

may be subject to the BAP. HUD believes that full compliance with the BAP will create ongoing demand for domestically produced products and deepen domestic supply chains. Because the potential application of BAP mandated by the Act would be new to the majority of HUD's programs and Federal Financial Assistance, HUD has not had the benefit of engaging in consultation pursuant to its Tribal Consultation policy concerning the application of the BAP to Tribes, TDHEs, and other Tribal Entities. Because of the significance and potentially wide scope of new requirements necessary to demonstrate compliance with BAP or to seek waivers of BAP for specific products or projects, it is imperative that HUD take time to engage in Tribal consultation and then fully consider information gathered through such consultation in determining how best to ensure compliance with the Act in connection with Federal Financial Assistance awards to Tribes, TDHEs, and other Tribal Entities. HUD believes that the Tribal consultation process is key to the successful implementation of the BAP across its covered Federal Financial Assistance programs funding infrastructure projects and that a full and meaningful Tribal consultation process will allow HUD to determine the potential impact of the Act's Buy America Preference on Tribal governments and communities and will inform a tailored implementation for Tribal recipients that recognizes the sovereignty and unique status of Tribal governments. Therefore, HUD has determined that it would be contrary to the public's interest to apply the BAP prior to completion of these Tribal consultation processes. HUD is hereby waiving the application of the BAP to its Federal Financial Assistance awards to Tribes, TDHEs, and other Tribal Entities obligated for the duration of this waiver to allow sufficient time for completion of the Tribal consultation processes regarding how BAP should be applied to Tribes, TDHEs, and other Tribal Entities. HUD may choose to consult with Tribes in coordination with other Federal agencies that also fund Tribal infrastructure projects.

#### V. Assessment of Cost Advantage of a Foreign-Sourced Product

Under OMB Memorandum M-22-11, "Memorandum for Heads of Executive Departments and Agencies," published on April 18, 2022, agencies are expected to assess "whether a significant portion of any cost advantage of a foreign-sourced product is the result of the use of dumped steel, iron, or manufactured

products or the use of injuriously subsidized steel, iron, or manufactured products" as appropriate before granting a public interest waiver. HUD's analysis has concluded that this assessment is not applicable to this waiver, as this waiver is not based in the cost of foreign-sourced products.

#### VI. Limited Duration of the Waiver

HUD remains committed to the successful implementation of the important BAP across its programs providing covered Federal Financial Assistance for infrastructure projects, recognizing the unique relationship it has with Tribes, TDHEs, and other Tribal Entities receiving HUD Federal Financial Assistance for infrastructure projects. HUD is committed to engaging in a timely consultation process as noted above.

This waiver is effective as of May 14, 2022, and will remain in effect for all Federal Financial Assistance for infrastructure projects obligated to Tribes, TDHEs, and other Tribal Entities for one year, or until HUD publishes a notice extending the waiver or a final notice confirming the completion of HUD's Tribal consultation process and announcing the termination of this general applicability waiver.

#### VII. Solicitation of Comments

As required under Section 70914 of the Act, HUD is soliciting comment from the public on the waiver. Please refer to the **DATES** and **ADDRESSES** sections of this notice for information on submission of comments.

**Marcia L. Fudge,**  
*Secretary.*

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### DEPARTMENT OF THE INTERIOR

#### Fish and Wildlife Service

[FWS-R2-ES-2022-N019;  
FXES11130200000-223-FF02ENEH00]

#### Endangered and Threatened Wildlife and Plants; Recovery Permit Applications

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

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

**SUMMARY:** We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications for a permit to conduct activities intended to recover and enhance endangered species survival. With some

exceptions, the Endangered Species Act prohibits certain activities that may impact endangered species unless a Federal permit allows such activity. The ESA also requires that we invite public comment before issuing these permits.

**DATES:** To ensure consideration, please submit your written comments by June 2, 2022.

#### ADDRESSES:

*Document availability:* Request documents by phone or email: Marty Tuegel 505-248-6651, [marty\\_tuegel@fws.gov](mailto:marty_tuegel@fws.gov).

*Comment submission:* Submit comments by email to [fw2\\_te\\_permits@fws.gov](mailto:fw2_te_permits@fws.gov). Please specify the permit application you are interested in by number (e.g., Permit Record No. PER1234567).

#### FOR FURTHER INFORMATION CONTACT:

Marty Tuegel, Supervisor, Environmental Review Division, 505-248-6651. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

#### SUPPLEMENTARY INFORMATION:

#### Background

With some exceptions, the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), prohibits activities that constitute take of listed species unless a Federal permit is issued that allows such activity. The ESA's definition of "take" includes hunting, shooting, harming, wounding, or killing, and also such activities as pursuing, harassing, trapping, capturing, or collecting.

The ESA and our implementing regulations in the Code of Federal Regulations (CFR) at title 50, part 17, provide for issuing such permits and require that we invite public comment before issuing permits for activities involving listed species.

A recovery permit we issue under the ESA, section 10(a)(1)(A), authorizes the permittee to conduct activities with endangered or threatened species for scientific purposes that promote recovery or enhance the species' propagation or survival. These activities often include such prohibited actions as capture and collection. 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**

Documents and other information submitted with these applications are available for review by any party who submits a request as specified in

**ADDRESSES.** Our release of documents is subject to Privacy Act (5 U.S.C. 552a) and Freedom of Information Act (5 U.S.C. 552) requirements.

Proposed activities in the following permit requests are for the recovery and enhancement of propagation or survival of the species in the wild. We invite local, State, Tribal, and Federal agencies

and the public to submit written data, views, or arguments with respect to these applications. The comments and recommendations that will be most useful and likely to influence agency decisions are those supported by quantitative information or studies. Please refer to the permit record number when submitting comments.

Permit record No.	Applicant	Species	Location	Activity	Type of take	Permit action
PER0039279 .....	Rylander, Rebecca; New Braunfels, Texas.	Golden-cheeked warbler ( <i>Setophaga chrysoparia</i> ).	Texas .....	Presence/absence surveys, habitat assessment.	Harass, harm.	Renew.
PER0039146 .....	Blanchard Environmental Consulting; Durango, Colorado.	Southwestern willow flycatcher ( <i>Empidonax traillii extimus</i> ).	Arizona, Colorado, New Mexico, Utah.	Presence/absence surveys.	Harass, harm.	Renew.
PER0039271 .....	Johnson, Matthew; Flagstaff, Arizona.	Southwestern willow flycatcher ( <i>Empidonax traillii extimus</i> ).	Arizona, New Mexico, Texas, Utah.	Presence/absence surveys, nest monitoring.	Harass, harm.	Renew.
PER0036913 .....	Olsson Associates; Oklahoma City, Oklahoma.	Neosho mucket ( <i>Lampsilis rafinesqueana</i> ).	Oklahoma, Kansas .....	Presence/absence surveys.	Harass, harm.	Amend.
PER0037862 .....	Terry, Adam; Doboll, Texas.	Red-cockaded woodpecker ( <i>Picoides borealis</i> ).	Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, Texas.	Presence/absence surveys, monitoring, capture, banding.	Capture, harass, harm.	Renew.
PER0038126 .....	EcoPlan Associates, Inc.; Mesa, Arizona.	Spikedace ( <i>Meda fulgida</i> ), loach minnow ( <i>Tiaroga cobitis</i> ).	Arizona .....	Presence/absence surveys.	Harass, harm.	Amend.

**Public Availability of Comments**

All comments we receive become part of the public record associated with this action. Requests for copies of comments will be handled in accordance with the Freedom of Information Act, National Environmental Policy Act, and Service and Department of the Interior policies and procedures. 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 to 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 of the ESA (16 U.S.C. 1531 *et seq.*).

**Amy L. Lueders,**

*Regional Director, Southwest Region, U.S. Fish and Wildlife Service.*

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**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

[FWS-R1-ES-2022-N020; FXES11130100000-223-FF01E00000]

**Endangered Species; Receipt of Recovery Permit Applications**

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

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

**SUMMARY:** We, the U.S. Fish and Wildlife Service, have received applications for permits to conduct activities intended to enhance the propagation and survival of endangered species under the Endangered Species Act. We invite the public and local, State, Tribal, and Federal agencies to comment on these applications. Before issuing the requested permits, we will take into consideration any information that we receive during the public comment period.

**DATES:** We must receive your written comments on or before June 2, 2022.

**ADDRESSES:** *Document availability and comment submission:* Submit a request for a copy of the application and related documents and submit any comments by one of the following methods. All requests and comments should specify the applicant name and application number (e.g., Dana Ross, ESPER0001705):

- *Email:* [permitsR1ES@fws.gov](mailto:permitsR1ES@fws.gov).
- *U.S. Mail:* Marilet Zablan, Regional Program Manager, Restoration and

Endangered Species Classification, Ecological Services, U.S. Fish and Wildlife Service, Pacific Regional Office, 911 NE 11th Avenue, Portland, OR 97232-4181.

**FOR FURTHER INFORMATION CONTACT:** Colleen Henson, Regional Recovery Permit Coordinator, Ecological Services, (503) 231-6131 (phone); [permitsR1ES@fws.gov](mailto:permitsR1ES@fws.gov) (email). Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

**SUPPLEMENTARY INFORMATION:** We, the U.S. Fish and Wildlife Service, invite the public to comment on applications for permits under section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The requested permits would allow the applicants to conduct activities intended to promote recovery of species that are listed as endangered under the ESA.

**Background**

With some exceptions, the ESA prohibits activities that constitute take of listed species unless a Federal permit is issued that allows such activity. The ESA's definition of "take" includes such activities as pursuing, harassing, trapping, capturing, or collecting, in