

(Case B) Project B is located in a 2020 DDA that is NOT a designated DDA in 2021 or 2022. A complete application for tax credits for Project B is filed with the allocating agency on December 1, 2020. Credits are allocated to Project B on March 30, 2023. Project B is NOT eligible for the increase in basis accorded a project in a 2020 DDA because, although the application for an allocation of tax credits was filed BEFORE January 1, 2021 (the assumed effective date of the 2021 DDA lists), the tax credits were allocated later than the end of the 730-day period after the filing of the complete application.

(Case C) Project C is located in a 2020 DDA that was not a DDA in 2019. Project C was placed in service on November 15, 2019. A complete application for tax-exempt bond financing for Project C is filed with the bond-issuing agency on January 15, 2020. The bonds that will support the permanent financing of Project C are issued on September 30, 2020. Project C is NOT eligible for the increase in basis otherwise accorded a project in a 2020 DDA, because the project was placed in service BEFORE January 1, 2020.

(Case D) Project D is located in an area that is a DDA in 2020 but is NOT a DDA in 2021 or 2022. A complete application for tax-exempt bond financing for Project D is filed with the bond-issuing agency on October 30, 2020. Bonds are issued for Project D on April 30, 2022, but Project D is not placed in service until January 30, 2023. Project D is eligible for the increase in basis available to projects located in 2020 DDAs because: (1) One of the two events necessary for triggering the effective date for buildings described in Section 42(h)(4)(B) of the IRC (the two events being bonds issued and buildings placed in service) took place on April 30, 2022, within the 730-day period after a complete application for tax-exempt bond financing was filed, (2) the application was filed during a time when the location of Project D was in a DDA, and (3) both the issuance of the bonds and placement in service of Project D occurred after the application was submitted.

(Case E) Project E is a multiphase project located in a 2020 DDA that is NOT a designated DDA or QCT in 2021. The first phase of Project E received an allocation of credits in 2020, pursuant to an application filed March 15, 2020, which describes the multiphase composition of the project. An application for tax credits for the second phase of Project E is filed with the allocating agency by the same entity on March 15, 2021. The second phase of Project E is located on a contiguous site.

Credits are allocated to the second phase of Project E on October 30, 2021. The aggregate amount of credits allocated to the two phases of Project E exceeds the amount of credits that may be allocated to an applicant in one year under the allocating agency's QAP and is the reason that applications were made in multiple phases. The second phase of Project E is, therefore, eligible for the increase in basis accorded a project in a 2020 DDA, because it meets all of the conditions to be a part of a multiphase project.

(Case F) Project F is a multiphase project located in a 2020 DDA that is NOT a designated DDA in 2021 or 2022. The first phase of Project F received an allocation of credits in 2020, pursuant to an application filed March 15, 2020, which does not describe the multiphase composition of the project. An application for tax credits for the second phase of Project F is filed with the allocating agency by the same entity on March 15, 2022. Credits are allocated to the second phase of Project F on October 30, 2022. The aggregate amount of credits allocated to the two phases of Project F exceeds the amount of credits that may be allocated to an applicant in one year under the allocating agency's QAP. The second phase of Project F is, therefore, NOT eligible for the increase in basis accorded a project in a 2020 DDA, since it does not meet all of the conditions for a multiphase project, as defined in this notice. The original application for credits for the first phase did not describe the multiphase composition of the project. Also, the application for credits for the second phase of Project F was not made in the year immediately following the first phase application year.

#### Findings and Certifications

##### Environmental Impact

This notice involves the establishment of fiscal requirements or procedures that are related to rate and cost determinations and do not constitute a development decision affecting the physical condition of specific project areas or building sites. Accordingly, under 40 CFR 1508.4 of the regulations of the Council on Environmental Quality and 24 CFR 50.19(c)(6) of HUD's regulations, this notice is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

##### Federalism Impact

Executive Order 13132 (entitled "Federalism") prohibits an agency from publishing any policy document that

has federalism implications if the document either imposes substantial direct compliance costs on state and local governments and is not required by statute, or the document preempts state law, unless the agency meets the consultation and funding requirements of section 6 of the executive order. This notice merely designates DDAs and QCTs as required under IRC Section 42, as amended, for the use by political subdivisions of the states in allocating the LIHTC. This notice also details the technical methods used in making such designations. As a result, this notice is not subject to review under the order.

Dated: September 19, 2019.

**Seth D. Appleton,**

*Assistant Secretary for Policy Development and Research.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS-R4-ES-2019-N129;  
FXES11130400000EA-123-FF04EF1000]

#### Receipt of Incidental Take Permit Application and Proposed Habitat Conservation Plan for the Alabama Beach Mouse, Baldwin County, AL; Categorical Exclusion

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

**ACTION:** Notice of availability; request for comment and information.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce receipt of an application from Creek Holdings, LLC (applicant), for an incidental take permit (ITP) under the Endangered Species Act. The applicant requests the ITP to take the federally listed Alabama beach mouse incidental to construction in Baldwin County, Alabama. We request public comment on the application, which includes the applicant's proposed habitat conservation plan (HCP), and the Service's preliminary determination that this HCP qualifies as "low effect," categorically excluded, under the National Environmental Policy Act. To make this determination, we used our environmental action statement and low-effect screening form, both of which are also available for public review.

**DATES:** We must receive your written comments on or before October 25, 2019.

**ADDRESSES:** *Obtaining Documents:* Documents are available for public inspection by appointment during

regular business hours at either of the following locations:

- Atlanta Regional Office, Ecological Services, U.S. Fish and Wildlife Service, 1875 Century Boulevard, Atlanta, GA 30345.

- Alabama Ecological Services Office, U.S. Fish and Wildlife Service, 1208 Main Street, Daphne, Alabama.

**Submitting Comments:** If you wish to submit comments on any of the documents, you may do so by one of the following methods. Please reference TE33502D–0 in all comments. For additional guidance on submitting comments, please see Public Comments under **SUPPLEMENTARY INFORMATION**.

- *U.S. mail:* You may mail comments to the Service's Atlanta Regional Office.

- *Hand-delivery:* You may hand-deliver comments to the Atlanta or Alabama Offices.

- *Email:* You may email comments to [david\\_dell@fws.gov](mailto:david_dell@fws.gov). Please include your name and email address in your email message. If you do not receive an email confirmation from us that we have received your email message, contact us directly at either telephone number in **FOR FURTHER INFORMATION CONTACT**.

**FOR FURTHER INFORMATION CONTACT:** Mr. David Dell, Regional HCP Coordinator, at the Atlanta Regional Office (see **ADDRESSES**) or Mr. William Lynn, Project Manager, at the Alabama Ecological Services Office (see **ADDRESSES**) or by telephone at 251–441–5868. If you use a telecommunications device for the deaf (TDD), please call the Federal Relay Service at 800–877–8339.

**SUPPLEMENTARY INFORMATION:** We, the U.S. Fish and Wildlife Service (Service), announce receipt of an application from Creek Holdings, LLC (applicant), for an incidental take permit (ITP) under the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The applicant requests the ITP to take the federally listed Alabama beach mouse (*Peromyscus polionotus ammobates*) incidental to the construction of seven single family homes and amenities development (project) in Baldwin County, Alabama. We request public comment on the application, which includes the applicant's proposed habitat conservation plan (HCP) and the Service's preliminary determination that this HCP qualifies as "low effect," categorically excluded, under the National Environmental Policy Act (NEPA; 42 U.S.C. 4231 *et seq.*). To make this determination, we used our environmental action statement and low-effect screening form, both of which also are available for public review.

## Project

The applicant requests a 50-year ITP to take Alabama beach mice incidental to the conversion of approximately 0.63 acres of occupied Alabama beach mouse habitat for the construction of seven single family homes with amenities on a 2.83-acre parcel in Baldwin County, Alabama. The applicant proposes to implement standard minimization and mitigation measures to mitigate for take of the species. The standard mitigation and minimization measures include reducing the construction footprint on each of the seven lots by 0.10 acres or less and shifting the development south to increase habitat continuity for the species. The applicant will also install fully shielded exterior lighting and tinted windows within the development, landscape with native vegetation, construct driveways with materials that will not disperse in a storm surge, and implement refuse control measures during construction as well as require that future residents utilize such measures and restore species' habitat after tropical storms. The use of exterior rodenticide and ownership of free-roaming cats will be prohibited within the development. Monitoring of the onsite Alabama beach mouse population will occur via fall and spring trapping surveys conducted twice a year for 50 years. The Service would require the applicant to ensure the availability of funding for this HCP is available prior to engaging in activities associated with the project on the parcel.

## Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, be aware that your entire comment—including your personal identifying information—may be made available to the public. While you may request that we withhold your personal identifying information, we cannot guarantee that we will be able to do so.

## Our Preliminary Determination

The Service has made a preliminary determination that the applicant's project, including land clearing, infrastructure building, landscaping, and the proposed minimization and mitigation measures, would individually and cumulatively have a minor or negligible effect on the Alabama beach mouse and the environment. Therefore, we have preliminarily concluded that the ITP for this project would qualify for categorical exclusion and the HCP is low effect under our NEPA regulations at 43 CFR

46.205 and 46.210. A low-effect HCP is one that would result in (1) minor or negligible effects on federally listed, proposed, and candidate species and their habitats; (2) minor or negligible effects on other environmental values or resources; and (3) impacts that, when considered together with the impacts of other past, present, and reasonably foreseeable similarly situated projects, would not over time result in significant cumulative effects to environmental values or resources.

## Next Steps

The Service will evaluate the application and the comments received to determine whether to issue the requested permit. We will also conduct an intra-Service consultation pursuant to section 7 of the ESA to evaluate the effects of the proposed take. After considering the above findings, we will determine whether the permit issuance criteria of section 10(a)(1)(B) of the ESA have been met. If met, the Service will issue ITP number TE33502D–0 to Creek Holdings, LLC.

## Authority

The Service provides this notice under section 10(c) (16 U.S.C. 1539(c)) of the ESA and NEPA regulation 40 CFR 1506.6.

**William J. Pearson,**

*Field Supervisor, Alabama Field Office, Southeast Region.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS–R3–ES–2019–N117;  
FXES11130300000–190–FF03E00000]

### Endangered and Threatened Species; Receipt of Recovery Permit Application

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

**ACTION:** Notice of receipt of permit application; request for comments.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, have received an application for a permit to conduct activities intended to enhance the propagation or survival of endangered and threatened species under the Endangered Species Act. We invite the public and local, State, Tribal, and Federal agencies to comment on this application. Before issuing the requested permit, we will take into consideration any information that we