

**Billing Code 4333–15**

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**[FWS–R8–ES–2020–N074; FXES1114080000–201–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 **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].**

**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:* [debora\\_kirkland@fws.gov](mailto:debora_kirkland@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).

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**Stephen Henry, Field Supervisor,  
Ventura Fish and Wildlife Office,  
Ventura, California.**