

Office of the Inspector General's (OIG) periodic reports to Congress are cut off when the case is closed, retired to the Federal Records Center (FRC) five (5) years after cutoff, and then transferred to the National Archives and Records Administration twenty (20) years after cutoff. All other investigative case files are placed in inactive files when a case is closed, cut off at the end of fiscal year, and destroyed ten (10) years after cutoff, except those that are unusually significant for documenting major violations of criminal law or ethical standards by agency officials or others.

**ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:**

DHS/FEMA safeguards records in this system in accordance with applicable rules and policies, including all applicable DHS systems security and access policies. DHS/FEMA imposes strict controls to minimize the risk of compromising the information that is being stored. Access to the computer system containing the records in this system is limited to those who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions.

**RECORD ACCESS PROCEDURES:**

The Secretary of Homeland Security has exempted this system from the notification, access, and amendment procedures of the Privacy Act because it is a law enforcement system. However, DHS/FEMA will consider individual requests to determine whether information may be released. Thus, individuals seeking access to and notification of any record contained in this system of records, or seeking to contest its content, may submit a request in writing to the Chief Privacy Officer and FEMA's Freedom of Information Act (FOIA) Officer whose contact information can be found at <http://www.dhs.gov/foia> under "Contact Information." If an individual believes more than one component maintains Privacy Act records concerning them, the individual may submit the request to the Chief Privacy Officer and Chief Freedom of Information Act Officer, Department of Homeland Security, Washington, DC 20528-0655, or electronically at <https://www.dhs.gov/dhs-foia-privacy-act-request-submission-form>. Even if neither the Privacy Act nor the Judicial Redress Act provide a right of access, certain records about you may be available under the Freedom of Information Act.

When an individual is seeking records about themselves from this system of records or any other Departmental

system of records, the individual's request must conform with the Privacy Act regulations set forth in 6 CFR part 5. The individual must first verify their identity, meaning that the individual must provide their full name, current address, and date and place of birth. The individual must sign the request, and the individual's signature must either be notarized or submitted under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury as a substitute for notarization. An individual may obtain more information about this process at <http://www.dhs.gov/foia>. In addition, the individual should:

- Explain why they believe the Department would have information being requested;
- Identify which component(s) of the Department they believe may have the information;
- Specify when the individual believes the records would have been created; and
- Provide any other information that will help the DHS staff determine which DHS component agency may have responsive records.

If the request is seeking records pertaining to another living individual, the request must include an authorization from the individual whose record is being requested, authorizing the release to the requester.

Without the above information, the component(s) may not be able to conduct an effective search, and the individual's request may be denied due to lack of specificity or lack of compliance with applicable regulations.

**CONTESTING RECORD PROCEDURES:**

For records covered by the Privacy Act or covered Judicial Redress Act (JRA) records, individuals may make a request for amendment or correction of a Department record about the individual by writing directly to the Department component that maintains the record, unless the record is not subject to amendment or correction. The request should identify each particular record in question, state the amendment or correction desired, and state why the individual believes that the record is not accurate, relevant, timely, or complete. The individual may submit any documentation that would be helpful. If the individual believes that the same record is in more than one system of records, the request should state that and be addressed to each component that maintains a system of records containing the record. When an individual is making a request for amendment or correction of Departmental records about themselves

from this system of records or any other Departmental system of records, the individual's request must conform with the Privacy Act regulations set forth in 6 CFR part 5.

**NOTIFICATION PROCEDURES:**

See "Record Access Procedures" above.

**EXEMPTIONS PROMULGATED FOR THE SYSTEM:**

The Secretary of Homeland Security, pursuant to 5 U.S.C. 552a(k)(2), has exempted this system from the following provisions of the Privacy Act, subject to the limitation set forth in 5 U.S.C. 552a(c)(3); (d); (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I); and (f).

**HISTORY:**

79 FR 40124 (July 11, 2014).

\* \* \* \* \*

**Mason C. Clutter,**

*Acting Chief Privacy Officer, Department of Homeland Security.*

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**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

[Docket No. FWS-R8-NWRS-2023-N003; FXRS1261080000-223-FF08RSDC00]

**Final Environmental Impact Statement/Environmental Impact Report for Tijuana Estuary Tidal Restoration Program II Phase I**

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

**ACTION:** Notice of availability; final environmental impact statement/ environmental impact report.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce the availability of a final environmental impact statement/environmental impact report (FEIS/EIR) for the Tijuana Estuary Tidal Restoration Program II Phase I project. The FEIS/EIR was prepared jointly by the Service and the California Department of Parks and Recreation to satisfy the requirements of the National Environmental Policy Act (NEPA) and California Environmental Quality Act, respectively. The U.S. Army Corps of Engineers is participating in the NEPA process as a cooperating agency. The FEIS/EIR evaluates the environmental consequences of restoring 82 to 87 acres of native coastal wetlands and uplands within the Tijuana River National Estuarine Research Reserve on portions of both the Tijuana Slough National Wildlife Refuge and Border Field State Park, in San Diego County, California.

**DATES:** The Service will issue a record of decision no sooner than 30 days after publication of this notice of availability of the FEIS/EIR in the **Federal Register**.

**ADDRESSES: Document Availability:** You may view or download the FEIS/EIR by the following methods:

- *Internet:* <https://trnerr.org/about/public-notice/>.
- *In Person:* Subject to any restrictions imposed in response to public health issues, you may view the FEIS/EIR at the following location (call to verify office hours before traveling to the site).
  - Tijuana Estuary Visitor Center, 301 Caspian Way, Imperial Beach, CA 91932 (closed Mondays and Tuesdays); telephone 619-575-3613.

**FOR FURTHER INFORMATION CONTACT:** Victoria Touchstone, Conservation Planner, at 760-431-9440, extension 273 (phone), or [Victoria.Touchstone@fws.gov](mailto:Victoria.Touchstone@fws.gov) (email). Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

**SUPPLEMENTARY INFORMATION:**

**Project Location**

The project site, which encompasses approximately 90 acres (ac), is located within the southern arm of the Tijuana Estuary, just to the east of the Pacific Ocean, in southwestern San Diego County, California. The project site includes portions of both the Tijuana Slough National Wildlife Refuge and Border Field State Park and is located entirely within the Tijuana River National Estuarine Research Reserve.

**Background**

The Tijuana Estuary, located in the southwest corner of the United States in San Diego County, California, occurs at the western terminus of the Tijuana River, which drains an approximately 1,700-square-mile watershed, a large portion of which is located within Mexico. Despite recent changes to the upstream watershed, including an increase in the flow of contaminated freshwater inputs and sedimentation, the Tijuana Estuary remains the largest and most intact coastal wetland in the region, supporting habitat for resident and migratory wildlife and native plants, including many sensitive, threatened, and endangered species.

It is estimated that in the 1800s, Tijuana Estuary included over 2,500 ac

of estuarine wetland and high marsh. Since then, the estuary has experienced an approximately 50 percent decrease in subtidal and mudflat habitat and a 42 percent decrease in salt marsh. In addition, extensive loss of tidal prism (the volume of water coming and going with the tides) has occurred. This degradation in the southern arm of Tijuana Estuary served as the primary motivation for the initiation of Tijuana Estuary Tidal Restoration Program (TETRP), an extensive restoration proposal developed in the early 1990s.

The TETRP proposal included a multi-phased 495-ac restoration project in the estuary's southern arm, along with a proposed Model Marsh and Oneonta Tidal Linkage project (both of which have been implemented). The final environmental impact statement/environmental impact report (FEIS/EIS) for the original TETRP proposal was completed in 1991. Based on updated research and analysis, the TETRP restoration proposals were refined in 2008 as part of the Tijuana Estuary Friendship Marsh Restoration Feasibility and Design Study. The TETRP II Phase I project, which proposes the restoration of 82 to 87 acres of coastal wetlands and associated native coastal upland vegetation, is the first phase of this 2008 multi-phased restoration project.

**National Environmental Policy Act**

In compliance with the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*), the Service has prepared a FEIS/EIR that describes the project setting and restoration planning history for the Tijuana Estuary and analyzes the environmental consequences of each alternative, including the effects of those alternatives when combined with reasonably foreseeable future actions and environmental trends, to determine if significant impacts to the human environment would occur. Three alternatives are analyzed in detail and at an equal level of detail in the FEIS/EIR: two action alternatives and a no action/no project alternative. The primary differences between the two action alternatives are the amount of intertidal mudflat restored versus salt marsh habitat, the total acreage of restored versus preserved habitats, and the number of connections provided to existing tidal channels.

Common features include restoration of predominantly disturbed portions of the southern arm of Tijuana Estuary to tidal wetlands, tidal channel enhancements, and new intertidal channel connections to restored habitat areas and the existing Model Marsh,

incorporation of transitional habitat areas into the restoration design, and river mouth excavation, as needed, to ensure continued tidal exchange within the estuary. Additionally, both action alternatives propose the beneficial reuse of suitable excavated material for beach nourishment, development and maintenance of adjacent coastal barrier dunes, and/or restoration of the Nelson Sloan Quarry, located approximately 3 miles to the east within the Tijuana River Valley. Excavated material not suitable for these purposes would be transported off site to the Otay Landfill or another suitable disposal site.

**Alternative 1—**Alternative 1, which includes 86.8 ac, was designed to maximize deeper intertidal habitats, such as mudflat, and to increase tidal prism in the southern arm of the estuary. A network of intertidal channels would connect with existing tidal channels and the mouth of the Tijuana River. The primary tidal connection would be the existing South Beach Slough, which would be made deeper. A smaller tidal connection would be provided to the existing Old River Slough, where the adjacent vegetated marsh habitat would be preserved. Excavation to restore wetland habitats would generate approximately 585,000 cubic yards (cy) of sediment, with approximately 5,000 cy to be used to establish higher elevation transitional areas within the restoration footprint.

**Alternative 2 (Preferred Alternative)—**Alternative 2, identified in the FEIS/EIR as the preferred alternative, includes a restoration footprint of approximately 83.6 ac and proposes to restore approximately 82.5 ac of wetland habitats from primarily disturbed upland habitat, while preserving 1.1 ac of transitional and upland habitat within the northern portion of the project site. The restored habitats would generally be located in and around the Model Marsh. A system of tidal channels would be established, with connections to existing tidal channels at three points, including two along the South Beach Slough and one at the Old River Slough. South Beach Slough would be deepened to increase tidal flows into the proposed restoration area, and transition zone habitat would be restored along the southern portion of the restoration area and intermittently around the perimeter of Model Marsh. Excavation would generate approximately 521,000 cy of material, with approximately 7,000 cy to be used on site to establish higher elevation transitional areas. As described for Alternative 1, the remainder of excavated soil would either be beneficially reused for beach

nourishment or transported off site for beneficial reuse at other project sites or to the landfill for disposal.

**No Action Alternative**—Under the No Action Alternative, restoration of the estuary would not be implemented. No removal of soil or vegetation would occur to restore or establish habitat within the project site. New or widened channel connections would not be implemented. Periodic removal of sand from the estuary's river mouth could continue to occur under separate approvals, but activities would be restricted to the river mouth and would not extend into the estuary.

#### EPA's Role in the EIS Process

Pursuant to the Council on Environmental Quality (CEQ) NEPA Regulations (40 CFR 1506.11), the U.S. Environmental Protection Agency (EPA) shall publish a notice of all EISs in the **Federal Register**. The EPA published notification of the DEIS/EIR in the **Federal Register** on August 19, 2022 (87 FR 51090).

Pursuant to section 309 of the Clean Air Act (CAA; 42 U.S.C. 7401 *et seq.*), NEPA, and the CEQ NEPA Regulations (40 CFR 1503.2), the EPA also reviewed and publicly commented on anticipated environmental impacts described in the DEIS/EIR. The EPA's comments, which are provided in Appendix D of the FEIS/EIR, focused primarily on three topics: (1) the need to develop, in coordination with the Southern California Dredged Material Management Team, additional information about the suitability of excavated sediments for placement at nearby beaches; (2) a request for additional information regarding the ongoing tribal consultation process for the project; and (3) a request for additional information to support the conclusions related to environmental justice. Responses to EPA's specific comments are also provided in Appendix D of the FEIS/EIR, and additional supporting documentation requested by the EPA has been incorporated into the appropriate sections of the FEIS/EIR.

In addition to this notice of availability, the EPA will also publish a notice in the **Federal Register** announcing the completion of the FEIS. A Record of Decision identifying the alternative selected for implementation will be published no sooner than 30 days after the EPA announces the availability of the FEIS in the **Federal Register**.

The EPA compiles a repository (EIS database) for EISs prepared by Federal agencies. The EIS database provides information about EISs prepared by Federal agencies, as well as EPA's

comments concerning the EISs. You may search for EPA comments on EISs, along with EISs themselves, at <https://cdxapps.epa.gov/cdx-enepa-II/public/action/eis/search>.

#### NEPA Compliance

On May 27, 2021, the Service published a notice of intent in the **Federal Register** (86 FR 28638) to prepare an EIS/EIR for the TETRP II Phase I project. The notice of availability of the draft EIS/EIR for public review and comment was published in the **Federal Register** on August 19, 2022 (87 FR 51124). A total of six comment letters were received during the public comment period for draft EIS/EIR. Commenters included the EPA, California Department of Fish and Wildlife, County of San Diego, San Diego Audubon Society, and two members of the public. In accordance with 40 CFR 1502.17(b), chapter 8 of the FEIS/EIR includes a summary presenting all alternatives, information, and analyses submitted by State, Tribal, and local governments and other public commenters for consideration by the lead and cooperating agencies in developing the FEIS. The comment letters and responses are provided in Appendix D of the FEIS/EIR. The responses indicate where additional information has been included in the FEIS/EIR in response to the comments received. The FEIS/EIR is available for public viewing (see **ADDRESSES**).

#### Authority

We provide this notice in accordance with the requirements of National Environmental Policy Act and its implementing regulations (40 CFR 1503.1 and 1506.6).

#### Jill Russi,

*Acting Regional Director, U.S. Fish and Wildlife Service.*

[FR Doc. 2023-06431 Filed 3-30-23; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[Docket No. FWS-HQ-IA-2023-0046; FXIA1671090000-234-FF09A30000]

#### Foreign Endangered Species; Receipt of Permit Applications

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

**ACTION:** Notice of receipt of permit applications; request for comments.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, invite the public to comment on applications to conduct

certain activities with foreign species that are listed as endangered under the Endangered Species Act (ESA). With some exceptions, the ESA prohibits activities with listed species unless Federal authorization is issued that allows such activities. The ESA also requires that we invite public comment before issuing permits for any activity otherwise prohibited by the ESA with respect to any endangered species.

**DATES:** We must receive comments by May 1, 2023.

#### ADDRESSES:

**Obtaining Documents:** The applications, application supporting materials, and any comments and other materials that we receive will be available for public inspection at <https://www.regulations.gov> in Docket No. FWS-HQ-IA-2023-0046.

**Submitting Comments:** When submitting comments, please specify the name of the applicant and the permit number at the beginning of your comment. You may submit comments by one of the following methods:

- **Internet:** <https://www.regulations.gov>. Search for and submit comments on Docket No. FWS-HQ-IA-2023-0046.

- **U.S. mail:** Public Comments Processing, Attn: Docket No. FWS-HQ-IA-2023-0046; U.S. Fish and Wildlife Service Headquarters, MS: PRB/3W; 5275 Leesburg Pike; Falls Church, VA 22041-3803.

For more information, see Public Comment Procedures under **SUPPLEMENTARY INFORMATION**.

**FOR FURTHER INFORMATION CONTACT:** Timothy MacDonald, by phone at 703-358-2185 or via email at [DMAFR@fws.gov](mailto:DMAFR@fws.gov). Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

#### SUPPLEMENTARY INFORMATION:

##### I. Public Comment Procedures

###### A. How do I comment on submitted applications?

We invite the public and local, State, Tribal, and Federal agencies to comment on these applications. Before issuing any of the requested permits, we will take into consideration any information that we receive during the public comment period.

You may submit your comments and materials by one of the methods in