

Service, Ecological Services, 5600 American Blvd. West, Suite 990, Bloomington, MN 55437-1458.

**FOR FURTHER INFORMATION CONTACT:** Nathan Rathbun, 612-713-5343 (phone); *permitsR3ES@fws.gov* (email). Individuals who are hearing or speech impaired may call the Federal Relay Service at 1-800-877-8339 for TTY assistance.

**SUPPLEMENTARY INFORMATION:**

**Background**

The Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et*

*seq.*), prohibits certain activities with endangered and threatened species unless authorized by a Federal permit. The ESA and our implementing regulations in part 17 of title 50 of the Code of Federal Regulations (CFR) provide for the issuance of such permits and require that we invite public comment before issuing permits for activities involving endangered species.

A recovery permit issued by us under section 10(a)(1)(A) of the ESA authorizes the permittee to conduct activities with endangered species for scientific purposes that promote

recovery or for enhancement of propagation or survival of the species. Our regulations implementing section 10(a)(1)(A) for these permits are found at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

**Permit Applications Available for Review and Comment**

We invite local, State, and Federal agencies; Tribes; and the public to comment on the following applications:

Application No.	Applicant	Species	Location	Activity	Type of take	Permit action
PER0016072 ..	Brittany Rogness, Urbana, IL.	Indiana bat ( <i>Myotis sodalis</i> ), gray bat ( <i>Myotis grisescens</i> ), northern long-eared bat ( <i>M. septentrionalis</i> ).	IL, IN, IA, KS, MI, MN, MO, WV, WI.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Capture, handle, harp trap, mist-net, band, collect tissue samples, radio-tag, enter hibernacula, release.	New.
ES95228C .....	Terry VanDeWalle, Brandon, IA.	Add: New species—Rusty patched bumble bee ( <i>Bombus affinis</i> )—to existing authorized species: Eastern Massasauga ( <i>Sistrurus catenatus</i> ).	IL, IN, IA, MI, MN, MO, WI.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Capture, handle, temporary hold, release.	Amend.
ES72093B .....	Rebecca Winterring, Euclid, OH.	34 freshwater mussel species.	Add: New location—KS—to existing authorized locations: AL, AR, IL, IN, IA, KY, LA, MD, MI, MN, MS, MO, NJ, NY, NC, OK, OH, PA, TN, VA, WV, WI.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Capture, handle, temporary hold, release.	Amend.

**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. Moreover, 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**

If we decide to issue permits to any of the applicants listed in this notice, we will publish a notice in the **Federal Register**.

**Authority**

We publish this notice under section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

**Lori Nordstrom,**

*Assistant Regional Director, Ecological Services.*

[FR Doc. 2021-17995 Filed 8-20-21; 8:45 am]

**BILLING CODE 4333-15-P**

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

[Docket No. FWS-R4-ES-2021-0074; FXES11140400000-212-FF04EF4000]

**Renewal of Enhancement of Survival Permit and Modification of Safe Harbor Agreement for the Florida Scrub-Jay, Volusia County, FL; Categorical Exclusion**

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

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

**SUMMARY:** We, the Fish and Wildlife Service (Service), have received a written request from Daytona State College (applicant) to renew the enhancement of the survival permit

permit) with minor amendments to an existing safe harbor agreement (SHA). Continued implementation of the SHA is intended to benefit the recovery of the federally listed threatened Florida scrub-jay in Volusia County, Florida. The Service is making the proposed permit renewal, which includes the applicant's proposed updated SHA (November 9, 2020), and our draft environmental action statement, available for public review and comment.

**DATES:** We must receive your written comments on or before September 22, 2021.

**ADDRESSES:**

*Obtaining Documents:* You may obtain copies of the documents online in Docket No. FWS-R4-ES-2021-0074 at <http://www.regulations.gov>.

*Submitting Comments:* If you wish to submit comments on any of the documents, you may do so in writing by any of the following methods:

- *Online:* <http://www.regulations.gov>. Follow the instructions for submitting comments on Docket No. FWS-R4-ES-2021-0074.

- *U.S. mail or hand-delivery:* Public Comments Processing, Attn: Docket No. FWS-R4-ES-2021-0074; U.S. Fish and Wildlife Service, MS: JAO/1N, 5275 Leesburg Pike, Falls Church, VA 22041-3803.

**FOR FURTHER INFORMATION CONTACT:** Erin Gawera, by telephone at 904-731-3121 or via email at [erin\\_gawera@fws.gov](mailto:erin_gawera@fws.gov). Individuals who are hearing or speech impaired may call the Federal Relay Service at 1-800-877-8339 for TTY assistance.

**SUPPLEMENTARY INFORMATION:** We, the Fish and Wildlife Service (Service), have received a written request from Daytona State College (applicant) to renew an existing enhancement of survival permit (permit) for an additional 10 years beyond its current expiration date. The Service and the applicant have mutually agreed to minor amendments to the Safe Harbor Agreement (SHA). The existing permit associated with the SHA was issued on November 15, 2010, under the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and is in effect until November 15, 2030. Renewing the permit associated with the SHA is intended to benefit the recovery of the federally listed threatened Florida scrub-jay (*Aphelocoma coerulescens*) on 76 enrolled acres (ac) of State-owned lands in Volusia County, Florida. The Service is making the proposed permit renewal, the modified SHA, and our draft

environmental action statement (EAS) available for public review and comment. The draft EAS supports the Service's preliminary determination that the proposed permit renewal associated with the modified SHA is eligible for a categorical exclusion 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, which are also available for public review.

**Background**

Section 9 of the ESA prohibits the take of fish and wildlife species listed as endangered or threatened under section 4 of the ESA. Under the ESA, the term "take" means 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(19)). The term "harm," as defined in our regulations, includes significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering (50 CFR 17.3). The term "harass" is defined in our regulations as an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns, which include, but are not limited to, breeding, feeding, or sheltering (50 CFR 17.3). Under specified circumstances, however, we may issue permits that authorize take of federally listed species, provided the take is incidental to, but not the purpose of, an otherwise lawful activity. Regulations governing permits for threatened species are at 50 CFR 17.32.

Under a safe harbor agreement, participating landowners voluntarily undertake management activities on their property to enhance, restore, or maintain habitat benefiting species listed under the ESA. Safe harbor agreements, and the subsequent permits issued to participating landowners pursuant to section 10(a)(1)(A) of the ESA, encourage private and other non-Federal property owners to implement conservation actions for federally listed species by assuring the landowners that they will not be subjected to increased property use restrictions as a result of their efforts to either attract listed species to their property, or to increase the numbers or distribution of listed species already on their property. Enrolled landowners may make lawful use of the enrolled property during the permit term and may incidentally take the listed species named on the permit.

Application requirements and issuance criteria for permits associated with safe harbor agreements are found in the Code of Federal Regulations (CFR) at 50 CFR 17.22(c) and 17.32(c). As provided for in the Service's final Safe Harbor Policy (64 FR 32717; June 17, 1999), safe harbor agreements provide assurances that allow the property owner to alter or modify their enrolled property, even if such alteration or modification results in the incidental take of a listed species, to such an extent that the property is returned back to the originally agreed upon baseline conditions. Private landowners may voluntarily terminate a safe harbor agreement at any time, in accordance with 50 CFR 13.26. If this occurs, landowners must relinquish the associated incidental take permit pursuant to section 10(a)(1)(A) of the ESA.

**Safe Harbor Agreement**

The State lands covered under the existing SHA and valid permit consist of 76 ac on the Daytona State College campus in Volusia County, Florida. The baseline established in 2010 was 1.4 ac of occupied Florida scrub-jay habitat. Daytona State College has managed the property above baseline and has not proceeded with facility development since entering the SHA. Proposed minor changes within the SHA-enrolled property include a revision to the master campus facility development plan. The revision would not affect the 2010 established baseline of 1.4 ac of occupied Florida scrub-jay, nor would it affect the SHA management actions. Under the modified SHA, the applicant will continue to undertake the following habitat maintenance and enhancement actions intended to benefit the Florida scrub-jay on the enrolled property: (1) Remove sand pine canopy; (2) create open sandy areas through mechanical means (including chopping and/or rootraking) or by using herbicides; and (3) manage habitat using prescribed fire and/or mechanical means. Under comment and review is the request to renew the existing valid Permit associated with the SHA that was issued November 15, 2010, under ESA, and is in effect until November 15, 2030. The applicant is requesting to extend the Permit period for an additional 10 years beyond its current expiration date.

**National Environmental Policy Act Compliance**

The renewal of the permit is a Federal action that triggers the need for compliance with NEPA. The Service has made a preliminary determination that the proposed permit renewal is eligible for categorical exclusion under NEPA,

based on the following criteria: (1) Implementation of the SHA would result in minor or negligible adverse effects on federally listed, proposed, and candidate species and their habitats; (2) implementation of the SHA would result in minor or negligible adverse effects on other environmental values or resources; and (3) impacts of the SHA, considered together with the impacts of other past, present, and reasonably foreseeable similarly situated projects, would not result, over time, in cumulative adverse effects to environmental values or resources which would be considered significant. To make this determination, we used our EAS and low-effect screening form, which are also available for public review.

#### 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.

#### 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 and 43 CFR 46.305.

#### Jay Herrington,

Field Supervisor, Jacksonville Field Office.

[FR Doc. 2021-17986 Filed 8-20-21; 8:45 am]

BILLING CODE 4333-15-P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS-R8-ES-2021-N029;  
FXES1114080000-212-FF08EVEN00]

#### Habitat Conservation Plan for the Mount Hermon June Beetle; Categorical Exclusion for the Encore Development Project; Santa Cruz 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), announce the availability of a draft habitat conservation plan (HCP) and draft categorical exclusion (CatEx) for activities associated with an application for an incidental take permit (ITP) under the Endangered Species Act of 1973, as

amended. The ITP would authorize take of the federally endangered Mount Hermon June beetle incidental to activities associated with the Encore Development Project. The applicant developed the draft HCP as part of their application for an ITP. The Service prepared a draft low-effect screening form and environmental action statement in accordance with the National Environmental Policy Act to evaluate the potential effects to the natural and human environment resulting from issuing an ITP to the applicant. We invite public comment on these documents.

**DATES:** Written comments should be received on or before September 22, 2021.

#### ADDRESSES:

*To obtain documents:* You may download a copy of the draft habitat conservation plan and categorical exclusion screening form, which includes the environmental action statement, at <http://www.fws.gov/ventura/>, or you may request copies of the documents by U.S. mail (below) or by electronic mail (see **FOR FURTHER INFORMATION CONTACT**).

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

- *U.S. mail:* Stephen P. Henry, Field Supervisor, Ventura Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2493 Portola Road, Suite B, Ventura, CA 93003.
- *Electronic mail:* [chad\\_mitcham@fws.gov](mailto:chad_mitcham@fws.gov).

#### FOR FURTHER INFORMATION CONTACT:

Chad Mitcham, Fish and Wildlife Biologist, by phone at 805-644-1766, via email at [chad\\_mitcham@fws.gov](mailto:chad_mitcham@fws.gov), or by U.S. mail to the Ventura Fish and Wildlife office (see **ADDRESSES**).

**SUPPLEMENTARY INFORMATION:** We, the U.S. Fish and Wildlife Service (Service), announce the availability of a draft habitat conservation plan (HCP) and draft low-effect screening form and environmental action statement for activities associated with an application for an incidental take permit (ITP) under section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The applicant has developed a draft habitat conservation plan (HCP) that includes measures to minimize, avoid, and mitigate impacts to the federally endangered Mount Hermon June beetle (*Polyphylla barbata*). The permit would authorize take of the Mount Hermon June beetle incidental to otherwise lawful activities associated with the draft HCP for the Encore Development

Project. The Service prepared a draft low-effect screening form and environmental action statement in accordance with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) to evaluate the potential effects to the natural and human environment resulting from issuing an ITP to the applicant. We invite public comment on these documents.

#### Background

The Service listed the Mount Hermon June beetle as endangered on January 24, 1997 (62 FR 3616). Section 9 of the ESA (16 U.S.C. 1538) prohibits the “take” of fish or wildlife species listed as endangered; by regulation, the Service may extend the take prohibition to fish or wildlife species listed as threatened. “Take” is defined under the ESA to include the following activities: “[T]o 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); however, under section 10(a)(1)(B) of the ESA (16 U.S.C. 1539(a)(1)(B)), we may issue permits to authorize incidental take of listed wildlife species. Incidental take is take that is incidental to, and not the purpose of, carrying out an otherwise lawful activity. Regulations governing incidental take permits for endangered wildlife are in the Code of Federal Regulations (CFR) at 50 CFR 17.22. Issuance of an incidental take permit also must not jeopardize the existence of federally listed fish, wildlife, or plant species.

#### Proposed Project Activities

Chris Perri has applied for a permit for incidental take of the Mount Hermon June beetle. The take would occur in association with activities including the construction of 16 apartments and associated infrastructure within a 1.487-acre project area. The entire 1.487-acre project area consists of suitable habitat for the Mount Hermon June beetle. The HCP includes avoidance and minimization measures for the Mount Hermon June beetle and mitigation for unavoidable loss of suitable habitat through the purchase of conservation credits at a Service-approved conservation bank.

#### Public Comments

If you wish to comment on the draft HCP and categorical exclusion screening form, 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