Public Comments

The Service invites the public to comment on the proposed HCP and draft EA during a 30-day public comment period (see DATES). You may submit comments by one of the methods shown under ADDRESSES.

Public Availability of Comments

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

This notice is provided pursuant to section 10(c) of the ESA (16 U.S.C. 1531 et seq.) and NEPA regulations (40 CFR 1506.6).

Dated: June 28, 2018.

Spencer Simon,
Acting Assistant Regional Director, Ecological Services, Northeast Region.


[FR Doc. 2018–25916 Filed 11–27–18; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service


Draft List of Bird Species to Which the Migratory Bird Treaty Act Does Not Apply

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, are publishing a draft list of the nonnative bird species that have been introduced by humans into the United States or U.S. territories and to which the Migratory Bird Treaty Act (MBTA) does not apply. The Migratory Bird Treaty Reform Act (MBTRA) of 2004 amends the MBTA by stating that the MBTA applies only to migratory bird species that are native to the United States or U.S. territories, and that a native migratory bird species is one that is present as a result of natural biological or ecological processes. The MBTRA requires that we publish a list of all nonnative, human-introduced bird species to which the MBTA does not apply. We published that list in 2005, and are starting the process to update it with this notice. This notice identifies those species that are not protected by the MBTA, even though they belong to biological families referred to in treaties that the MBTA implements, as their presence in the United States or U.S. territories is solely the result of intentional or unintentional human-assisted introductions. This notice presents a draft list of species that are not protected by the MBTA to reflect current taxonomy, to remove one species that no longer occurs in a protected family, and to remove one species as a result of new distributional records documenting its natural occurrence in the United States.

DATES: We will accept comments received or postmarked on or before January 28, 2019. Comments submitted electronically using the Federal eRulemaking Portal (see ADDRESSES, below) must be received by 11:59 p.m. Eastern Time on the closing date.

ADDRESSES:

Written comments: You may submit comments by one of the following methods:

(1) Electronically: Go to the Federal eRulemaking Portal: http://www.regulations.gov. In the Search box, enter FWS–HQ–MB–2018–0048, which is the docket number for this notice. Then, click on the Search button. On the resulting page, in the Search panel on the left side of the screen, under the Document Type heading, click on the Notice box to locate this document. You may submit a comment by clicking on “Comment Now!”


We request that you send comments only by the methods described above.

We will post all comments on http://www.regulations.gov. This generally means that we will post any personal information you provide us (see Public Comments, below, for more information).

Document availability: The complete file for this notice is available for inspection, by appointment. Contact Eric L. Kershner, Chief of the Branch of Conservation, Permits, and Regulations; Division of Migratory Bird Management; U.S. Fish and Wildlife Service; MSMB; 5275 Leesburg Pike, Falls Church, VA 22041–3803; (703) 358–2376.

FOR FURTHER INFORMATION CONTACT:

Eric L. Kershner, (703) 358–2376.

SUPPLEMENTARY INFORMATION:

What is the purpose of this notice?

The purpose of this notice is to provide the public with an opportunity to review and comment on a draft updated list of “all nonnative, human-introduced bird species to which the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.) does not apply,” as described in the MBTRA of 2004. The MBTRA states that “[a]s necessary, the Secretary may update and publish the list of species exempted from protection of the Migratory Bird Treaty Act.”

This notice is strictly informational. It merely updates our list of the bird species to which the MBTA does not apply. The presence or absence of a species on this list has no legal effect. This list does not change the protections that any of these species might receive under such agreements as the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES; T.I.A.S. 8249), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), or the Wild Bird Conservation Act of 1992 (16 U.S.C. 4901 et seq.). Regulations implementing the MBTA are found in parts 10, 20, and 21 of title 50 of the Code of Federal Regulations (CFR). The list of migratory birds covered by the MBTA is located at 50 CFR 10.13. Elsewhere in today’s Federal Register, we propose to revise the list of migratory bird species that are protected under the MBTA at 50 CFR 10.13.

For more information, refer to our notice published in the Federal Register on January 4, 2005, at 70 FR 372.

What criteria did we use to identify bird species not protected by the MBTA?

The criteria remain the same as stated in our notice published on March 15, 2010, at 70 FR 12710.
Summary of Updates to the 2010 List of Bird Species Not Protected by the MBTA

This notice presents a draft list of species that are not protected by the MBTA to reflect current taxonomy, to remove one species that no longer occurs in a protected family, and to remove one species as a result of new distributional records documenting its natural occurrence in the United States. The taxonomical updates are presented in the draft list below. Japanese Bush-Warbler (Cettia diphone) and Red-Legged Honeycreeper (Cyanerpes cyaneus) appeared on the March 15, 2010, list (70 FR 12710), but are not on this draft list because Japanese Bush-Warbler (Cettia diphone) no longer occurs in a protected family due to changes in taxonomy, and new distributional records document the natural occurrence of Red-Legged Honeycreeper (Cyanerpes cyaneus) in the United States.

The Draft List

What are the nonnative, human-introduced bird species to which the MBTA does not apply that belong to biological families of migratory birds covered under any of the migratory bird conventions with Great Britain (for Canada), Mexico, Russia, or Japan?

We made this draft list as comprehensive as possible by including all nonnative, human-assisted species that belong to any of the families referred to in the treaties and whose occurrence(s) in the United States or U.S. territories have been documented in the scientific literature. It is not, however, an exhaustive list of all the nonnative species that could potentially appear in the United States or U.S. territories as a result of human assistance. New species of nonnative birds are being reported annually in the United States, and it is impossible to predict which species might appear in the near future.

The appearance of a species on this list does not preclude its addition to the list of migratory birds protected by the MBTA (50 CFR 10.13) at some later date should substantial evidence come to light confirming natural occurrence in the United States or U.S. territories. The 123 species on this list are arranged by family according to the American Ornithological Society (AOS) (1998, as amended and following taxonomy in the AOS 2017 supplement). Within families, species are arranged alphabetically by scientific name. Common and scientific names follow Clements et al. (2017); any names occurring differently in the AOS 2017 supplement are in parentheses.

Family Anatidae

Mandarin Duck, Aix galericulata
Egyptian Goose, Alopochen aegyptiaca
 Philippine Duck, Anas luzonica
Graylag Goose, Anser anser
Domestic Goose, Anser anser ‘domesticus’
Swin Goose, Anser cygnoides
Bar-headed Goose, Anser indicus
Red-breasted Goose, Branta ruficollis
Ringed Teal, Callonetta leucophrys
Maned Duck, Chenonetta jubata
Coscoroba Swan, Coscoroba coscoroba
Black Swan, Cygnus atratus
Black-necked Swan, Cygnus melancoryphus
Mute Swan, Cygnus olor
White-faced Whistling-Duck, Dendrocygna viduata
Rosy-billed Pochard, Netta peposaca
Red-crested Pochard, Netta rufina
Cotton Pygmy-Goose, Nettapus coromandelianus
Orinoco Goose, O阿里sochena jubatus
(Orinoco jubata)
Hottentot Teal, Spatula hottentota
Ruddy Shelduck, Tadorna ferruginea
Common Shelduck, Tadorna tadorna

Family Phoenicopteridae

Lesser Flamingo, Phoeniconaias minor
Chilean Flamingo, Phoenicopterus chilensis

Family Columbidae

Nicobar Pigeon, Columba nicobarica
Asian Emerald Dove, Chalcophaps indica
Common Wood-Pigeon, Columba palumbus
Luzon Bleeding-heart, Gallicolumba luzonica
Diamond Dove, Geopelia cuneata
Bar-shouldered Dove, Geopelia humeralis
Zebra Dove, Geopelia striata
Spinifex Pigeon, Geophas plumifera
Partridge Pigeon, Geophas smithii
Wonga Pigeon, Leucosarcia melanoleuca
Crested Pigeon, Ocyphaps lophotes
Common Bronzewing, Phaps chalcoptera
Blue-headed Quail-Dove, Starnoenas cyanopepha
Island Collared-Dove, Streptopelia turqouata
Spotted Dove, Streptopelia chinensis
Eurasian Collared-Dove, Streptopelia decaocto
African Collared-Dove, Streptopelia roseogrisea

Family Trochilidae

Black-throated Mango, Anthracothorax nigricollis

Family Rallidae

Gray-cowled Wood-Rail, Ailurillus collaris

Family Gruidae

Demiouelle Crane, Anthropoides virgo
Sarus Crane, Antigone antigone
Black Crowned-Crane, Balearica pavonina
Gray Crowned-Crane, Balearica regulorum

Family Charadriidae

Southern Lapwing, Vanellus chilensis
Spur-winged Lapwing, Vanellus spinosus

Family Laridae

Silver Gull, Chloroccephalus novaehollandiae

Family Ciconiidae

Abdim’s Stork, Ciconia abdimii
White Stork, Ciconia ciconia
Woolly-necked Stork, Ciconia episcopus
Black-necked Stork, Ephippiorhynchus asiaticus

Family Phalacrocoracidae

Red-legged Cormorant, Phalacrocorax gaimardi

Family Anhingidae

Oriental Darter, Anhinga melanogaster

Family Pelecanidae

Great White Pelican, Pelecanus onocrotalus
Pink-backed Pelican, Pelecanus rufescens

Family Threskiornithidae

Eurasian Spoonbill, Platalea leucorodia
Sacred Ibis, Threskiornis aethiopicus

Family Catharidae

King Vulture, Sarcoramphus papa

Family Accipitridae

Great Black Hawk, Buteogallus urubitinga
Variable Hawk, Geranoaetus poliosoma
Griffon-type Old World vulture, Gyps sp.
Bateleur, Terathopius ecaudatus

Family Strigidae

Spectacled Owl, Pulsatrix perspicillata

Family Corvidae

Black-throated Magpie-Jay, Calocitta colliei
White-necked Raven, Corvus albicollis
Caron Crow, Corvus corone
Cuban Crow, Corvus nasicus
House Crow, Corvus splendens
Azure Jay, Cyanocorax caeruleus
San Blas Jay, Cyanocorax sanblasioides
Rufous Troupie, Dendrocitta vagabunda
Eurasian Jay, Garrulus glandarius
Red-billed Chough, Pyrrhocorax pyrrhocorax
Red-billed Blue-Magpie, Urocissa erythrorhyncha

Family Alaudidae
Japanese Skylark, Alauda japonica
Wood Lark, Lullula arborea
Calandra Lark, Melanocorypha calandra
Mongolian Lark, Melanocorypha mongolica

Family Paridae
Eurasian Blue Tit, Cyanistes caeruleus
Great Tit, Parus major
Varied Tit, Sittiparus varius

Family Cinclidae
White-throated Dipper, Cinclus cinclus

Family Sylviidae
Eurasian Blackcap, Sylvia atricapilla

Family Muscicapidae
Indian Robin, Copsychus fulicatus
White-rumped Shama, Copsychus malabaricus
Oriental Magpie-Robin, Copsychus saularis
European Robin, Erithacus rubecula
Japanese Robin, Larvivora akahige
Ryukyu Robin, Larvivora komadori
Common Nightingale, Luscinia megarhynchos

Family Turdidae
Song Thrush, Turdus philomelos
Red-throated Thrush, Turdus ruficollis

Family Prunellidae
Dunnock, Prunella modularis

Family Fringillidae
European Goldfinch, Carduelis carduelis
European Greenfinch, Chloris chloris
White-rumped Seedeater, Cithraea leucopogia
Yellow-fronted Canary, Cithraea mozambica
Eurasian Linnet, Linaria cannabina
Parrot Crossbill, Loxia pytyopsittacus
Island Canary, Serinus canaria
Red Siskin, Spinus cucullatus
Hooded Siskin, Spinus magellanicus

Family Emberizidae
Yellowhammer, Emberiza citrinella

Family Icteridae
Venezuelan Troupial, Icterus icterus
Spot-breasted Oriole, Icterus pectoralis
Montezuma Oropendola, Psarocolius montezuma
Red-breasted Meadowlark, Sturnella militaris

Family Cardinalidae
Orange-breasted Bunting, Passerina leclancherii
Red-hooded Tanager, Piranga rubriceps

Family Thraupidae
Yellow Cardinal, Gubernatrix cristata
Greater Antillean Bullfinch, Lobizilla violacea
Cuban Bullfinch, Meloppyrrha nigra
Yellow-billed Cardinal, Paroaria capitata
Red-crested Cardinal, Paroaria coronata
Red-cowled Cardinal, Paroaria dominicana
Red-capped Cardinal, Paroaria gularis
Saffron Finch, Sicalis flaveola
Blue-gray Tanager, Thraupis episcopus
Cuban Grassquit, Tiaris canorus

Public Comments
We request comments or information on this draft list from other concerned governmental agencies, the scientific community, industry, or any other interested parties.

Please include sufficient information with your submission (such as electronic copies of scientific journal articles or other publications, preferably in English) to allow us to verify any scientific or commercial information you include.

You may submit your comments and materials concerning this draft list by one of the methods listed in ADDRESSES.

We request that you send comments only by the methods described in ADDRESSES.

If you submit information via http://www.regulations.gov, your entire submission—including any personal identifying information—will be posted on the website. If your submission is made via a hardcopy that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy submissions on http://www.regulations.gov.

Comments and materials we receive will be available for public inspection on http://www.regulations.gov, or by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, Division of Migratory Bird Management (see ADDRESSES).

Author
The author of this notice is Jo Anna Church, VA 22041.

American Ornithologists’ Union. 1998. Check-list of North American birds: the species of birds of North America from the Arctic through Panama, including the West Indies and Hawaiian Islands. 7th edition. Washington, DC.

References Cited
American Ornithologists’ Union. 1998. Check-list of North American birds: the species of birds of North America from the Arctic through Panama, including the West Indies and Hawaiian Islands. 7th edition. Washington, DC.

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