

Tuolumne County
Administration Center
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Sonora, California 95370
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Heather Ryan
*Clerk of the Board
of Supervisors*

**BOARD OF SUPERVISORS
COUNTY OF TUOLUMNE**

Sherri Brennan, *First District*

Anaiah Kirk, *Third District*

John Gray, *Fourth District*

Ryan Campbell, *Second District*

Karl Rodefer, *Fifth District*

Natural Resource Committee

Tuesday, August 11, 2020 @ 9:30 a.m.

Meeting being held through Zoom

AGENDA

- In order to protect public health and the safety of Tuolumne County citizens, the Natural Resources Committee Meeting will be physically closed to the public. Public Comment will be opened and closed individually for each agenda item listed below, excluding Reports. To observe or participate in the August 11, 2020 Natural Resources Committee meeting, follow the instructions below. For detailed Zoom instructions go to the Agenda Packet <https://www.tuolumnecounty.ca.gov/AgendaCenter/Natural-Resource-Committee-12/?#08132013-125>. if you need swift special assistance during the Natural Resources Committee meeting, please call **209-770-5423**.

1) Use the link to join the webinar: <https://us02web.zoom.us/j/85741377567>

2) (Webinar ID: 857 4137 7567)

3) During the public comment period you will have the option to “*raise your hand*” if you would like to comment on a project or during the public comment portion of the meeting.

If participating by computer:

- After clicking the “*raise your hand*” option, please wait until a staff member unmutes your microphone.
- Once staff has unmuted your microphone you will be asked to provide comments.
- A staff member will notify to you when you have 30 seconds remaining and again when your time is up.
- Once your allotted time is up, a staff member will mute your microphone and “*lower your hand*”.

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If participating by smartphone:

- If you are participating from your smartphone, you will also have a “*raise your hand*” feature.
- When you are unmuted a prompt will appear to confirm you would like to be unmuted.
- Once you confirm you will be able to provide public comment. Staff will assist as described above.

In accordance with Government Section 54954.3(a), the public may comment on any item on the agenda. In accordance with the Americans with Disabilities Act, if you need special assistance (i.e. auxiliary aids or services) in order to participate in this public meeting, please contact the County Administrator's Office, (209-533-5511). Notification 48 hours prior to the start of the meeting will enable staff to make reasonable accommodations to ensure accessibility to this public meeting.

If participating by telephone:

- If you are participating via telephone call, you will need to press *9 (star 9) to “*raise your hand*”, and when you are unmuted you will hear “*you are unmuted*” allowing you to provide public comment. Staff will assist as described above.

You also may submit written comments by U.S. mail at 2 South Green Street, Sonora, CA 95370 or email (communityresources@tuolumnecounty.ca.gov) for retention as part of the administrative record. Comments will not be read during the meeting. Comments must be received by the Community Development Department Director no later than 8:00 AM on the afternoon of the noticed meeting.

1. Call the meeting to order
2. Public Comment
3. Discussion of Rim Fire impacts and recovery efforts.
 - Restoration
 - Reforestation
4. Update on Master Stewardship Agreement
 - SPAs
 - Grants
5. Discussion and consideration of approving comments on the Ackerson Meadow Restoration Project. (Comments are due August 20, 2020)
6. Discussion and consideration of approving comments on the proposal to change the name of a creek to James Wong Howe Creek. (No deadline set for comments)
7. Discussion and consideration of comments on the final Habitat Conservation Plan for Northern and California Spotted owl and final Environmental Impact Statement for Sierra Pacific Industries. (Comments are due August 28, 2020)
8. Discussion on Statewide Mountain Lion Depredation Approach
9. Reports

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The Ackerson Meadow Restoration Project



Photo by Robb Hirsch

What is the purpose of this project?

Ackerson Meadow and South Ackerson Meadow make up the largest mid-elevation meadow complex in Yosemite National Park. These scenic meadows are important habitat for the State endangered great grey owl and little willow flycatcher, as well as a suite of additional at-risk wildlife species. Currently, a large erosion gully network, up to 14 feet deep and 100 feet wide, is actively draining 90 acres of former wetlands in the meadow complex and threatening an additional 100 acres of wet meadow habitat. The gully network is a result of over a century of landscape manipulation including domestic water diversion, farming, ranching, and timber harvest. Yosemite National Park and the Stanislaus National Forest jointly propose to implement actions to reduce erosion and restore wetland functionality at Ackerson and South Ackerson Meadows. Additional goals of the project include:

- Protect existing intact wetlands from advancing gullies and headcuts, and re-establish hydrologic processes and conditions characterized by sheet flow and shallow dispersed swales.
- Restore the former extent of wetlands in Ackerson and South Ackerson Meadows by re-establishing sustained high water tables (water table within 12 inches of the soil surface for 21 days per year).
- Minimize and mitigate impacts related to restoration actions
- Restore natural habitat for at-risk wildlife species.
- Enable tribal participation in ecological restoration, tending, and gathering of traditional use plant materials.
- Provide continued grazing on US Forest Service-managed lands while protecting recovering wetlands, riparian areas, and archeological resources.
- Remove invasive plant species that threaten native species.
- Preserve wilderness character. In designated wilderness, minimize impacts to wilderness character by limiting restoration activities and tools to the minimum required to restore water tables and prevent further degradation.

How would the NPS restore the meadow?

The NPS is considering options for restoration methods to restore the meadow including the following:

- Completely fill the erosion gullies to the level of existing meadow terraces to restore original topography, hydrology, and vegetation. Fill material will be generated from a combination of nearby upland hillslope soil excavations and locally generated wood chips and biochar. Approximately 151,000 cubic yards of fill will be needed.
- Intermittently fill the erosion gullies to the level of existing meadow terraces with a stair-step sequence of earthen plugs to restore wetland hydrology and vegetation. This alternative would create open water ponds up to 12 feet deep between the plug features. Fill will be generated as above, and approximately 57,000 cubic yards of fill will be needed.
- Encourage sediment deposition and erosive flow energy within the erosion gullies by installing beaver dam analogs (BDAs) and natural materials to create a stair-step sequence of ponds about 3 feet deep within the active channels. This treatment will require hand tools and manual labor, no fill or heavy equipment will be needed. Long-term maintenance of the structures will be required. This alternative would not fully restore the gullies to natural meadow topography, rather it would enhance the wetland and floodplains within the gully network. The park has also considered the introduction of beavers to the meadow for restoration purposes but considers that action infeasible at this time. The planning team is interested in your additional comments on the introduction of beaver.
- Use a combination of intermittent fill and BDAs to fill the gullies to the level of existing meadow terraces to restore meadow hydrology and reconnect with the floodplain. This alternative would use soil from the same sources as the other fill alternatives in the deeper portion of the gullies and use BDAs in the areas where the gullies are less than 3-5- feet deep. This would require less fill than the full fill option and more fill than the intermittent fill option.

How can I comment and participate?

The park plans to initiate a formal environmental assessment process toward the end of 2020. At this time, the park requests input on issues that the planning team should address in the upcoming planning process, additional alternatives to meet the purpose of the plan, information the park should consider in the upcoming analysis, and other feedback.

Public participation is essential for the success of this and all other park projects. Here are ways to learn more about the Ackerson Meadow project and/or comment:

- **Attend the Ackerson Meadow Restoration Project Public Webinar on August 5th from 4:30 pm PT to 5:30 pm (Pacific Time).** You will have an opportunity to learn more about the project and ask questions during the webinar. The link to register and watch the webinar is available at <https://parkplanning.nps.gov/ackerson>.
- Submit comments by August 25th on the NPS Planning, Environment, and Public Comment (PEPC) link at <https://parkplanning.nps.gov/ackerson>. The webinar will also be recorded and available online at this link.

Approved

Promulgation authorized
Executive Secretary
Domestic Geographic Names

UNITED STATES
BOARD ON GEOGRAPHIC NAMES

CASE BRIEF (Domestic)

James Wong Howe Creek: stream; 3.7 mi. long; in Stanislaus National Forest, heads 2.2 mi. NE of Dry Meadow at 38°14'37"N, 120°05'30"W, flows generally S to enter the Middle Fork Stanislaus River; named for James Wong Howe (1899-1976), an Academy Award-winning cinematographer; Tps4&5N, R17E, Mount Diablo Meridian; Tuolumne County, California; 38°12'03"N, 120°04'56"W; USGS map – Strawberry 1:24,000; Not: Chinaman Creek.

https://geonames.usgs.gov/apex/gazvector.getesrimap?p_lat=38.2007507&p_longi=-120.0821312&fid=1655229

Proposal: to change a name considered offensive

Map: USGS Strawberry 1:24,000

Proponent: Leann Holman

Administrative area: Stanislaus National Forest

Previous BGN Action: None

Names associated with feature:

GNIS: Chinaman Creek (FID 1655229)

Local Usage: None found

Published: Chinaman Creek (USGS 1956, 1993, 2012, 2015, 2018; USFS documents 1972, 1997, 2020; Metsker's Tuolumne County maps, 1939, 1953, 1980; *The Union Democrat*, 1938)

Case Summary: This proposal is to change the name of Chinaman Creek, a 3.7-mile-long tributary of the Middle Fork Stanislaus River in Tuolumne County, to James Wong Howe Creek. The stream is located in Stanislaus National Forest.

The proponent states that the current name is “a racist name,” “anyone with any common decency should be offended,” and “there is literally no good reason not to change it.” She noted that there are “many Chinese-Americans who contributed greatly to their community and country that could be commemorated respectfully.” The proposed name would recognize James Wong Howe (1899-1976), born Wong Tung Jim, an Academy Award-winning cinematographer who filmed more than 130 films.

According to a biography found in a Los Angeles Public Library (LAPL) article, Mr. Howe's father emigrated to the State of Washington to work on railroads, moving his family there when James was five. Mr. Howe then moved to Los Angeles and became an assistant to Cecil B. DeMille. He discovered a method to help blue eyes film better and became one of Hollywood's most popular cinematographers during the silent film era. Ten years before *Citizen Kane*, Howe developed techniques for deep-focus cinematography. He invented an early version of the crab dolly, experimented with filming in low light scenes and with hand-held cameras, planned one of the first helicopter shots, and developed innovations for filming with wide-angle and fish-eye lenses. He was nominated for ten Academy Awards for Best Cinematography, winning two, for *The Rose Tattoo* in 1955 and *Hud* in 1963.

According to the LAPL article, Howe was the first minority cinematographer admitted to the American Society of Cinematographers and he mentored other minorities in the profession. He was reportedly so well-regarded that “some directors publicly acknowledged that they focused their attention on the actors, and left almost all of the filming decisions to Howe.”

Howe's 1937 marriage to an American novelist was not recognized in the United States until 1948 when California courts overturned the State's anti-miscegenation laws. Howe was "gray-listed" by the House Un-American Activities Committee due to his Chinese ancestry and his wife's former affiliation with the Communist Party.

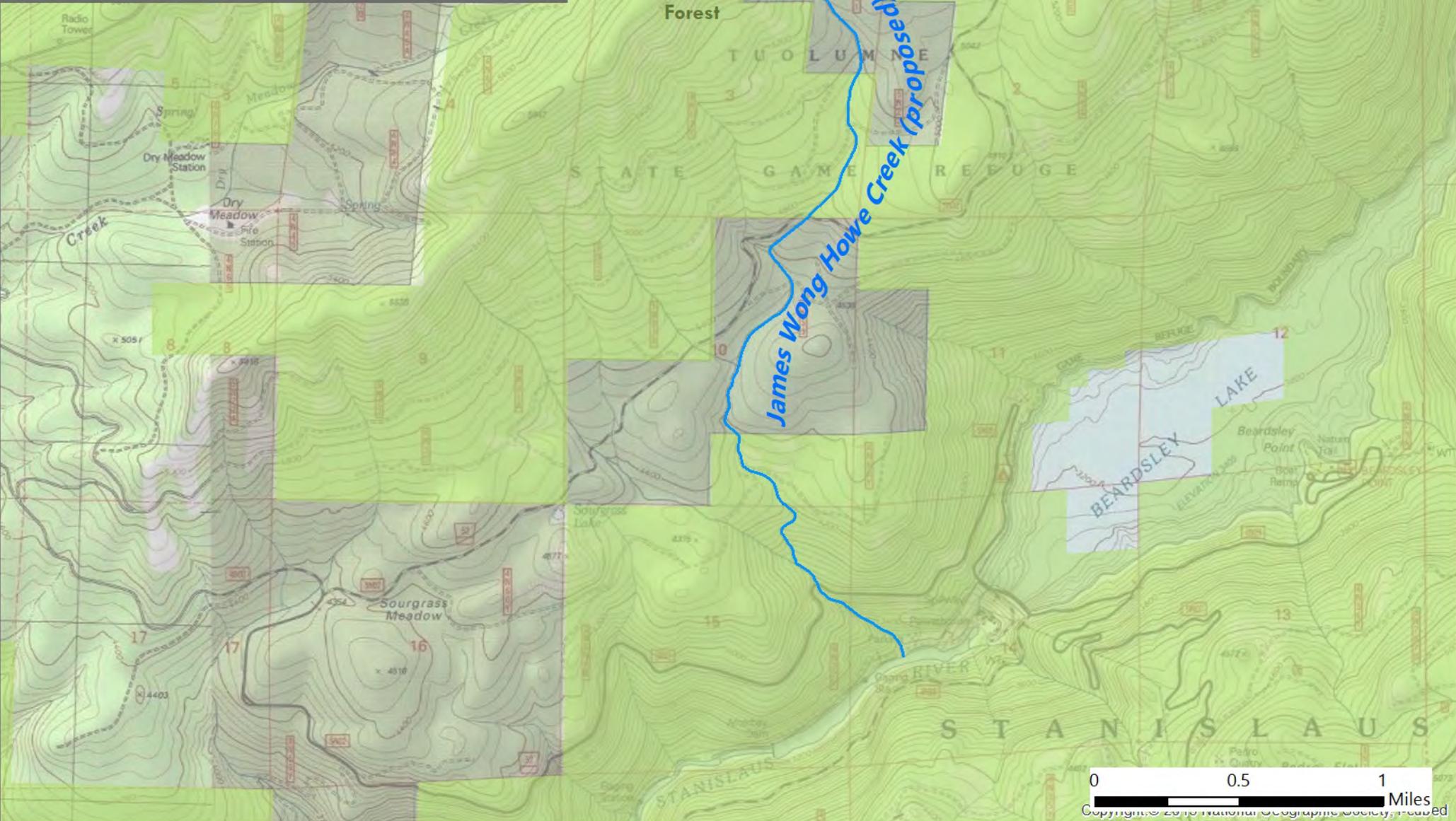
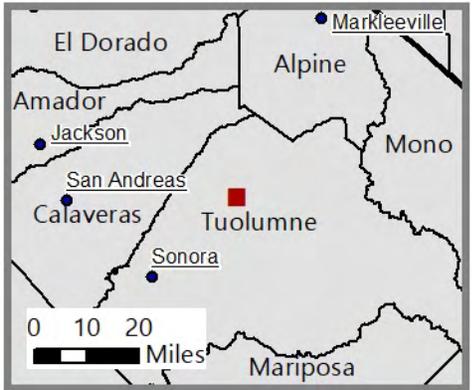
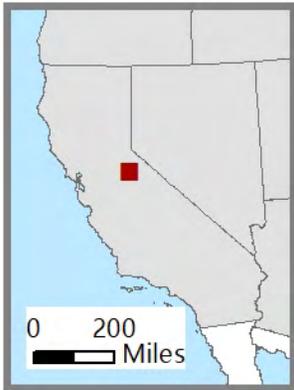
The name Chinaman Creek was labeled on small-scale USGS maps in 1956 and 1993, but was not shown on 1:24,000-scale maps until 2012. The name appeared in a 1938 article in *The Union Democrat* about logging railroad activities in the area. It was also used in U.S. Forest Service documents as early as 1972. No information about its origin could be found, but it presumably referred to Chinese immigrants who worked on railroad projects in the area.

The proponent was asked if Mr. Howe had any association with the stream or with Tuolumne County, and was also advised that the BGN prefers surnames only; she did not respond.

A query of GNIS found no other features in California with "Chinaman" in their names. Two include the word in their variant names: China Garden and Chinese Cut. The variants were labeled on early USGS maps while the current names were confirmed during field mapping in the 1950s or later. GNIS lists many features in California that include "China" or "Chinese" in their names.

Proposed by: Leann Holman
Submitted by: same
Prepared by: M. O'Donnell
Case ID: 5334
Reviewed by:

Date: 6/15/20
Date: same
Date: 7/1/20
Quarterly Review List:
Date:



DOMESTIC GEOGRAPHIC NAME PROPOSAL SUMMARY

PROPOSE NEW OR CHANGE NAME

Name Proposal ID:

9900

Date Created:

15-JUN-20

Date Submitted:

15-JUN-20

Proposed Name:

James Wong Howe Creek

Action Requested:

Change an existing name

Existing Name:

Chinaman Creek

Unnamed Evidence:

-

Locally Used:

No

Locally Used Years:

-

Local Conflict:

Yes

Local Conflict Detail:

It's a racist name. anyone with any common decency should be offended. especially when we have a vast history of Chinese-Americans who contributed greatly to their community and country that could be commemorated respectfully. One such individual is James Wong Howe.

Additional Details:

I recently was made aware of how many landmarks in this state alone have disgusting, downright racist names. It has become my personal goal to get all of those names changed, starting with this one. I cannot imagine anyone in this community thinks this is OK, because it isn't. This name is disrespectful and insulting. I'm not even Chinese and I'm offended. There is literally no good reason not to change it.

FEATURE INFORMATION

GNIS Feature ID:

-

Feature class:

DON'T KNOW

Descriptive information:

It's a creek. It has a racist name. There's not a lot to describe.

Meaning or significance:

James Wong Howe is widely considered to be one of the best cinematographers to ever live, according to the International Cinematographers Guild. Born in 1899, James immigrated to the US at the age of 5 and in addition to becoming a professional boxer in his teenage years, he became assistant to the legendary filmmaker Cecil B Demille, kick-starting his career, James Wong Howe went on to be a pioneer of the wide angle lens, low key lighting and the use of the crab dolly. He was a major innovator in his field and his affect on the world of film-making is felt to this day. He earned 10 Academy Award nominations for his work, winning 2. Although a champion in his field, he faced discrimination his whole life due to his race.

Commemorative:

Yes

Biographical information:

James Wong Howe is widely considered to be one of the best cinematographers to ever live, according to the International Cinematographers Guild. Born in 1899, James immigrated to the US at the age of 5 and in addition to becoming a professional boxer in his teenage years, he became assistant to the legendary filmmaker Cecil B Demille, kick-starting his career, James Wong Howe went on to be a pioneer of the wide angle lens, low key lighting and the use of the crab dolly. He was a major innovator in his field and his affect on the world of film-making is felt to this day. He earned 10 Academy Award nominations for his work, winning 2. Although a champion in his field, he faced discrimination his whole life due to his race.

Supporting materials:

Yes

SUPPORTING MATERIALS

No information entered.

STATES AND COUNTIES

State Name	County Name
California	Tuolumne

GEOGRAPHIC COORDINATES

Obtained From	Describe Other	Lat Deg	Min	Sec	Long Deg	Min	Sec	Decimal Lat	Decimal Long	Details
Map	https://mapcarta.com/23018624	-	-	-	-	-	-	38	120	-

ADMINISTRATIVE AREAS

No information entered.

MAPS AND DOCUMENTS WITH NAME

Source Type	Details	Source Date
Map	https://mapcarta.com/23018624	2020
Map	https://www.anyplaceamerica.com/directory/ca/tuolumne-county-06109/streams/chinaman-creek-1655229/	2020
Web Site	https://california.hometownlocator.com/maps/feature-map,ftc,1,fid,1655229,n,chinaman%20creek.cfm	2020
Web Site	https://www.fishingworks.com/california/tuolumne-ca/stream/chinaman-creek/	2020

OTHER (VARIANT) NAMES AND THEIR SOURCE

No information entered.

AUTHORITIES

No information entered.

SUBMITTERS AND PREPARERS

Role	Last Name	First Name	Phone	Email Address	Physical Address	City	State	Zip	Company	Title
SUBMITTER	Holman	Leann	7147378945	leannkelly224@gmail.com	-	-	-	-	-	-

DGNP Guest

CHAPTER 3. DOMESTIC GEOGRAPHIC NAMES POLICIES

Policy II. Name Changes

Geographic names provide important spatial, cultural, and historical references. Each name identifies a particular geographic feature, place, or area, and may be a distinct feature or part of another feature such as individually named peaks on a named mountain. This requires a high degree of stability in the written form of a name and its application. Consequently, changes in existing names should not be made without a compelling reason. Proposed changes must be submitted to the BGN for review and approval before being used in Federal publications.

“Name change” means formally revising the official name of a geographic feature in the United States or its territories and outlying areas. The BGN recognizes two classes of name changes:

- those made to bring official Federal usage into agreement with well-established local usage and/or with present-day local support and
- those made to eliminate particular name problems as in proposals involving names asserted to be offensive, duplicate names, or names originally established on the basis of incorrect information.

Sec. 1 Existing names, especially personal commemorative names, which honor an individual, and those names in longstanding public usage, should not be changed unless the proponent presents a compelling reason to do so. Even when the historical basis for an existing name is unknown, the BGN will still treat it with deference (see also Policy III. Commemorative Names, Sec. 4).

Sec. 2 The BGN prefers to recognize present-day local use or acceptance. The BGN will consider proposals to change official names that the proponent believes are inconsistent with well-established local use.

Sec. 3 The BGN prohibits the inclusion of derogatory words in a proposed geographic name (see Policy V. Derogatory and Offensive Names).

Sec. 4 Common names are sometimes applied to two or more features in close proximity. Where it can be demonstrated that duplication has led to confusion, the BGN will consider a proposal to change an existing name (see Policy VII. Duplicate and Similar Names). The BGN may disapprove a name change proposal that duplicates another nearby name.

Sec. 5 The need to correct a name for historical accuracy may not always be sufficiently compelling to change the existing name. However, proposals to correct a misspelling of a historic or personal commemorative name will generally be given favorable consideration if the proponent presents convincing evidence that the name has been misspelled and should be changed.

Sec. 6 The BGN initiates name changes only in rare cases such as those involving certain derogatory names and changes in name applications.

CHAPTER 3. DOMESTIC GEOGRAPHIC NAMES POLICIES

Guidelines

When a name change proposal is received, the BGN investigates the background of the current name and solicits recommendations from any individual or Federal, Tribal, State or local authority that it determines might have an interest in the feature. The BGN carefully considers all relevant factors when reviewing a name change proposal, including the extent and distribution of usage, historical context, and lexical meanings.

In the event of a name change, the prior form appears in the permanent Geographic Names Information System (GNIS) record as a variant name (see Policy VIII. Variant Names).

Memorandum

Date: July 10, 2020

To: Regional Managers
Department of Fish and Wildlife

From: Stafford Lehr, Deputy Director
Wildlife and Fisheries Division
David Bess, Chief
Law Enforcement Division



Subject: Statewide Mountain Lion Depredation Approach

Given evolving scientific knowledge and recent events involving mountain lions in California, the CDFW took a fresh look at how depredation permits are being administered statewide. Since 2017 our approach has been deliberative, starting with the 3-Step Policy being implemented in the Santa Monica Mountains and Santa Ana Mountains. In March 2020, the 3-Step policy was expanded to the larger proposed ESU contained in the Petition to list mountain lions under CESA. The proposed ESU encompasses an area stretching from San Francisco in the north to the Mexico border the south and from I-5/I-15 in the east to the coast. Also, during this recent timeframe, we have taken a close look at California Fish and Game Code Section 4801.5, which generally requires that non-lethal measures be used when taking mountain lions, and determined that it requires CDFW to implement an approach based on the code to depredation permits statewide. Therefore, we are giving the following direction for all depredation permits for mountain lions **outside** the boundaries of the proposed ESU:

1. Upon request from a property owner that has suffered livestock loss, a non-lethal Step 1 permit—consistent with Fish and Game Code section 4801.5—shall be issued that authorizes some element(s) of non-lethal take (e.g., pursuit, catch or capture or the attempt to pursue, catch or capture) along with protective enclosures or actions to protect their livestock¹. Examples of non-lethal Step 1 take measures include:
 - a. Pursuit with ATV or other type of motorized vehicle
 - b. Pursuit with dogs
 - c. Use of non-lethal ammunition (rubber bullets, cracker shells, bean bag rounds)
2. Should the property owner suffer a second loss and have implemented the non-lethal take measures authorized, the Regional Manager should analyze and determine whether additional non-lethal take measures and recommendations should be pursued, and, if so, issue a second non-lethal permit. If not, and the Regional Manager documents why a second non-lethal permit is not feasible, then the Regional Manager has the discretion to

¹ Reporting parties should be provided with educational materials on preventive measures that they can undertake to minimize their chances of losing livestock to depredation.

- either: (a) use a structured process to consider translocation²; or (b) issue a lethal permit upon confirmation the property owner wishes to receive such a permit.
3. Wildlife staff will be responsible for handling and conditioning depredation permits. If wildlife staff are unavailable, LED can condition a Step 1 non-lethal permit. All responders (LED and Science) will receive training on the issuance of non-lethal Step 1 permits. If LED receives depredation requests, the process will be turned over to wildlife staff.
 4. After a second event at the property and the decision-process described in paragraph #2 above is completed, and lethal take is being considered, wildlife staff shall manage the process and the Regional Manager will be responsible for ultimate resolution.
 5. When the Regional Manager is considering how to proceed following the decision-process described in paragraphs #2 and 4 above, it is imperative to understand the situational awareness, including regional or local research and lion population dynamics, local sentiments, media attention, or other unique circumstances before rendering the final decision. The decision to issue the lethal permit is to be made by the Regional Manager after providing notification to the department's executive office. Should the Regional Manger determine that more input is needed or there are special circumstances, the Regional Manager has the option to convene an RGT to discuss options with the group.
 6. All permit processes will be documented in the Wildlife Reporting System within 24 hours of the event and CDFW staff will report the incident through their chain of command.
 7. Per FGC Section 4807, any mountain lion that is encountered while in the act of pursuing, inflicting injury to, or killing livestock, or domestic animals, may be taken immediately by the owner of the property or the owner's employee or agent. The Law Enforcement Division will be responsible for investigating the incident. All other requirements listed in FGC 4807 will be followed as described.

cc: Valerie Termini
Chief Deputy Director
Valerie.Termini@Wildlife.ca.gov

Scott Gardner, Chief
Wildlife Branch
Scott.Gardner@Wildlife.ca.gov

Stella McMillin, Manager
Wildlife Investigations Laboratory
Stella.McMillin@Wildlife.ca.gov

Steve Ingram, Senior Staff Counsel
Office of the General Counsel
Steven.Ingram@Wildlife.ca.gov

² Structured Decision process for translocation is currently being developed.

seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on January 6, 2020 at 85 FR 521.

A. Overview of Information Collection

Title of Information Collection:
 Federal Labor Standards Payee
 Verification and Payment Processing.
OMB Approval Number: 2501-0021.

Type of Request: Reinstatement.
Form Number: HUD FORM 4734.
Description of the need for the information and proposed use: HUD, State, Local and Tribal housing agencies administrating HUD-assisted programs must enforce Federal Labor Standards requirements, including the payment of prevailing wage rates to laborers and mechanics employed on HUD-assisted construction and maintenance work that is covered by these requirements. Enforcement activities include securing funds to ensure the payment of wage

restitution that has been or may be found due to laborers and mechanics who were employed on HUD-assisted projects. Also, for the payment to the U.S. Treasury of liquidated damages that were assessed for violations of Contract Work Hours and Safety Standards Act (CWHSSA). If the labor standards discrepancies are resolved, HUD refunds associated amounts to the depositor. As underpaid laborers and mechanics are located, HUD sends wage restitution payments to the workers.

Information collection	Number of respondents	Frequency of response	Responses per annum	Total burden hours per response	Burden hours	Hourly cost per response	Total cost
4734 Deposit Voucher	15.00	1.00	1.00	.10	1.50	\$43.71	\$65.57
Total	15.00	1.00	.10	1.50	43.71	65.57

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Anna P. Guido,
Department Reports Management Officer,
Office of the Chief Information Officer.

[FR Doc. 2020-16613 Filed 7-30-20; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS-R8-ES-2020-0073; FXES1120800000-201-FF08E00000]

Sierra Pacific Industries Final Habitat Conservation Plan for Northern and California Spotted Owl and Final Environmental Impact Statement; Klamath, Cascade, and Sierra Nevada Mountains, CA

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability of final environmental impact statement and final habitat conservation plan.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the availability of a final environmental impact statement (EIS) under the National Environmental Policy Act. We also announce the availability of the final Habitat Conservation Plan for the Northern and California Spotted Owl (HCP). The documents were prepared in support of an application for an incidental take permit (ITP) under the Endangered Species Act (ESA). We will use these documents to inform our decision regarding issuance of the permit.

DATES: This notice makes available the final EIS. A record of decision will be signed no sooner than 30 days after the publication of this notice in the **Federal Register**.

ADDRESSES: *Obtaining Documents:* You may obtain copies of the final EIS and HCP in Docket No. FWS-R8-ES-2020-0073 at <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Kim S. Turner, Deputy Assistant Field

Supervisor, by phone at 916-414-6600; via the Federal Information Relay Service at 800-877-8339; or via U.S. mail to U.S. Fish and Wildlife Service, 2800 Cottage Way, Suite 2605, Sacramento, CA 95825.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service (Service), received an application submitted by Sierra Pacific Industries of Anderson, California (Applicant), for an incidental take permit under section 10(a)(1)(B) of the Endangered Species Act, as amended (16 U.S.C. 1531 *et seq.*), along with a habitat conservation plan to support the ITP application. We are making the ITP application, HCP, and final environmental impact statement available for public comment. The final EIS analyzes the impacts of a issuing an ITP under the Endangered Species Act for implementation of the HCP for Northern and California Spotted Owl.

Habitat Conservation Plan

The proposed ITP would cover two bird subspecies, the northern spotted owl (*Strix occidentalis caurina*), which is federally listed as threatened, and the California spotted owl (*Strix occidentalis occidentalis*), which is not federally listed.

The HCP covers forest management, species management, and monitoring activities on commercial timberland in Amador, Butte, Calaveras, El Dorado, Lassen, Modoc, Nevada, Placer, Plumas, Shasta, Sierra, Siskiyou, Tehama, Trinity, Tuolumne, and Yuba Counties, California. The HCP area encompasses 1,565,707 acres of commercial timberland in these counties.

The HCP proposes conservation measures considered necessary to minimize and mitigate the impacts, to

the maximum extent practicable, of the potential taking of federally listed species to be covered by the HCP.

Final Environmental Impact Statement

The EIS was developed in compliance with the Service's decision-making requirements under the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*) and analyzes several alternatives, including the proposed action alternative involving implementation of the HCP submitted by the applicant.

The EIS analyzes the direct, indirect, and cumulative impacts of several land management alternatives related to the Service's decision whether to issue an ITP in response to the SPT's application.

Background

Section 9 of the ESA prohibits the "take" of fish and wildlife species federally listed as endangered; by regulation, the Service has extended the take prohibitions to certain species listed as threatened. Take of federally listed fish or wildlife is defined under the ESA as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect listed species, or attempt to engage in such conduct (16 U.S.C. 1538). "Harm" includes significant habitat modification or degradation that actually kills or injures listed wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, and sheltering (50 CFR 17.3). Under limited circumstances, we may issue permits to authorize incidental take that is incidental to and not the purpose of, otherwise lawful activities.

National Environmental Policy Act Compliance

The EIS analyzes three land management alternatives. These include a "no action" alternative, under which the current management practices would be assumed to continue as guided by the California Forest Practice Rules. The proposed action consists of a two-subspecies HCP and associated permit with a 50-year term. One other "action" alternative is included. The Northwest Forest Plan (NWFP)/Sierra Nevada Forest Plan (SNFPA) Alternative (NWFP/SNFPA alternative) proposes the development of a different two-subspecies HCP that would manage known and suspected nest stands according to the NWFP within the range of the NSO and the SNFPA within the range of the CSO.

EPA's Role in the EIS Process

In addition to this notice, the Environmental Protection Agency (EPA) is publishing a notice in the **Federal**

Register announcing this EIS, as required under section 309 of the Clean Air Act. The publication date of EPA's notice of availability is the official beginning of the public comment period. EPA's notices are published on Fridays.

EPA serves as the repository (EIS database) for EISs prepared by Federal agencies. All EISs must be filed with EPA. You may search for EPA comments on EISs, along with EISs themselves, at <https://cdxnodengn.epa.gov/cdx-enepa-public/action/eis/search>.

Public Review

Any comments we receive will become part of the decision record associated with this action. 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 request in your comment that we withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Next Steps

Issuance of an ITP is a Federal proposed action subject to compliance with NEPA. We will evaluate the application, associated documents, and the public comments we receive to determine whether the requirements of the NEPA regulations and section 10(a) of the ESA have been met. If we determine that those requirements are met, we will issue a record of decision no sooner than 30 days after the EPA publishes notice of the final EIS in the **Federal Register** and will issue a permit to the applicant for the incidental take of the covered species.

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 17.32), and NEPA (42 U.S.C. 4321

et seq.) and NEPA implementing regulations (40 CFR 1506.6).

Daniel Cox,

*Acting Assistant Regional Director,
California-Great Basin Region, Sacramento,
California.*

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BILLING CODE 4333-15-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[201A2100DD/AAKC001030/
AOA501010.999900 253G]

Spirit Lake Tribe Liquor Control Ordinance

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice publishes the Spirit Lake Tribe's Liquor Control Ordinance (Ordinance). This Ordinance regulates and controls the possession, sale, manufacture, and distribution of alcohol in conformity with the laws of the State of North Dakota for the purpose of generating new Tribal revenues. Enactment of this Ordinance will help provide a source of revenue to strengthen Tribal government, provide for the economic viability of Tribal enterprises, and improve delivery of Tribal government services.

DATES: This Ordinance shall take effect on July 31, 2020.

FOR FURTHER INFORMATION CONTACT:

Todd Gravelle, Supervisory Tribal Operations Specialist, Great Plains Regional Office, Bureau of Indian Affairs, 115 Fourth Avenue South East, Suite 400, Aberdeen, South Dakota 57401, telephone: (605) 226-7376, fax: (605) 226-7379.

SUPPLEMENTARY INFORMATION: Pursuant to the Act of August 15, 1953, Public Law 83-277, 67 Stat. 586, 18 U.S.C. 1161, as interpreted by the Supreme Court in *Rice v. Rehner*, 463 U.S. 713 (1983), the Secretary of the Interior shall certify and publish in the **Federal Register** notice of adopted liquor control laws for the purpose of regulating liquor transactions in Indian country. The Spirit Lake Tribe duly adopted the Liquor Control Ordinance on March 13, 2020.

This notice is published in accordance with the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs. I certify that the Spirit Lake Tribe duly adopted by Resolution this Liquor

The EIS with all appendices and Summary for the Sierra Pacific Industries final Habitat Conservation Plan for Northern and California Spotted Owl and final Environmental Impact Statement can be found at the following link:

https://www.federalregister.gov/documents/2020/07/31/2020-16505/sierra-pacific-industries-final-habitat-conservation-plan-for-northern-and-california-spotted-owl?utm_campaign=subscription+mailing+list&utm_source=federalregister.gov&utm_medium=email