain derived citizen status information, in order for the user agencies to make decisions related to: Determine eligibility for a Federal, state, tribal, or local public benefit; issue a license or grant; issue a government credential; conduct a background investigation; or for any other lawful purpose within the user agency's jurisdiction. DHS/USCIS is updating this system of records notice to include updates and modifications to the authority for maintenance of the system, the purpose of the system, categories of individuals, categories of records, record source categories, routine uses, and contesting records procedures to better reflect how USCIS operates SAVE and data sharing efforts. Additionally, this notice includes non-substantive changes to simplify the formatting and text of the previously published notice. This modified system will be included in DHS's inventory of record systems.

**DATES:** Submit comments on or before June 26, 2020. This modified system will be effective upon publication. New or modified routine uses will be effective June 26, 2020.

**ADDRESSES:** You may submit comments, identified by docket number USCIS-2020-0014 by one of the following methods:

- *Federal e-Rulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Fax:* 202-343-4010.
- *Mail:* Constantina Kozanas, Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528-0655.

*Instructions:* All submissions received must include the agency name and docket number USCIS-2020-0014. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

*Docket:* For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** For general questions, please contact: Donald K. Hawkins, (202) 272-8030, [USCIS.PrivacyCompliance@uscis.dhs.gov](mailto:USCIS.PrivacyCompliance@uscis.dhs.gov), Privacy Officer, U.S.

Citizenship and Immigration Services, 20 Massachusetts Avenue NW, Washington, DC 20529. For privacy questions, please contact: Constantina Kozanas, (202) 343-1717, [Privacy@hq.dhs.gov](mailto:Privacy@hq.dhs.gov), Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528-0655.

#### SUPPLEMENTARY INFORMATION:

#### I. Background

In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, the Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) proposes to modify and reissue a current DHS system of records titled, "DHS/USCIS-004 Systematic Alien Verification for Entitlements Program System of Records."

The Systematic Alien Verification for Entitlements (SAVE) Program is a fee-based service designed to assist Federal, state, tribal, and local government agencies, benefit-granting agencies, private entities, institutions, and licensing bureaus authorized by law in determining citizenship and immigration status for the purpose of granting benefits, licenses, and other lawful purposes. Uses of SAVE may include verification of citizenship and immigration status (for naturalized and certain derived citizens) when issuing Social Security benefits, public health care, Supplemental Nutrition Assistance Program (SNAP) benefits, Temporary Assistance for Needy Families (TANF), Medicaid, Children's Health Insurance Program (CHIP), conducting background investigations, armed forces recruitment, REAL ID compliance, or any other purpose authorized by law. SAVE provides citizenship and immigration status to the extent that such confirmation is necessary to enable Federal, state, tribal, or local government agencies to make decisions related to: (1) Determining eligibility for a Federal, state, tribal, or local public benefit; (2) issuing a license or grant; (3) issuing a government credential; (4) conducting a background investigation; or (5) any other lawful purpose. SAVE does not determine an applicant's eligibility for a specific benefit or license; only the benefit-granting agency can make that determination.

A typical SAVE verification involves a registered Federal, state, tribal, or local government benefit or license granting agency verifying the citizenship and immigration status of an immigrant or non-immigrant. The initial SAVE response is derived from information contained in a U.S. government-issued document, such as a Permanent Resident Card (often referred to as a Green Card) or Employment