

**DEPARTMENT OF HOMELAND SECURITY****Federal Emergency Management Agency**

[Internal Agency Docket No. FEMA-4285-DR; Docket ID FEMA-2016-0001]

**North Carolina; Major Disaster and Related Determinations**

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Notice.

**SUMMARY:** This is a notice of the Presidential declaration of a major disaster for the State of North Carolina (FEMA-4285-DR), dated October 10, 2016, and related determinations.

**DATES:** Effective October 10, 2016.

**FOR FURTHER INFORMATION CONTACT:** Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-2833.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that, in a letter dated October 10, 2016, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the "Stafford Act"), as follows:

I have determined that the damage in certain areas of the State of North Carolina resulting from Hurricane Matthew beginning on October 4, 2016, and continuing, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the "Stafford Act"). Therefore, I declare that such a major disaster exists in the State of North Carolina.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance and assistance for debris removal and emergency protective measures (Categories A and B) under the Public Assistance program in the designated areas, Hazard Mitigation throughout the State, and any other forms of assistance under the Stafford Act that you deem appropriate subject to completion of Preliminary Damage Assessments (PDAs). Direct Federal assistance is authorized.

Consistent with the requirement that Federal assistance is supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation and Other Needs Assistance will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage

under the Public Assistance Alternative Procedures Pilot Program for Debris Removal implemented pursuant to section 428 of the Stafford Act.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Elizabeth Turner, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of North Carolina have been designated as adversely affected by this major disaster:

Beaufort, Bladen, Columbus, Cumberland, Edgecombe, Hoke, Lenoir, Nash, Pitt, and Robeson Counties for Individual Assistance.

Beaufort, Bertie, Bladen, Brunswick, Camden, Carteret, Chowan, Columbus, Craven, Cumberland, Currituck, Dare, Duplin, Edgecombe, Greene, Hoke, Hyde, Johnston, Lenoir, Nash, New Hanover, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Pitt, Robeson, Tyrrell, Washington, and Wayne Counties for debris removal and emergency protective measures (Categories A and B), including direct federal assistance, under the Public Assistance program.

All areas within the State of North Carolina are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households in Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

**W. Craig Fugate,**

*Administrator, Federal Emergency Management Agency.*

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**DEPARTMENT OF THE INTERIOR****Bureau of Indian Affairs**

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

**Court of Indian Offenses Serving the Wind River Indian Reservation**

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

**ACTION:** Notice of Waiver of Certain Parts of 25 CFR Part 11.

**SUMMARY:** This notice accompanies the interim final rule establishing a Court of Indian Offenses (also known as CFR Court) for the Wind River Indian Reservation. It waives the application of certain sections of the regulations for the Court of Indian Offenses serving the Wind River Indian Reservation to allow BIA to establish a CFR court when necessary. It will also allow the Assistant Secretary—Indian Affairs to appoint a magistrate without the need for confirmation by the tribal governing body.

**DATES:** This notice is effective on October 27, 2016.

**FOR FURTHER INFORMATION CONTACT:** Ms. Elizabeth Appel, Director, Office of Regulatory Affairs & Collaborative Action—Indian Affairs, (202) 273-4680; [elizabeth.appel@bia.gov](mailto:elizabeth.appel@bia.gov).

**SUPPLEMENTARY INFORMATION:** Courts of Indian Offenses operate in those areas of Indian country where tribes retain jurisdiction over Indians that is exclusive of State jurisdiction but where tribal courts have not been established to fully exercise that jurisdiction. The Eastern Shoshone Tribe and the Northern Arapaho Tribe have a joint interest in the Wind River Indian Reservation; however, the current tribal court operating on the reservation, the Shoshone & Arapaho Tribal Court, is currently operating without the support of both Tribes, and with limited resources. To ensure the continued administration of justice on the Reservation, BIA is taking steps to ensure that judicial services will continue to be provided if the Shoshone & Arapaho Tribal Court ceases operations. Therefore, the Secretary has determined, in her discretion, that it is necessary to waive 25 CFR 11.104(a) and 25 CFR 11.201(a) on the Wind River Indian Reservation to ensure that the Bureau of Indian Affairs can establish and operate a Court of Indian Offenses immediately in the event that the Shoshone and Arapaho Tribal Court ceases operations.

Section 11.104(a) provides that 25 CFR part 11 applies to Tribes listed in

§ 11.100 until either BIA and the Tribe enter into a contract or compact for the Tribe to provide judicial services, or until the Tribe has put into effect a law-and-order code that meets certain requirements.

Section 11.201(a) provides that the Assistant Secretary—Indian Affairs appoints a magistrate subject to confirmation by a majority vote of the Tribal governing bodies.

The waiver will allow BIA to establish a CFR court when necessary and to allow the Assistant Secretary—Indian Affairs to appoint a magistrate without the need for confirmation by the Tribal governing body.

Dated: October 17, 2016.

**Lawrence S. Roberts,**

*Principal Deputy Assistant Secretary, Indian Affairs.*

[FR Doc. 2016-26041 Filed 10-26-16; 8:45 am]

**BILLING CODE 4337-15-P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

[NPS-NER-FIIS-DTS-21798;  
PX.P0201786a.00.1]

#### **Draft Fire Island Wilderness Breach Management Plan/Environmental Impact Statement, Fire Island National Seashore, New York**

**AGENCY:** National Park Service, Department of the Interior.

**ACTION:** Notice of availability.

**SUMMARY:** The National Park Service (NPS) announces the availability of the Draft Fire Island Wilderness Breach Management Plan and Environmental Impact Statement (Draft Breach Plan/EIS) for Fire Island National Seashore, New York. The Draft Breach Plan/EIS presents and analyzes the potential consequences of three alternatives that will guide the management of the breach that occurred in the Otis Pike Fire Island High Dune Wilderness during Hurricane Sandy in October, 2012.

**DATES:** The comment period will end on December 12, 2016. A public meeting will be held on November 7, 2016.

**ADDRESSES:** Copies of the Draft Breach Plan/EIS will be available online for public review at <http://parkplanning.nps.gov/FireIslandBreachManagementPlan>. A limited number of hard copies will be available upon request. The public meeting will be held at the Patchogue-Watch Hill Ferry Terminal at 150 West Ave. in Patchogue, New York. Comments can be submitted

electronically at <http://parkplanning.nps.gov/FireIslandBreachManagementPlan>. Comments in hard copy (e.g., in a letter) can be sent by U.S. Postal Service or other mail delivery service or hand-delivered to: Chris Soller, Superintendent, Fire Island National Seashore, 120 Laurel Street Patchogue, NY 11772. Written comments will also be accepted at the public meeting.

**FOR FURTHER INFORMATION CONTACT:**

Kaetlyn Jackson, Fire Island National Seashore, 120 Laurel Street Patchogue, NY, 11772, 631-687-4770.

**SUPPLEMENTARY INFORMATION:**

On October 29, 2012, Hurricane Sandy created three breaches in the barrier island system off the south shore of Long Island, New York, including one within the Otis Pike Fire Island High Dune Wilderness Area (Fire Island Wilderness) which is within the boundaries of Fire Island National Seashore (Seashore).

The existing Breach Contingency Plan, developed by the U.S. Army Corps of Engineers in 1996, is the only guidance currently in effect to address breaches along coastal Long Island from Fire Island Inlet east to Montauk Point. Action is needed at this time because the Breach Contingency Plan is outdated and does not adequately address management of breaches in the Fire Island Wilderness.

Managing a breach in designated wilderness is different from managing breaches outside wilderness areas, as the NPS must manage federal wilderness to preserve wilderness character. Management of the Fire Island Wilderness must comply with the Wilderness Act of 1964; the 1980 Otis Pike Fire Island High Dune Wilderness Act (Pub. L. 96-585); and the 1983 *Wilderness Management Plan, Fire Island National Seashore*, which governs NPS actions taken in the Fire Island Wilderness. However, while the wilderness breach must be managed to protect wilderness character, the Otis Pike Fire Island High Dune Wilderness Act does not preclude closure of a wilderness breach if closure were needed “to prevent loss of life, flooding, and other severe economic and physical damage to the Great South Bay and surrounding areas.” Therefore, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), the NPS prepared this Draft Fire Island Wilderness Breach Management Plan and Environmental Impact Statement (Draft Breach Plan/EIS) to develop a management strategy for the breach in the Fire Island Wilderness. The Draft Breach Plan/EIS has several goals:

- Ensuring the continued integrity of the wilderness character;
- protecting the natural and cultural features of the Seashore and its surrounding ecosystems;
- protecting human life; and
- managing the risk of economic and physical damage to the surrounding areas.

Scoping and early engagement with other agencies, tribes, stakeholders, and the public began in late 2014 and continued through 2015. Formal public scoping was initiated with the publication of a Notice of Intent to Prepare an EIS in the **Federal Register** (80 FR 53886, Sept. 8, 2015). Early in the scoping period, the US Army Corps of Engineers, New York district and the State of New York, Department of Environmental Conservation agreed to be cooperating agencies in development of the Breach Plan/EIS.

The Draft Breach Plan/EIS evaluates two action alternatives and the no-action alternative.

*Alternative 1*—Mechanical closure of the wilderness breach as soon as possible.

*Alternative 2* (no action)—The evolution, growth, and/or closure of the wilderness breach would be determined by natural barrier island processes and no human intervention would occur to close the breach or to reopen the breach if it were to close by natural processes.

*Alternative 3* (proposed action and NPS preferred alternative)—The evolution, growth, and/or closure of the breach would be determined by natural barrier island processes, and human intervention to close the breach would occur only “to prevent loss of life, flooding, and other severe economic and physical damage to the Great South Bay and surrounding areas.” The NPS would develop criteria that indicate the breach poses a threat to life and/or property. As long as monitoring data show that the established criteria have not been exceeded, the NPS would allow the breach to be shaped entirely by natural processes with no human intervention. The breach may remain open or it may close naturally. If monitoring data indicate that the established criteria have been exceeded, the breach would be mechanically closed as soon as practicable.

*Alternative 3* is identified as the NPS preferred alternative because it allows the breach to be managed according to NPS resource management policies and wilderness directives while allowing closure if necessary to prevent “loss of life, flooding, and other severe economic and physical damage to the Great South Bay and surrounding areas.”