

4. Any other information pertinent to evaluating the effects of the proposed action on the human environment.

#### Availability of Public Comments

You may submit comments by one of the methods shown under **ADDRESSES**. We will post on <http://regulations.gov> all public comments and information received electronically or via hardcopy. All comments received, including names and addresses, will become part of the administrative 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.

#### 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 the NEPA (42 U.S.C. 4371 *et seq.*) and its implementing regulations (40 CFR 1506.6; 43 CFR part 46).

**Lori Nordstrom,**

*Assistant Regional Director, Ecological Services.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS-R2-ES-2021-N196;  
FXES11160200000-223-FF02ENEH00]

#### **Draft Environmental Assessment for Amendments to the Candidate Conservation Agreement/Candidate Conservation Agreement With Assurances for the Lesser Prairie-Chicken (*Tympanuchus pallidicinctus*) and Dunes Sagebrush Lizard (*Sceloporus arenicolus*) in New Mexico**

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

**ACTION:** Notice of availability of documents; request for public comment.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce the availability of a draft environmental assessment (EA), under the National Environmental Policy Act, that evaluates the impacts of proposed amendments to the *Candidate Conservation Agreement/Candidate Conservation Agreement with Assurances for the Lesser Prairie-chicken (*Tympanuchus pallidicinctus*) and Dunes Sagebrush Lizard (*Sceloporus arenicolus*) in New Mexico* (CCA/CCAA). We invite comments on the draft EA and related documents from the public and Federal, Tribal, State, and local governments.

**DATES:** *Comments:* To ensure consideration, written comments must be received or postmarked on or before March 11, 2022. Any comments we receive after the closing date or not postmarked by the closing date may not be considered in the final decision on this action.

#### **ADDRESSES:**

*Obtaining documents:* You may obtain copies of the draft EA, proposed amendments, or other related documents on the internet at <https://www.fws.gov/southwest/es/NewMexico/>.

*Submitting comments:* You may submit written comments by email to [nmesfo@fws.gov](mailto:nmesfo@fws.gov). Please note that your comment is in reference to the above-referenced CCA/CCAA. For more information, see Public Availability of Comments.

#### **FOR FURTHER INFORMATION CONTACT:**

Shawn Sartorius, Field Supervisor, U.S. Fish and Wildlife Service, Albuquerque, New Mexico, Ecological Services Office; telephone 505-761-4781. Hearing or speech impaired individuals may call the Federal Relay Service at 800-877-8339 for TTY service.

**SUPPLEMENTARY INFORMATION:** We, the U.S. Fish and Wildlife Service (Service), announce the availability of a draft environmental assessment (EA), under the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*), that evaluates the impacts of proposed amendments to the *Candidate Conservation Agreement (CCA) and Candidate Conservation Agreement with Assurances (CCAA) for the Lesser Prairie-chicken (LPC) and Dunes Sagebrush Lizard (DSL) in New Mexico*.

This notice advises the public that we have gathered the information necessary to determine impacts of the proposed amendments on the CCA/CCAA and the associated enhancement of survival permit (permit) under section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*). We are accepting

comments on the proposed amendments and the draft EA.

#### **Background**

The CCA/CCAA were signed by Federal and State authorities in 2008 for 20 years (2008–2028). The CCA/CCAA are voluntary candidate conservation agreements, administered by the Center of Excellence (CEHMM), that allow for implementation of conservation measures to benefit the LPC and DSL in a landscape-level approach on both Federal and non-Federal lands. The CCA allows for enrollment by Federal lessees and permittees, including ranchers and industry lessees, giving them a high degree of certainty that no additional conservation measures will be required of participants if either species were to be listed. In the event that either species is listed, incidental take coverage will be provided by an ESA section 7 biological opinion for conservation actions undertaken on Federal lands. Under the CCAA, conservation of the LPC and DSL will be implemented on non-Federal lands by enrolled participants. Through the CCAA, enrolled landowners or cooperators receive assurance that they will not incur additional land use restrictions on enrolled lands in the event either species is listed.

#### **Proposed Action**

The Service is proposing to amend the CCA/CCAA to remove barriers to increased participation in the CCA/CCAA. The amendments will: Add an enrollment option to cover all activities for participants in the covered area, reclassify habitat categories based on LPC habitat and lek locations, add certificates of participation and/or inclusion (CP/CI) tailored to companies that develop linear infrastructure (*e.g.*, midstream, transmission, and utility), reduce enrollment fees for new parcel-by-parcel enrollments, and add an annual inflation adjustment for all habitat conservation fees. Conservation measures and covered activities will not change from the original CCA/CCAA.

The CCA/CCAA covers all lands currently occupied or potentially occupied by the LPC or DSL in New Mexico. This includes approximately 2,200 square miles in the southeastern section of the State, within portions of Lea, Eddy, DeBaca, Curry, Roosevelt, Quay, and Chaves Counties. The Service has assessed the potential impacts of the proposed amendments on the CCA/CCAA and the associated permit that was issued with the original CCA/CCAA in 2008, as well as the original EA from 2008. There are no proposed changes to the federally listed species, or the area

covered by the CCA/CCAA and permit. In addition, the amendments are not expected to result in impacts beyond those identified in the original EA.

The proposed CCA/CCAA amendments are not expected to significantly affect industry or ranching activities but would help support these activities by streamlining ESA compliance, while continuing conservation efforts for the LPC and DSL. These amendments are expected to trigger no new environmental consequences; no new impacts to local economies or cultural resources; and no changes to direct, indirect, and cumulative effects. The amendments would not authorize any additional activities or incidental take. The same types and quantities of activities previously described in the original EA are expected to occur with the proposed amendments.

### Next Steps

We will evaluate the draft amendments, draft EA, and comments we receive during the comment period to determine whether the proposed amendment meets the requirements of ESA, NEPA, and implementing regulations. If we determine that all requirements are met, we will approve the proposed amendment to the CCA/CCAA. We will not make our final decision until after the 30-day comment period ends and we have fully considered all comments received during the public comment period.

### Public Availability of Comments

All comments we receive become part of the public record associated with this action. Requests for copies of comments will be handled in accordance with the Freedom of Information Act, NEPA, and Service and Department of the Interior policies and procedures. 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 to 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.

### Authority

We provide this notice under the authority of section 10(c) of the ESA and its implementing regulations (50 CFR 17.22 and 17.32) and NEPA (42 U.S.C. 4371 *et seq.*) and its implementing regulations (40 CFR 1506.6).

Amy Lueders,

*Regional Director, Southwest Region, U.S. Fish and Wildlife Service.*

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## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

[223A2100DD/AAKC001030/  
AOA501010.999900]

### San Pasqual Band of Mission Indians; Amended Tribal Liquor Control Ordinance

AGENCY: Bureau of Indian Affairs,  
Interior.

ACTION: Notice.

**SUMMARY:** This notice publishes the amended Liquor Control Ordinance of San Pasqual Band of Mission Indians. The San Pasqual Band of Mission Indians amended Liquor Control Ordinance regulates and controls the possession, sale, manufacture, and distribution of alcohol in conformity with the laws of the State of California.

**DATES:** This ordinance shall become effective March 11, 2022.

**FOR FURTHER INFORMATION CONTACT:** Mr. Felix Kitto, Deputy Regional Director, Indian Services, Pacific Regional Office, Bureau of Indian Affairs, 2800 Cottage Way, Room W–2820, Sacramento, California 95825, Telephone (916) 978–6000, Fax: (916) 978–6099.

**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 ordinances for the purpose of regulating liquor transactions in Indian country. The San Pasqual Band of Mission Indians adopted the amended Tribal Liquor Control Ordinance on October 1, 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 General Council of the San Pasqual Band of Mission Indians duly adopted the amended Tribal

Liquor Control Ordinance on October 1, 2020.

Bryan Newland,

*Assistant Secretary—Indian Affairs.*

San Pasqual Band of Mission Indians' amended Tribal Liquor Control Ordinance shall read as follows:

### SAN PASQUAL BAND OF MISSION INDIANS

### AMENDED TRIBAL LIQUOR CONTROL ORDINANCE

#### San Pasqual Band of Mission Indians

#### Amended Tribal Liquor Control Ordinance

#### I. Sale and Consumption of Alcoholic Beverages

The General Council of the San Pasqual Band of Mission Indians (hereinafter “General Council”), governing body of the San Pasqual Band (hereinafter “Tribe”), hereby enacts this Ordinance to govern the sale and consumption of alcoholic beverages on Reservation and other tribal trust lands.

#### II. Preamble

1. Title 18, United States Code, Section 1161, provides Indian tribes with authority to enact ordinances governing the consumption and sale of alcoholic beverages on their Reservations, provided such ordinance is certified by the Secretary of the Interior, published in the **Federal Register** and such activities are in conformity with state law.

2. Pursuant to Article IV, Section 1 and Article VIII, Section 1(d) of the Constitution and By-Laws of the San Pasqual Band, the General Council is the governing body of the Tribe, with the power to enact ordinances to promote the general welfare and economic advancement of the Tribe and its members and has the powers and responsibilities to establish rules or procedures for the conduct of its affairs.

3. The Tribe is the owner and operator of a gaming facility located on the Reservation known as the Valley View Casino & Hotel (hereinafter “Casino”), at which Class II and Class III Gaming is conducted pursuant to the Tribe's Gaming Ordinance and a Compact executed with the State of California in August 2018, ratified by the California Legislature, which Compact was deemed to have been approved by operation of law on December 13, 2018, and published in the **Federal Register** on December 27, 2018.

4. The Casino, located on trust land, is an integral and indispensable part of the Tribe's economy, and is intended to provide income to the Tribe and