

units because site impracticality is addressed under Section 1107.7"; and

10. 2006 International Building Code (<http://www.iccsafe.org>), published by ICC, January 2006, with the 2007 erratum (to correct the text missing from Section 1107.7.5), and interpreted in accordance with relevant 2006 IBC Commentary.

HUD's March 23, 2000 Final Report addresses HUD's policy with respect to the above safe harbors. If a state or locality has adopted one of the above documents without modification to the provisions that address the Act's design and construction requirements, a building that is subject to these requirements will be deemed compliant provided the building is designed and constructed in accordance with construction documents approved during the building permitting process and the building code official does not waive, incorrectly interpret, or misapply one or more of those requirements. However, neither the fact that a jurisdiction has adopted a code that conforms with the accessibility requirements of the Act, nor that construction of a building subject to the Act was approved under such a code, changes HUD's statutory responsibility to conduct an investigation, following receipt of a complaint from an aggrieved person, to determine whether the requirements of the Act have been met. Nor does either fact prohibit the Department of Justice from investigating whether violations of the Act's design and construction provisions may have occurred. The Act provides that: "determinations by a State or unit of general local government under paragraphs 5(A) and (B) shall not be conclusive in enforcement proceedings under this title."

HUD's investigation of an accessibility discrimination complaint under the Act typically involves a review of building permits, certificates of occupancy, and construction documents showing the design of the buildings and the site, and an on-site survey of the buildings and property. During the investigation, HUD investigators take measurements of relevant interior and exterior elements on the property. All parties to the complaint have an opportunity to present evidence concerning whether HUD has jurisdiction over the complaint, and whether the Act has been violated, as alleged. In enforcing the design and construction requirements of the Fair Housing Act, a prima facie case may be established by proving a violation of HUD's Fair Housing Accessibility Guidelines. This prima facie case may be rebutted by

demonstrating compliance with a recognized, comparable, objective measure of accessibility. See Order on Secretarial Review, *U.S. Department of Housing and Urban Development and Montana Fair Housing, Inc. v. Brent Nelson*, HUD ALJ 05-068FH (September 21, 2006) (2006 WL 4540542).

In making a determination as to whether the design and construction requirements of the Fair Housing Act have been violated, HUD uses the Fair Housing Act, the regulations, and the Guidelines, which reference the technical standards found in ANSI A117.1-1986.

It is the Department's position that the above-named documents represent safe harbors only when used in their entirety; that is, once a specific safe harbor document has been selected, the building in question should comply with all of the provisions in that document that address the Fair Housing Act design and construction requirements to ensure the full benefit of the safe harbor. The benefit of safe harbor status may be lost if, for example, a designer or builder chooses to select provisions from more than one of the above safe harbor documents or from a variety of sources, and will be lost if waivers of provisions are requested and received. A designer or builder taking this approach runs the risk of building an inaccessible property. While this does not necessarily mean that failure to meet all of the respective provisions of a specific safe harbor will result in unlawful discrimination under the Fair Housing Act, designers and builders that choose to depart from the provisions of a specific safe harbor bear the burden of demonstrating that their actions result in compliance with the Act's design and construction requirements. HUD's purpose in recognizing a number of safe harbors for compliance with the Fair Housing Act's design and construction requirements is to provide a range of options that, if followed in their entirety during the design and construction phase, will result in residential buildings that comply with the design and construction requirements of the Fair Housing Act, so long as they are applied without modification or waiver.

#### IV. Conclusion

Through this report, the Department is formally announcing that it has assessed the provisions of the 2006 International Building Code, as corrected by the January 31, 2007 erratum, that relate to facilities covered by the Act. HUD has determined that these provisions, when interpreted in accordance with relevant 2006 IBC

commentary, are consistent with the Act, HUD's regulations, and the Fair Housing Accessibility Guidelines. Therefore, the 2006 IBC, as corrected by the January 31, 2007 erratum to the IBC, if adopted without modification and without waiver of any of the provisions intended to address the Fair Housing Act's design and construction requirements, constitute a safe harbor for compliance with the design and construction requirements of the Act, HUD's regulations and the Guidelines, and interpreted in accordance with relevant 2006 IBC commentary. The Department looks forward to continuing to work with members of the housing industry, persons with disabilities and advocacy organizations, model code officials, state and local governments, fair housing organizations and all other interested parties on our common goal of eliminating discrimination against persons with disabilities and eliminating structural barriers to housing choice for persons with disabilities.

#### *Environmental Impact*

This report is a policy document that sets out fair housing and nondiscrimination standards. Accordingly, under 24 CFR 50.19(c)(3), this report is categorically excluded from environmental review under the National Environmental Policy Act (42 U.S.C. 4321).

Dated: May 31, 2007.

**Kim Kendrick,**

*Assistant Secretary for Fair Housing and Equal Opportunity.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Kanuti National Wildlife Refuge, AK

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

**ACTION:** Notice of extension of time to review draft revised Comprehensive Conservation Plan and Environmental Assessment for Kanuti National Wildlife Refuge.

**SUMMARY:** The U.S. Fish and Wildlife Service published FR Doc. E7-9281 in the **Federal Register** on May 15, 2007, announcing availability of the Draft Revised Comprehensive Conservation Plan and Environmental Assessment for Kanuti National Wildlife Refuge. The document identified a review period ending on July 16, 2007. Because summer is such a busy time in Alaska,

we are concerned that many people will not be able to meet our deadline; therefore we announce extension of the review period until September 15, 2007.

**DATES:** We must receive your comments on or before September 15, 2007.

**ADDRESSES:** To provide written comments or to request a paper copy or compact disk of the Draft CCP/EA, contact: Peter Wikoff, Planning Team Leader, U.S. Fish and Wildlife Service, 1011 East Tudor Rd., MS. 231, Anchorage, Alaska 99503, or at [fw7\\_kanuti\\_planning@fws.gov](mailto:fw7_kanuti_planning@fws.gov), or at 907-786-3837. You may view or download a copy of the Draft CCP/EA at: [alaska.fws.gov/nwr/planning/plans.htm](http://alaska.fws.gov/nwr/planning/plans.htm). Copies of the Draft CCP/EA may be viewed at the Kanuti Refuge Office in Fairbanks, Alaska; at local libraries; and at the U.S. Fish and Wildlife Service Regional Office in Anchorage, Alaska.

**FOR FURTHER INFORMATION CONTACT:** Peter Wikoff at the above address.

**SUPPLEMENTARY INFORMATION:** The National Wildlife Refuge System Administration Act of 1966, as amended by the Refuge Improvement Act of 1997 (16 U.S.C. 668dd et seq.), requires each refuge to develop and implement a CCP. The U.S. Fish and Wildlife Service published FR Doc. E7-9281 in the **Federal Register** on May 15, 2007, announcing availability of the Draft Revised Comprehensive Conservation Plan and Environmental Assessment for Kanuti National Wildlife Refuge. The document identified a review period ending on July 16, 2007. Because summer is such a busy time in Alaska, we are concerned that many people would not be able to meet our deadline; therefore we announce extension of the review period until September 15, 2007.

*Public availability of comments:*

Before including your name, address, phone number, e-mail 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 can 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.

Dated: July 12, 2007.

**Thomas O. Melius,**

*Regional Director, U.S. Fish and Wildlife Service, Anchorage, Alaska.*

[FR Doc. E7-13942 Filed 7-17-07; 8:45 am]

**BILLING CODE 4310-55-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Final Environmental Impact Statement on Light Goose Management

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

**ACTION:** Notice of availability of final environmental impact statement on light goose management.

**SUMMARY:** This notice advises the public of the availability of the Final Environmental Impact Statement (FEIS) on light goose management. The FEIS follows publication of the Draft Environmental Impact Statement (DEIS) and a proposed rule, each of which had extensive public comments periods. The FEIS analyzes the potential environmental impacts of several management alternatives for addressing problems associated with overabundant light goose populations. The FEIS analyzes the direct, indirect, and cumulative impacts related to several management alternatives and provides the public with responses to comments received on the DEIS.

**DATES:** The public review period for the FEIS will end August 13, 2007. After that date, we will publish a Record of Decision and a final rule.

**ADDRESSES:** You can obtain a copy of the FEIS by writing to the Division of Migratory Bird Management, 4401 N. Fairfax Drive, MBSP-4107, Arlington, VA 22203; by e-mailing us at: [LightGooseEIS@fws.gov](mailto:LightGooseEIS@fws.gov); or by calling us at (703) 358-1714. We will also post the FEIS on our Web site at: <http://www.fws.gov/migratorybirds/issues/snowgse/tblcont.html>.

**FOR FURTHER INFORMATION CONTACT:** Robert Blohm, Chief, Division of Migratory Bird Management, (703) 358-1714; or James Kelley (612) 713-5409.

**SUPPLEMENTARY INFORMATION:** On May 13, 1999, we published a notice in the **Federal Register** announcing our intent to prepare an EIS to address population expansion by light goose populations (64 FR 26268). On September 28, 2001, the Environmental Protection Agency (EPA) published a notice of availability of our DEIS on light goose management (66 FR 49668). We followed the EPA notice with our own notice of availability of the DEIS on October 5, 2001, and provided for a public comment period that ended on November 28, 2001 (66 FR 51274). On December 10, 2001, we published a notice extending the public comment period to January 25, 2002 (66 FR 63723). On July 13, 2007, EPA

published a notice of availability of our FEIS (72 FR 38576).

The DEIS evaluated four management alternatives to address habitat destruction and agricultural depredations caused by light geese on various breeding, migration, and wintering areas: (1) Take no Action, or a continuation to manage light goose populations through existing wildlife management policies and practices (Alternative A); (2) Modify harvest regulation options and refuge management (Alternative B) (proposed action); (3) Implement direct agency control of light goose populations on migration and wintering areas in the U.S. (Alternative C); or (4) Seek direct light goose population control on breeding grounds in Canada (Alternative D). Our proposed alternative (Alternative B) would modify existing light goose hunting regulations to expand methods of take during normal hunting season frameworks. In addition, we proposed to create a conservation order to allow take of light geese outside of normal hunting season frameworks. We would also modify management practices on certain National Wildlife Refuges to alter the availability of food and sanctuary to light geese. On October 12, 2001, we published a proposed rule that summarized these alternatives in more detail, and outlined how we proposed to amend parts 20 and 21 of subchapter B, chapter I, title 50 of the Code of Federal Regulations (66 FR 52077).

In response to public comments that the alternatives we analyzed in the DEIS were mutually exclusive and did not represent a comprehensive management approach, we created a new alternative (Alternative E) in the FEIS that combined Alternatives B, C, and D. Alternative E would achieve light goose control using an integrated, two-phased approach involving increased harvest resulting from new regulatory tools (e.g. conservation order), changes in refuge management, and direct agency control. Phase 1 of Alternative E is identical to Alternative B, whereas phase 2 includes elements of Alternatives C and D. We envision that no more than 5 years would elapse in phase 1 before we evaluate the effectiveness of the light goose management program and assess the potential need for proceeding to phase 2. Because we have no jurisdiction over management actions in Canada (Alternative D), we would begin phase 2 with the actions outlined in Alternative C. If additional population control actions are required to achieve management goals, we would approach the Canadian Wildlife Service and urge implementation of actions outlined in