

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.

#### Draft Habitat Conservation Plan Covered Species

The applicant has developed a draft HCP in support of its application for an ITP that includes measures to mitigate and minimize impacts to the federally endangered El Segundo blue butterfly (*Euphilotes battooides allyni*), the federally threatened California red-legged frog (*Rana draytonii*), and designated critical habitat for the federally endangered Vandenberg monkeyflower (*Diplacus vanderbergensis*). The ITP would authorize take of El Segundo blue butterfly and California red-legged frog incidental to otherwise lawful activities associated with the HCP-covered activities.

#### Background

The Service listed the El Segundo blue butterfly as endangered on June 1, 1976 (41 FR 22041), and the California red-legged frog as threatened on May 23, 1996 (61 FR 25813). The Vandenberg monkeyflower was listed as endangered on August 26, 2014 (79 FR 25797), and critical habitat was designated on August 11, 2015 (80 FR 48141). Section 9 of the ESA and its implementing regulations as applicable to the above-referenced species prohibit the take of fish or wildlife species listed as endangered or threatened. “Take” is defined under the ESA to include the following activities: “[T]o 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 defined by the ESA as take that is incidental to, and not the purpose of, carrying out of an otherwise lawful activity. Regulations governing incidental take permits for threatened and endangered species are in the Code of Federal Regulations (CFR) at 50 CFR 17.32 and 17.22, respectively. Issuance of an incidental take permit also must not jeopardize the existence of federally listed fish, wildlife, or plant species. The permittees would receive assurances under our “No Surprises” regulations ((50 CFR 17.22(b)(5) and 17.32(b)(5)) regarding conservation activities for the El Segundo blue butterfly and California red-legged frog.

#### Proposed Activities

The applicant has applied for an ITP that would authorize incidental take of El Segundo blue butterfly and California red-legged frog. Take is likely to occur in association with activities necessary to construct a 16.88-acre residential development and to restore 25.41 acres of suitable habitat for the species.

The HCP includes avoidance and minimization measures for the El Segundo blue butterfly and California red-legged frog, and mitigation for unavoidable loss of suitable habitat for the El Segundo Blue butterfly, California red-legged frog, and Vandenberg monkeyflower through 7.16 acres of on-site mitigation and restoration of an 18.25-acre fallow farm field on the Burton Mesa Ecological Reserve.

#### Alternatives

We are considering two alternatives in the draft EA:

(1) The no action alternative, in which the Service would not issue an ITP to the applicant to exempt take incidental to the covered activities under the HCP for the Oak Hills Estate project; and

(2) The proposed action (preferred alternative), in which the Service would issue an ITP for take of El Segundo blue butterfly and California red-legged frog incidental to the Oak Hills Estate Project, as set out in the HCP.

#### Public Comments

If you wish to comment on the permit application, draft HCP, and associated documents, 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

##### Bureau of Indian Affairs

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AOA501010.999900 253G]

#### Court of Indian Offenses Serving the Kewa Pueblo (Previously Listed as the Pueblo of Santo Domingo)

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

**ACTION:** Notice of waiver of certain parts of 25 CFR part 11.

**SUMMARY:** This notice follows the action establishing a Court of Indian Offenses (also known as a CFR Court) for the Kewa Pueblo (previously listed as the Pueblo of Santo Domingo). It provides notice that the application of certain sections of the regulations for the Court of Indian Offenses serving the Kewa Pueblo have been waived to allow the Bureau of Indian Affairs (BIA) to unilaterally establish a CFR court. It also allows the Assistant Secretary—Indian Affairs to appoint a magistrate without the need for confirmation by the Tribal governing body.

**DATES:** The waiver took effect on October 7, 2019.

**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 current Traditional Court System of the Kewa Pueblo is unable to provide minimum protections for due process as set forth in 25 U.S.C. 1302(a). To ensure the administration of justice on the Pueblo, BIA has taken steps to establish a Court of Indian Offenses to protect the rights of individuals and ensure public safety. Therefore, the Secretary determined, in his discretion, that it is necessary to waive 25 CFR 11.104(a) and 25 CFR 11.201(a) on the Kewa Pueblo to ensure that the BIA can establish and operate a Court of Indian Offenses immediately.

Section 11.104(a) provides that 25 CFR 11 applies to Tribes listed under § 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 allows BIA to unilaterally establish a CFR court and allows the Assistant Secretary—Indian Affairs to appoint a magistrate without the need for confirmation by the Tribal governing body.

Dated: February 4, 2020.

**Tara Sweeney,**

*Assistant Secretary—Indian Affairs.*

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## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

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#### Rate Adjustments for Indian Irrigation Projects

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

**ACTION:** Notice.

**SUMMARY:** The Bureau of Indian Affairs (BIA) owns or has an interest in irrigation projects located on or associated with various Indian reservations throughout the United States. We are required to establish irrigation assessment rates to recover the costs to administer, operate, maintain, and rehabilitate these projects. We request your comments on the proposed rate adjustments.

**DATES:** Interested parties may submit comments on the proposed rate adjustments on or before *April 27, 2020*.

**ADDRESSES:** All comments on the proposed rate adjustments must be in writing and addressed to: Ms. Yulan Jin, Chief, Division of Water and Power, Office of Trust Services, Mail Stop 4637–MIB, 1849 C Street NW, Washington, DC 20240, Telephone (202) 219–0941.

**FOR FURTHER INFORMATION CONTACT:** For details about a particular irrigation project, please use the tables in the **SUPPLEMENTARY INFORMATION** section to contact the regional or local office where the project is located.

**SUPPLEMENTARY INFORMATION:** The first table in this notice provides contact information for individuals who can give further information about the irrigation projects covered by this notice. The second table provides the proposed rates for calendar year (CY) 2021 for all irrigation projects.

#### What is the meaning of the key terms used in this notice?

In this notice:

*Administrative costs* means all costs we incur to administer our irrigation projects at the local project level and are a cost factor included in calculating your operation and maintenance assessment. Costs incurred at the local project level do not normally include agency, region, or central office costs unless we state otherwise in writing.

*Assessable acre* means lands designated by us to be served by one of our irrigation projects, for which we collect assessments in order to recover costs for the provision of irrigation service. (*See total assessable acres.*)

*BIA* means the Bureau of Indian Affairs.

*Bill* means our statement to you of the assessment charges and/or fees you owe the United States for administration, operation, maintenance, and/or rehabilitation. The date we mail or hand-deliver your bill will be stated on it.

*Costs* means the costs we incur for administration, operation, maintenance, and rehabilitation to provide direct support or benefit to an irrigation facility. (*See administrative costs, operation costs, maintenance costs, and rehabilitation costs.*)

*Customer* means any person or entity to whom or to which we provide irrigation service.

*Due date* is the date on which your bill is due and payable. This date will be stated on your bill.

*I, me, my, you* and *your* mean all persons or entities that are affected by this notice.

*Irrigation project* means a facility or portion thereof for the delivery, diversion, and storage of irrigation water that we own or have an interest in, including all appurtenant works. The term “irrigation project” is used interchangeably with irrigation facility, irrigation system, and irrigation area.

*Irrigation service* means the full range of services we provide customers of our irrigation projects. This includes our activities to administer, operate, maintain, and rehabilitate our projects in order to deliver water.

*Maintenance costs* means costs we incur to maintain and repair our irrigation projects and associated equipment and is a cost factor included in calculating your operation and maintenance assessment.

*Operation and maintenance (O&M) assessment* means the periodic charge you must pay us to reimburse costs of administering, operating, maintaining, and rehabilitating irrigation projects

consistent with this notice and our supporting policies, manuals, and handbooks.

*Operation or operating costs* means costs we incur to operate our irrigation projects and equipment and is a cost factor included in calculating your O&M assessment.

*Past due bill* means a bill that has not been paid by the close of business on the 30th day after the due date as stated on the bill. Beginning on the 31st day after the due date, we begin assessing additional charges accruing from the due date.

*Rehabilitation costs* means costs we incur to restore our irrigation projects or features to original operating condition or to the nearest state which can be achieved using current technology and is a cost factor included in calculating your O&M assessment.

*Responsible party* means an individual or entity that owns or leases land within the assessable acreage of one of our irrigation projects and is responsible for providing accurate information to our billing office and paying a bill for an annual irrigation rate assessment.

*Total assessable acres* means the total acres served by one of our irrigation projects.

*Water delivery* is an activity that is part of the irrigation service we provide our customers when water is available.

*We, us, and our* mean the United States Government, the Secretary of the Interior, the BIA, and all who are authorized to represent us in matters covered under this notice.

#### Does this notice affect me?

This notice affects you if you own or lease land within the assessable acreage of one of our irrigation projects or if you have a carriage agreement with one of our irrigation projects.

#### Where can I get information on the regulatory and legal citations in this notice?

You can contact the appropriate office(s) stated in the tables for the irrigation project that serves you, or you can use the internet site for the Government Printing Office at <http://www.gpo.gov>.

#### Why are you publishing this notice?

We are publishing this notice to inform you that we propose to adjust our irrigation assessment rates. This notice is published in accordance with the BIA's regulations governing its operation and maintenance of irrigation projects, found at 25 CFR part 171. This regulation provides for the establishment and publication of the