

associated draft categorical exclusion with an application for an incidental take permit (ITP) from Stephanie Singh (applicant). The permit would authorize take of the federally endangered Morro shoulderband snail (*Helminthoglypta walkeri*) incidental to activities described in the HCP for the construction of a single-family residence in Los Osos, San Luis Obispo County, California. The applicant developed a draft HCP as part of her application for an ITP under section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The Service prepared a draft categorical exclusion in accordance with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) to evaluate the potential effects to the natural and human environment resulting from issuing an ITP to the applicant. We invite public comment on these documents.

### Background

The Morro shoulderband snail was listed as endangered on December 15, 1994 (59 FR 64613). Section 9 of the ESA prohibits the “take” of fish or wildlife species listed as endangered. “Take” is defined under the ESA to include the following activities: “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct” (16 U.S.C. 1532); however, under section 10(a)(1)(B) of the ESA, we may issue permits to authorize incidental take of listed species. Incidental take is take that is incidental to, and not the purpose of, carrying out of an otherwise lawful activity. Issuance of an ITP also must not jeopardize the existence of federally listed fish, wildlife, or plant species, pursuant to Section 7 of the ESA and 50 CFR 402.02. The permittee would receive assurances under our “No Surprises” regulations (50 CFR 17.22(b)(5)).

### Applicant’s Proposed Activities

The applicant has applied for a permit for incidental take of the Morro shoulderband snail. The take would occur in association with the construction of a single-family home and associated activities, such as vegetation removal, site grubbing, and grading for proposed development. The proposed development, including the home, infrastructure, future detached workshop and all associated disturbance areas, would be sited on approximately 0.56 acre (ac) of the 4.7-ac property. To mitigate the effects of the taking of Morro shoulderband snail, the applicant proposes to set aside 2 ac of the 4.7-ac property under a conservation easement

that would be dedicated, in perpetuity, to the County of San Luis Obispo.

The HCP includes avoidance and minimization measures for the Morro shoulderband snail and mitigation for unavoidable loss of habitat. The applicant’s conservation strategy includes an on-site conservation area that will be restored to coastal dune scrub habitat suitable for occupation by Morro shoulderband snail through removal of non-native plants, natural regeneration of native coastal scrub species, and seeding with native species characteristic of coastal dune scrub habitat.

Pursuant to the categorical exclusion determination, FWS concludes that neither the permit nor the Federal action is anticipated to significantly affect the quality of the human environment, due to the small size of the proposed project located within an existing residential neighborhood.

### Public Comments

If you wish to comment on the draft HCP and low-effect ITP screening form, you may submit comments by one of the methods in **ADDRESSES**.

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 can ask us in your comment to withhold your personal identifying information from public view, we cannot guarantee that we will be able to do so.

### Authority

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

### Stephen Henry,

Field Supervisor, Ventura Fish and Wildlife Office, Ventura, California.

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS–R8–ES–2020–N074;  
FXES11140800000–201–FF08EVEN00]

### Draft Habitat Conservation Plan and Draft Categorical Exclusion for the Garrapata Tanks Slope Repair Project in Monterey County, California

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

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce the availability of a draft habitat conservation plan (HCP) and draft categorical exclusion (CatEx) for activities described in an application for an incidental take permit (ITP) under the Endangered Species Act of 1973, as amended. The ITP would authorize take of a listed species incidental to water tank stabilization activities on private property near Big Sur in Monterey County, California. The applicant developed the draft HCP as part of their application for an ITP. The Service prepared a draft CatEx in accordance with the National Environmental Policy Act to evaluate the potential effects to the natural and human environment resulting from issuing an ITP to the applicant. We invite public comment on these documents.

**DATES:** Written comments should be received on or before July 16, 2020.

**ADDRESSES:** *Obtaining Documents:* You may download a copy of the draft HCP and draft CatEx at <http://www.fws.gov/ventura/>, or you may request copies of the documents by U.S. mail (below) or by phone (see **FOR FURTHER INFORMATION CONTACT**).

*Submitting Written Comments:* Please send us your written comments using one of the following methods:

- *U.S. mail:* Stephen P. Henry, Field Supervisor, Ventura Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2493 Portola Road, Suite B, Ventura, CA 93003.
- *Email:* [deborakirkland@fws.gov](mailto:deborakirkland@fws.gov).

**FOR FURTHER INFORMATION CONTACT:** Debora Kirkland, Fish and Wildlife Biologist, by phone at 805–677–3321, via the Federal Relay Service at 1–800–877–8339 for TTY assistance, or by mail at the Ventura address (see **ADDRESSES**).

**SUPPLEMENTARY INFORMATION:** We, the U.S. Fish and Wildlife Service (Service), announce the availability of a draft habitat conservation plan (HCP) and draft categorical exclusion (CatEx) with an application for an incidental take permit (ITP) by California American Water (applicant). The ITP would authorize take of the federally endangered Smith’s blue butterfly (*Euphilotes enoptes smithi*) incidental to activities described in the HCP for the stabilization of a slope beneath two 40,000-gallon water tanks, repair of a cement pad, and revegetation and restoration of the disturbance area, on private property near Big Sur in Monterey County, California. The applicant developed a draft HCP as part

of the application for an ITP under section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The Service prepared a draft CatEx in accordance with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) to evaluate the potential effects to the natural and human environment resulting from issuing an ITP to the applicant. We invite public comment on these documents.

### Background

The Service listed the Smith's blue butterfly as endangered in 1976 (41 FR 22041). Section 9 of the ESA prohibits take of fish and wildlife species listed as endangered (16 U.S.C. 1538). Under the ESA, "take" is defined to include the following activities: "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct" (16 U.S.C. 1532). Under section 10(a)(1)(B) of the ESA (16 U.S.C. 1539(a)(1)(B)), we may issue permits to authorize take of listed fish and wildlife species that is incidental to, and not the purpose of, carrying out an otherwise lawful activity. Regulations governing incidental take permits for endangered species are in the Code of Federal Regulations (CFR) at 50 CFR 17.22. Issuance of an ITP also must not jeopardize the existence of federally listed fish, wildlife, or plant species, pursuant to section 7 of the ESA and 50 CFR 402.02. The permittee would receive assurances under our "No Surprises" regulations (50 CFR 17.22(b)(5)).

### Proposed Activities

The applicant has applied for a permit for incidental take of the Smith's blue butterfly. The take would occur in association with the repair of a concrete slab under two 40,000-gallon water tanks, stabilization of a failing vegetated slope, and revegetation and restoration of the slope and staging area on approximately 1.1 acres. The HCP includes avoidance and minimization measures for the Smith's blue butterfly and mitigation for unavoidable loss of habitat. As mitigation for habitat loss, the applicant proposes to revegetate the staging area and stabilize the slope with native coastal sage scrub seed. The applicant also proposes to conduct 5 years of restoration monitoring and invasive species control throughout the revegetated areas to improve the quality of species habitat in the project area.

The Service prepared the draft CatEx in accordance with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) to

evaluate the potential effects to the natural and human environment resulting from issuing the ITP under the plan.

### 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 can ask us in your comment to withhold your personal identifying information from public view, we cannot guarantee that we will be able to do so.

### Authority

We provide this notice under section 10(c) of the ESA (16 U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.22) and NEPA (42 U.S.C. 4321 *et seq.*) and its implementing regulations (40 CFR 1506.6).

### Stephen Henry,

Field Supervisor, Ventura Fish and Wildlife Office, Ventura, California.

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## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

[201A2100DD/AAKC001030/  
A0A501010.999900]

### Phase I Negative Proposed Finding on the Fernand o Tataviam Band of Mission Indians

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

**ACTION:** Notice of Proposed Finding.

**SUMMARY:** The Office of Federal Acknowledgment (OFA) within the Office of the Assistant Secretary—Indian Affairs (AS-IA) within the Department of the Interior (Department) hereby provides notice that OFA has issued a Phase I negative Proposed Finding (PF) in response to the petition it received from the group known as the Fernand o Tataviam Band of Mission Indians (FTB), headquartered in San Fernando, California. The petitioner seeks Federal acknowledgment as an Indian Tribe under the Department's regulations. The OFA has found that FTB meets only three of the four mandatory criteria reviewed under the Phase I review, as defined by the regulations.

**DATES:** Comments on this Phase I negative PF are due on or before October 14, 2020.

**ADDRESSES:** Please address comments on the PF to the Department of the Interior, Office of the Assistant Secretary—Indian Affairs, Attn: Office of Federal Acknowledgment, 1849 C Street NW, MS-4071 MIB, Washington, DC 20240.

Any individuals or entities that make submissions to OFA must also provide copies of their comments and evidence to the petitioner at Fernand o Band of Mission Indians c/o Rudy Ortega, Jr., 1019 Second Street, #1, San Fernando, California 91340. Electronic copies of the PF, as well as other related documents, are available on OFA's website ([www.bia.gov/as-ia/ofa](http://www.bia.gov/as-ia/ofa)).

**FOR FURTHER INFORMATION CONTACT:** R. Lee Fleming, Director, Office of Federal Acknowledgment, (202) 513-7650; [lee.fleming@bia.gov](mailto:lee.fleming@bia.gov).

**SUPPLEMENTARY INFORMATION:** The OFA publishes this notice pursuant to § 83.34 of the Department's Federal acknowledgment regulations at 25 CFR part 83 (which became effective July 31, 2015), "Procedures for Federal Acknowledgment of Indian Tribes."

The Department's regulations under 25 CFR part 83 establish the procedures and criteria by which a group may seek Federal acknowledgment as an Indian Tribe, establishing a government-to-government relationship with the United States. To obtain Federal acknowledgment by the United States under § 83.5, the petitioner must submit evidence documenting that the group meets criteria § 83.11(a) *Indian entity identification*, (d) *Governing document*, (e) *Descent*, (f) *Unique membership*, and (g) *Congressional termination* and must either:

- Demonstrate previous Federal acknowledgment under § 83.12(a) and meet the requirements of § 83.12(b); or
- Meet criteria § 83.11(b) *Community* and (c) *Political authority*.

Section 83.26 describes the two phases of the process for reviewing the criteria in § 83.11. During the Phase I review, OFA determines if the petitioner meets criteria § 83.11(d), (e), (f), and (g). Based on the evidence submitted by FTB and evidence Departmental staff obtained through its verification and evaluation process, OFA has found that FTB meets only three of the four mandatory criteria under the Phase I review: Criteria § 83.11(d), (f), and (g). FTB does not meet criterion § 83.11(e). Therefore, OFA has issued a negative PF, which contains a summary of the evidence, reasoning, and analyses that are the basis for the PF.

Under § 83.34(a), OFA will provide copies of the Phase I negative PF and any supporting reports to the petitioner.