

employers participating in E-Verify who receive an E-Verify case result of “Tentative Nonconfirmation” (TNC) must promptly inform employees of the TNC and give such employees an opportunity to contest the TNC. A TNC case result means that the information entered into E-Verify from an employee’s Form I-9 differs from records available to DHS.

Employers may not terminate, suspend, delay training, withhold pay, lower pay, or take any adverse action against an employee because of the TNC while the case is still pending with E-Verify. A Final Nonconfirmation (FNC) case result is received when E-Verify cannot verify an employee’s employment eligibility. An employer may terminate employment based on a case result of FNC. Work-authorized employees who receive an FNC may call USCIS for assistance at 888-897-7781 (TTY 877-875-6028). For more information about E-Verify-related discrimination or to report an employer for discrimination in the E-Verify process based on citizenship, immigration status, or national origin, contact IER’s Worker Hotline at 800-255-7688 (TTY 800-237-2515). Additional information about proper nondiscriminatory Form I-9 and E-Verify procedures is available on the IER website at <https://www.justice.gov/ier> and on the USCIS and E-Verify websites at <https://www.uscis.gov/i-9-central> and <https://www.e-verify.gov>.

#### Note Regarding Federal, State, and Local Government Agencies (Such as Departments of Motor Vehicles)

While Federal Government agencies must follow the guidelines laid out by the Federal Government, state and local government agencies establish their own rules and guidelines when granting certain benefits. Each state may have different laws, requirements, and determinations about what documents you need to provide to prove eligibility for certain benefits. Whether you are applying for a Federal, state, or local government benefit, you may need to provide the government agency with documents that show you are a TPS beneficiary, show you are authorized to work based on TPS or other status, and/or that may be used by DHS to determine whether you have TPS or other immigration status. Examples of such documents are:

- (1) Your current EAD;
- (2) A copy of this **Federal Register**

Notice, providing an automatic extension of your currently expired or expiring EAD;

(3) A copy of your Form I-94, (Arrival/Departure Record), or Form I-

797, Notice of Action (Approval Notice), that has been auto-extended by this Notice and a copy of this Notice;

(4) Any other relevant DHS-issued document that indicates your immigration status or authorization to be in the United States, or that may be used by DHS to determine whether you have such status or authorization to remain in the United States. Check with the government agency regarding which document(s) the agency will accept.

Some benefit-granting agencies use the SAVE program to confirm the current immigration status of applicants for public benefits. In most cases, SAVE provides an automated electronic response to benefit-granting agencies within seconds, but, occasionally, verification can be delayed. You can check the status of your SAVE verification by using CaseCheck at the following link: <https://save.uscis.gov/casecheck/>, then by clicking the “Check Your Case” button. CaseCheck is a free service that lets you follow the progress of your SAVE verification using your date of birth and one immigration identifier number. If an agency has denied your application based solely or in part on a SAVE response, the agency must offer you the opportunity to appeal the decision in accordance with the agency’s procedures. If the agency has received and acted upon or will act upon a SAVE verification and you do not believe the response is correct, you may make an InfoPass appointment for an in-person interview at a local USCIS office. Detailed information on how to make corrections, make an appointment, or submit a written request to correct records under the Freedom of Information Act can be found on the SAVE website at <http://www.uscis.gov/save>.

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS-R8-ES-2018-N094;  
FXES11140800000-178-FF08E00000]

#### Draft City of Rancho Palos Verdes Natural Community Conservation Plan and Habitat Conservation Plan and Draft Environmental Assessment, City of Rancho Palos Verdes, Los Angeles County, California

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

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

**SUMMARY:** We, the U.S. Fish and Wildlife Service, announce the receipt and availability of a draft Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP) and draft environmental assessment (EA), which evaluates the impacts of, and alternatives to, the proposed City of Rancho Palos Verdes (City of RPV) NCCP/HCP. The City of RPV NCCP/HCP was submitted by the City of Rancho Palos Verdes in support of an application under the Endangered Species Act, for a permit authorizing the incidental take of 10 covered species resulting from covered projects/activities and a permit under the State of California’s Natural Community Conservation Planning Act of 2002. We request review and comment on the City of RPV NCCP/HCP and the draft EA from local, State, and Federal agencies; Tribes; and the public.

**DATES:** To ensure consideration, please send your written comments by December 31, 2018.

#### ADDRESSES:

**Obtaining Documents:** You may obtain copies of the City of RPV NCCP/HCP and the draft EA by the following methods. Please specify that your request pertains to the City of RPV NCCP/HCP.

- *Email:* [katiel@rpvca.gov](mailto:katiel@rpvca.gov).
- *Internet:* <http://www.rpvca.gov/490/Palos-Verdes-Nature-Preserve-NCCP-PUMP-H>.

• *U.S. Mail:* A limited number of CD-ROM and printed copies are available, by request, from the following locations:

- Carlsbad Fish and Wildlife Office, 2177 Salk Avenue, Suite 250, Carlsbad, CA 92008;
- Rancho Palos Verdes City Hall (see address under *In-Person*, below).

• *In-Person:* Copies are available for public inspection and review at the following locations, by appointment and written request only:

- Rancho Palos Verdes City Hall, 30940 Hawthorne Blvd., Rancho Palos Verdes, CA 90275 (telephone: 310-554-5267; 7:30 a.m. to 5:30 p.m., Monday through Thursday, and 7:30 a.m. to 4:30 p.m. on Friday); and
- Palos Verdes Peninsula Land Conservancy, 916 Silver Spur Road, Suite 207, Rolling Hills Estates, CA 90274 (9:30 a.m. to 5 p.m., Monday through Friday).

**Submitting Comments:** You may submit comments by one of the following methods:

- *Email:* [fw8cfwocomments@fws.gov](mailto:fw8cfwocomments@fws.gov); please include “City of RPV NCCP/HCP” in the subject line.
- *U.S. Mail:* Karen Goebel, Attn: City of RPV NCCP/HCP (use the Carlsbad

Fish and Wildlife Office address under *Obtaining Documents*).

• *Telephone:* Karen Goebel, 760–431–9440.

**FOR FURTHER INFORMATION CONTACT:** Mary Beth Woulfe, 760–431–9440.

**SUPPLEMENTARY INFORMATION:** We, the U.S. Fish and Wildlife Service (Service), announce the receipt and availability of a draft Natural Community Conservation Plan/Habitat Conservation Plan (HCP/NCCP) and draft environmental assessment (EA), which evaluates the impacts of, and alternatives to, the proposed City of Rancho Palos Verdes (RPV) NCCP/HCP. The City of RPV NCCP/HCP was submitted by the City of Rancho Palos Verdes in support of an application under section 10 of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), for a permit authorizing the incidental take of 10 covered species resulting from covered projects/activities. The proposed City of RPV NCCP/HCP plan area encompasses approximately 8,616.6 acres on the Palos Verdes Peninsula, Los Angeles County, California.

### Introduction

Under section 10(c) of the ESA and under the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*), this notice advises the public of the receipt and availability for public review of the draft City of RPV NCCP/HCP and draft EA, which evaluates the impacts of, and alternatives to, the City of RPV NCCP/HCP, submitted with an application for a permit to authorize the incidental take of federally listed covered species resulting from covered projects/activities within the plan area. The Service is the Lead Agency pursuant to NEPA. The proposed Federal action is issuance of an incidental take permit (ITP) under section 10(a)(1)(B) of the ESA to the City of Rancho Palos Verdes and their habitat manager, Palos Verdes Peninsula Land Conservancy.

### Background

Section 9 of the ESA prohibits “take” of fish and wildlife species listed as endangered under section 4 (16 U.S.C. 1538, 1533, respectively). Section 10(a)(1)(B) of the ESA provides for the issuance of a permit for the taking of listed fish and wildlife species that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity (“incidental take”). The ESA implementing regulations extend, under certain circumstances, the prohibition of take to threatened species (50 CFR 17.31). Regulations governing permits

for endangered and threatened species are at 50 CFR 17.22 and 17.32. For more about the HCP program, go to <http://www.fws.gov/endangered/esa-library/pdf/hcp.pdf>.

Under section 10(a) of the ESA, the Service may issue permits to authorize incidental take of listed fish and wildlife species. Section 10(a)(2)(B) of the ESA contains criteria for issuing ITPs to non-Federal entities for the take of endangered and threatened species, provided the following criteria are met:

- The taking will be incidental;
- The applicant will, to the maximum extent practicable, minimize and mitigate the impact of such taking;
- The applicant will develop an HCP and ensure that adequate funding for the plan will be provided;
- The taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild; and
- The applicant will carry out any other measures that the Secretary may require as being necessary or appropriate for the purposes of the HCP.

The purpose of issuing an ITP to the City of Rancho Palos Verdes would be to permit incidental take of the covered species resulting from identified covered City of Rancho Palos Verdes and private projects/activities within the plan area. Implementation of the City of RPV NCCP/HCP is intended to maximize conservation for covered species while providing cost-savings and reducing potential time-delays associated with processing individual ITPs for each covered project/activity within the plan area.

The proposed City of RPV NCCP/HCP includes measures intended to minimize and mitigate the impacts of the taking to the maximum extent practicable from covered City of Rancho Palos Verdes and private projects/activities within the plan area.

### Proposed Action

The proposed action is the issuance of an ITP by the Service to City of Rancho Palos Verdes and their habitat manager, Palos Verdes Peninsula Land Conservancy, for the incidental take of covered species from identified covered projects/activities, including the avoidance, minimization, and mitigation of impacts to covered species within the 8,616.6-acre plan area for 40 years. The proposed City of RPV NCCP/HCP is a conservation plan for the following 10 species:

*Federally listed as endangered:*

- Palos Verdes blue butterfly
  - El Segundo blue butterfly
- Federally listed as threatened:*
- Coastal California gnatcatcher

### Unlisted:

- Cactus wren
- Aphanisma
- South coast salt scale
- Catalina crossosoma
- Island green dudleya
- Santa Catalina Island desert-thorn
- Woolly seablite

There are 17 City of Rancho Palos Verdes projects/activities and 5 private projects/activities proposed to be covered by the ITP. The City of Rancho Palos Verdes projects/activities include landslide abatement, drainage improvement, dewatering wells, road and canyon repairs, fuel modification, and maintenance; private projects/activities include development, remedial grading, and fuel modification. Public use is also identified as a conditionally allowable use. Potential impacts to covered species include disruption of normal behavior by covered projects/activities and injury or death due to construction activities. The City of RPV NCCP/HCP provides a comprehensive approach to the conservation and management of these species and their habitat within the plan area.

The plan area is approximately 8,616.6 acres and includes the entire boundary of the City of Rancho Palos Verdes. The plan area is constant for all of the alternatives analyzed in the EA. The City of RPV NCCP/HCP quantifies the expected loss of habitat and the proposed mitigation, including management and monitoring of the preserve.

### Alternatives

We considered five alternatives in the EA: (1) No Action Alternative; (2) Alternative A, Peninsula NCCP Working Group Alternative; (3) Alternative B, Landowner Alternative; (4) Alternative C, The City of Rancho Palos Verdes' Alternative; and (5) Alternative D, The Proposed Action.

Under the No Action Alternative, the City of Rancho Palos Verdes NCCP/HCP would not move forward for approval and an ITP would not be issued. All projects/activities proposed in City of RPV NCCP/HCP would continue to be reviewed in accordance with existing State land use and environmental regulations. Alternative A was developed by the working group, which consisted of stakeholders within the City of Rancho Palos Verdes, and included the largest preserve area, totaling about 1,559.1 acres. Alternative B was developed by the major landowners in 1999 and proposed the smallest preserve area of all of the alternatives. Alternative C was developed by the City of Rancho Palos

Verdes and was a compromise of Alternative A and B. The preserve size under Alternative C is slightly larger than that under the Proposed Action (Alternative D), but the total amount of coastal sage scrub habitat under Alternative C is slightly lower than that in the Proposed Action (Alternative D).

The Proposed Action (Alternative D) is the same as Alternative C, with the following exceptions: (1) A 27.0-acre parcel in the Upper Filiorum property has been removed from the preserve and is now identified as a covered project, including the associated dedication of 30 acres of functional and connected habitat; (2) 40.0 acres of a former archery range property have been removed from the preserve due to landslide and legal constraints; and (3) 61.5 acres of Malaga Canyon have been purchased by the City of Rancho Palos Verdes and have been incorporated into the preserve. The preserve in Alternative D totals 1,402.4 acres.

#### Request for Comments

Consistent with section 10(c) of the ESA, we invite your submission of written comments, data, or arguments with respect to the City of Rancho Palos Verdes' permit application, the City of RPV NCCP/HCP, and proposed permitting decision.

#### Public Availability of Comments

Written comments we receive become part of the public 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 may 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 incidental take permit is a Federal proposed action subject to compliance with NEPA. We will evaluate the application, associated documents, and any public comments we receive to determine whether the application meets the requirements of section 10(a) of the ESA. If we determine that those requirements are met, we will issue a permit to the

applicant for the incidental take of the covered species. We will make our final permit decision no sooner than 60 days after the public comment period closes.

#### 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 17.32) and NEPA (42 U.S.C. 4321 *et seq.*) and its implementing regulations (40 CFR 1506.6).

#### Scott Sobiech,

*Acting Field Supervisor, Carlsbad Fish and Wildlife Office, Carlsbad, California.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS–R8–R–2018–N122; FF08RSDC00–190–F1611MD–FXRS12610800000]

#### Otay River Estuary Restoration Project, South San Diego Bay Unit of the San Diego Bay National Wildlife Refuge, California; Record of Decision

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

**ACTION:** Notice of availability; record of decision.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce the availability of the record of decision (ROD) for the San Diego Bay National Wildlife Refuge—Otay River Estuary Restoration Project final environmental impact statement (EIS). The ROD explains that, of the three alternatives examined in the final EIS, the chosen alternative is the environmentally preferred alternative.

**ADDRESSES:** *Document Availability:* The ROD is available at:

- *Internet:* [https://www.fws.gov/refuge/San\\_Diego\\_Bay/what\\_we\\_do/Resource\\_Management/Otay\\_Restoration.html](https://www.fws.gov/refuge/San_Diego_Bay/what_we_do/Resource_Management/Otay_Restoration.html).

- *In Person:*
  - o San Diego National Wildlife Refuge Complex Headquarters, 1080 Gunpowder Point Drive, Chula Vista, CA 91910; telephone: 619–476–9150, extension 103.

**FOR FURTHER INFORMATION CONTACT:** Brian Collins, Refuge Manager, San Diego Bay National Wildlife Refuge at 619–575–2704, extension 302 (telephone) or [brian\\_collins@fws.gov](mailto:brian_collins@fws.gov) (email); or Andy Yuen, Project Leader, 619–476–9150, extension 100 (telephone), or [andy\\_yuen@fws.gov](mailto:andy_yuen@fws.gov) (email).

## SUPPLEMENTARY INFORMATION:

### Background

In 2006, we completed the San Diego Bay National Wildlife Refuge (NWR) Comprehensive Conservation Plan (CCP) and final EIS/ROD to guide the management of the San Diego Bay NWR over a 15-year period (71 FR 64552, November 2, 2006). The wildlife and habitat management goal of the selected management alternative in the CCP for the South San Diego Bay Unit is to “Protect, manage, enhance, and restore . . . coastal wetlands . . . to benefit the native fish, wildlife, and plant species supported within the South San Diego Bay Unit.” One of the strategies identified to meet this goal is to restore native habitats in the Otay River floodplain and the salt ponds.

On September 29, 2010, the San Diego NWR Complex and Poseidon Resources (Channelside) LP (Poseidon) entered into a memorandum of understanding to establish a partnership to facilitate the restoration of property within the San Diego Bay NWR, consistent with the CCP and Poseidon's restoration requirements from the California Coastal Commission (Commission) in an approved coastal development permit (CDP No. E–06–013) related to the construction and operation of a desalination plant in Carlsbad, California.

We published a notice of intent (NOI) to prepare an EIS for the Otay River Estuary Restoration Project on November 14, 2011 (76 FR 70480), followed by a second NOI on January 8, 2013 (78 FR 1246), when the project was expanded to include the restoration of Pond 15. We published a notice of availability (NOA) of the draft EIS for the project on October 21, 2016 (81 FR 72817), and an NOA of the final EIS on May 18, 2018 (83 FR 23289).

### Project

The project site is located at the south end of San Diego Bay, San Diego County, California, within the South San Diego Bay Unit of the San Diego Bay NWR. Restoration activities will occur at two separate locations within the Refuge: The 34-acre Otay River Floodplain Site, located to the west of Interstate 5 between Main Street to the north and Palm Avenue to the south in the City of San Diego, and the 91-acre Pond 15 Site, an active solar salt pond, located in the northeastern portion of the Refuge to the northwest of the intersection of Bay Boulevard and Palomar Street in the City of Chula Vista.