

10(a)(2)(A) of the ESA (16 U.S.C. 1531 *et seq.*) and our regulations governing the taking of endangered species in the Code of Federal Regulations (CFR) at 50 CFR 17. Submit your written data, comments, or request for a copy of the complete application and Habitat Conservation Plan (HCP) to either address shown in **ADDRESSES**.

### Background

In 1986, a single pair of endangered Interior least terns (*Sterna antillarum*) nested at Cinergy Corporation's (Cinergy) Gibson Generating Station in Gibson County, Indiana. Since that time, the least tern colony at the facility has grown. During the 1990s, Cinergy worked cooperatively with the Indiana Department of Natural Resources (IDNR) and the Service to maintain favorable conditions for successful tern production at the Gibson Generating Station. Between 1986 and 1999, the largest number of terns recorded in a single year (1998) included an estimated 85 adult terns, 63 nests, and 72 fledged young. In the late 1990s, Cinergy worked cooperatively with the IDNR and the Service to develop a Habitat Conservation Plan (HCP) regarding continued operation of the facility, and, in late 1999, the Service issued an Incidental Take Permit (ITP) to Cinergy. In 2005, the ITP was renewed. Management of the facility under the HCP has promoted the continued growth of the tern colony. In 2010, an estimated 150 adults, 110 nests, and 165 fledged young were recorded. In addition to the growth in numbers, the tern colony has expanded to areas beyond the original location along a splitter dike adjacent to a cooling pond. Nesting has now been documented on the splitter dike, adjacent to ash ponds, a coal combustion waste landfill, construction areas, and station access roads. The expansion of the tern nesting area presents management challenges for the generating station and associated facilities.

### Applicant's Proposal

Duke Power Company purchased and merged with Cinergy Corp. to form Duke Energy Corporation (Duke) in 2006. Duke has continued to operate the facility in accordance with the HCP and the ITP. Duke has applied to the Service for renewal of its ITP number TE016724. An HCP accompanies this renewal application. The HCP describes management activities in and around the Gibson Generating Station, including water management, predator control, and minimization of human disturbance due to recreational use.

Proactive management over the past 25 years has resulted in an increase in the Interior least tern population nesting at Gibson Generating Station and surrounding areas. However, no incidental take of least terns has occurred during that time. Actions that may result in take include human disturbance during management and operations, including foot traffic, vehicle or construction equipment, ash placement, waste disposal, and harassment due to the presence of people and equipment.

Duke proposes to continue to manage its property to protect least terns. In addition, Duke has committed to monitor the result of its activities and the effect on the population of least terns at Gibson Generating Station and the surrounding state and Federal lands.

### Public Comments

We seek public review and comments on this permit application. Please refer to permit number TE016724 when you submit comments. The Habitat Conservation Plan, Incidental Take Permit renewal application, and NEPA determination are available for public inspection on the Midwest Region website at <http://www.fws.gov/midwest/endangered/permits/hcp/r3hcps.html>. In addition, the documents are available for public inspection by appointment during normal business hours (8 a.m. to 4:30 p.m.) at the U.S. Fish and Wildlife Service, Midwest Regional Office, 5600 American Blvd., West, 10th Floor, Bloomington, Minnesota 55437-1458, (612-713-5194) and at the U.S. Fish and Wildlife Service, Ecological Services Field Office, 620 South Walker Street, Bloomington, Indiana 47403 (812-334-4261).

### Public Availability of Comments

Written comments we receive 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 NEPA (42 U.S.C. 4321 *et seq.*) and its implementing regulations (40 CFR 1506.6 and 43 CFR 46.305).

Dated: May 29, 2018.

**Sean O. Marsan,**

*Acting Assistant Regional Director, Ecological Services, Midwest Region.*

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**BILLING CODE 4333-15-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS-R8-ES-2018-N025;  
FXES1114080000-189-FF08EVEN00]

#### Receipt of Application Incidental Take Permit; Draft Low-Effect Habitat Conservation Plan for the Morro Shoulderband Snail; Phillips Single-Family Residence, Community of Los Osos, San Luis Obispo 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), have received an application from Richard Phillips for an incidental take permit under the Endangered Species Act of 1973, as amended. The permit would authorize take of the federally endangered Morro shoulderband snail that would occur incidental to otherwise lawful activities associated with the construction and maintenance of a single-family residence and associated uses addressed in the draft low-effect habitat conservation plan prepared for the project. We invite public comment. **DATES:** Written comments should be received on or before September 17, 2018.

**ADDRESSES:** *To obtain documents:* You may download a copy of the draft habitat conservation plan and draft low-effect screening form and environmental action statement at <http://www.fws.gov/ventura/>, or you may request copies of the documents by sending U.S. mail to our Ventura office, or by phone (see **FOR FURTHER INFORMATION CONTACT**).

*To submit written comments:* Please send us your written comments using one of the following methods:

- *U.S. mail:* Send your comments to: Stephen P. Henry, Field Supervisor, Ventura Fish and Wildlife Office, U.S.

Fish and Wildlife Service, 2493 Portola Road, Suite B, Ventura, CA 93003.

• **Facsimile:** Fax your comments to 805-644-3958.

**FOR FURTHER INFORMATION CONTACT:** Julie M. Vanderwier, Fish and Wildlife Biologist, 805-677-3400 (phone), or at the Ventura address in **ADDRESSES**.

**SUPPLEMENTARY INFORMATION:** We have received an application for an incidental take permit (ITP) pursuant to section 10(a)(1)(B) of the Endangered Species Act (ESA; 16 U.S.C. 1531 *et seq.*). The application addresses take of the federally endangered Morro shoulderband snail (*Helminthoglypta walkeriana*) that would occur incidental to the construction and maintenance of a single-family residence and associated uses. The requested permit term is 10 years and the permit would be subject to renewal. Issuance of an ITP pursuant to this habitat conservation plan (HCP) has been determined to be eligible for a categorical exclusion under the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*). We invite comments from the public on the draft HCP, draft low-effect screening form, and environmental action statement.

### Background

The Morro shoulderband snail was listed as endangered on December 15, 1994 (59 FR 64613). Section 9 of the ESA and its implementing regulations prohibit the take of fish or wildlife species listed as endangered or threatened. 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, we may issue permits to authorize take of listed species if it is incidental to other lawful activities and not the purpose of carrying out that activity. The Code of Federal Regulations provides regulations governing incidental take permits for endangered and threatened species at 50 CFR 17.22 and 17.32, respectively. Issuance of an ITP must not jeopardize the existence of any federally listed fish, wildlife or plant species. Under the ESA, protections for federally listed plants differ from the protections afforded to federally listed animals. The permittee would receive assurances under our “No Surprises” regulations (50 CFR 17.22(b)(5) and 17.32(b)(5)) for species included in the ITP.

### Applicant’s Proposed Activities

The proposed project involves the construction and maintenance of a

single-family residence and associated uses on an existing, legal, one acre parcel in the unincorporated community of Los Osos, County of San Luis Obispo, California. The take would occur in association with site preparation activities necessary for construction. The HCP includes minimization measures for the covered species and compensation for unavoidable take of the species through payment of a fee to an Impact-Directed Environmental Account held by the National Fish and Wildlife Foundation. Collected fees from this account will fund recovery actions for Morro shoulderband snail identified in the 1998 recovery plan for this species and four plant species from western San Luis Obispo County. The HCP supports an application to the Service seeking issuance of an ITP that would authorize take of the Morro shoulderband snail. The County of San Luis Obispo requires demonstration that property owners are in compliance with the ESA regarding Morro shoulderband snail as part of their issuance of County permits that would allow land development in Los Osos.

### Our Preliminary Determination

The Service has made a preliminary determination that issuance of the ITP is neither a major Federal action that will significantly affect the quality of the human environment within the meaning of section 102(2)(C) of NEPA (42 U.S.C. 4321 *et seq.*), nor that it will, individually or cumulatively, have more than a negligible effect on Morro shoulderband snail, the only species covered in the HCP. Therefore, the permit qualifies for a categorical exclusion under NEPA.

### Public Comments

If you wish to comment on the draft HCP and associated documents, you may submit comments by one of the methods in **ADDRESSES**.

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 of the ESA (16 U.S.C. 1531 *et seq.*) and NEPA regulations (40 CFR 1506.6).

Dated: August 10, 2018.

**Stephen P. Henry,**

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

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS-R1-ES-2018-N076;  
FXES11140100000-189-FF01E00000]

### Habitat Conservation Plan for the Yelm Subspecies of the Mazama Pocket Gopher, Thurston County, Washington

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

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), received an application from Mr. Todd Tveten for an incidental take permit (ITP) pursuant to the Endangered Species Act of 1973, as amended (ESA). The ITP would authorize “take” of the Yelm pocket gopher, incidental to otherwise lawful activities during construction of a single-family home and agricultural shop in Thurston County, Washington. The application includes a habitat conservation plan (HCP) with measures to minimize and mitigate the impacts of the taking on the covered species. We have also prepared a draft environmental action statement (EAS) for our preliminary determination that the HCP and permit decision may be eligible for categorical exclusion under the National Environmental Policy Act. We provide this notice to open a public comment period and invite comments from all interested parties regarding the documents.

**DATES:** To ensure consideration, please submit written comments by September 17, 2018.

**ADDRESSES:** To request further information or submit written comments, please use one of the following methods:

- **Internet:** You may view or download copies of the HCP and obtain additional information on the internet at <http://www.fws.gov/wafwo/>.

- **Email:** [wfwocomments@fws.gov](mailto:wfwocomments@fws.gov). Include “Tveten HCP” in the subject line of the message.

- **U.S. Mail:** Public Comments Processing, Attn: FWS-R1-ES-2018-N076; U.S. Fish and Wildlife Service; Washington Fish and Wildlife Office; 510 Desmond Drive SE, Suite 102; Lacey, WA 98503.