

**FOR FURTHER INFORMATION CONTACT:** Mr. William Lynn, Project Manager, by telephone at 251-441-5868 or via email at [william\\_lynn@fws.gov](mailto:william_lynn@fws.gov). 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 Fish and Wildlife Service (Service), announce receipt of an application from Brett Real Estate Robinson Development Company, Inc. (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*) (ABM) incidental to the construction of a single condominium tower with amenities (project) in the City of Gulf Shores, 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. 4321 *et seq.*). To make this determination, we used our environmental action statement and low-effect screening form, both of which are also available for public review.

### Project

The applicant requests a 50-year ITP to take ABM by converting approximately 0.061 acres (ac) of occupied ABM foraging and sheltering habitat incidental to the construction of a single condominium tower, with 110 beachfront units and amenities, on 0.84 ac of a 3.18-ac parcel in Baldwin County, Alabama. The parcel contains 0.713 ac of ABM-occupied suitable habitat.

The parcel was previously utilized in 2004 and 2005 for stockpiling of Hurricane(s) Ivan and Katrina debris. Most of the larger hurricane debris has been removed. However, the northern part of the parcel still contains considerable concrete and construction debris, which precludes the natural dune repair process.

As mitigation for incidental take of the ABM, the applicant proposes to preserve and enhance the remaining 0.652 ac of ABM-occupied habitat on the parcel. Additionally, the applicant

will restore a sandy area (0.073 ac) on the parcel to vegetated sand dunes. Outside the development footprint, the applicant will landscape 0.853 ac with native vegetation that may support ABM. After development is completed, the parcel will contain 2.34 ac of native habitat (0.853 ac open beach, 0.725 ac ABM habitat, and 0.762 ac native landscaping), which will be permanently managed as coastal dune habitat for the ABM. In addition, standard mitigation and minimization measures will be implemented on the parcel, including installing sea turtle-friendly lighting and tinted windows, landscaping with native vegetation, enhancing the frontal dune area, constructing a concrete driveway that will not spread widely as a result of storm surge, utilizing refuse-control measures during construction that also would be required of future residents, and restoring ABM habitat after tropical storms. Free-roaming cats and the use of exterior rodenticide will be prohibited within the development. There also will be monitoring of the on-site ABM population via fall, winter, and spring trapping surveys conducted quarterly for the life of the permit (50 years). Condominium unit owners will be required to pay a \$201-per-unit annual fee over the next 50 years into a mitigation fund set up by the condominium homeowners' association, and the accumulated fees will be used for predator control, monitoring, and/or improvement of Alabama beach mouse habitat on the parcel. The Service would require the applicant to ensure that funding for the HCP is available prior to engaging in any activities associated with the project.

### 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, construction of the condominium tower and amenities, landscaping, and the proposed mitigation and minimization 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 that 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 result in significant cumulative effects to environmental values or resources over time.

### 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 on the species. We will consider all of the preceding in determining 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 ESPER0031364-0 to Brett Real Estate Robinson Development Company, Inc.

### Authority

The Service provides this notice under section 10(c) of the ESA (16 U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.32) and NEPA (42 U.S.C. 4321 *et seq.*) and its implementing regulations (40 CFR 1506.6 and 43 CFR 46.305).

### William Pearson,

Field Supervisor, Alabama Ecological Service Field Office.

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[AA-9412, AA-9413, AA-9421, AA-9623, AA-9661, AA-9663, AA-9690, AA-9707, AA-9721, AA-9740, AA-9894; 22X.LLAK944000. L14100000.HY0000.P]

### Alaska Native Claims Selection

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of decision approving lands for conveyance.

**SUMMARY:** The Bureau of Land Management (BLM) hereby provides constructive notice that it will issue an appealable decision approving conveyance of the surface estate in

certain lands to Calista Corporation, an Alaska Native regional corporation, pursuant to the Alaska Native Claims Settlement Act of 1971 (ANCSA). The lands approved for conveyance lie entirely within Clarence Rhode National Wildlife Range now known as the Yukon Delta Wildlife Refuge. As provided by ANCSA, ownership of the subsurface estate in the same lands will be retained by the United States.

**DATES:** Any party claiming a property interest in the lands affected by the decision may appeal the decision in accordance with the requirements of 43 CFR part 4 within the time limits set out in the **SUPPLEMENTARY INFORMATION** section.

**ADDRESSES:** You may obtain a copy of the decision from the Bureau of Land Management, Alaska State Office, 222 West Seventh Avenue, #13, Anchorage, AK 99513-7504.

**FOR FURTHER INFORMATION CONTACT:** Abby Muth, Land Law Examiner, BLM Alaska State Office, 907-271-3345 or [amuth@blm.gov](mailto:amuth@blm.gov). 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. The relay service is available 24 hours a day, 7 days a week, to leave a message or question with the BLM. The BLM will reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** As required by 43 CFR 2650.7(d), notice is hereby given that the BLM will issue an appealable decision to Calista Corporation. The decision approves conveyance of surface estate in certain lands pursuant to ANCSA (43 U.S.C. 1601, *et seq.*), as amended. Ownership of the subsurface estate will be retained by the United States.

The lands are located within the Yukon Delta National Wildlife Refuge, in the following townships, and aggregate 78.31 acres: T. 15 N., R. 86 W., Seward Meridian (SM); T. 10 N., R. 88 W., SM; T. 15 N., R. 88 W., SM; T. 17 N., R. 88 W., SM; T. 18 N., R. 88 W., SM; T. 10 N., R. 89 W., SM; and T. 12 N., R. 89 W., SM.

The decision addresses public access easements, if any, to be reserved to the United States pursuant to Sec. 17(b) of ANCSA (43 U.S.C. 1616(b)), in the lands approved for conveyance.

The BLM will also publish notice of the decision once a week for four

consecutive weeks in "The Delta Discovery" newspaper.

Any party claiming a property interest in the lands affected by the decision may appeal the decision in accordance with the requirements of 43 CFR part 4 within the following time limits:

1. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who fail or refuse to sign their return receipt, and parties who receive a copy of the decision by regular mail which is not certified, return receipt requested, shall have until June 3, 2022 to file an appeal.

2. Parties receiving service of the decision by certified mail shall have 30 days from the date of receipt to file an appeal.

Parties who do not file an appeal in accordance with the requirements of 43 CFR part 4 shall be deemed to have waived their rights. Notices of appeal transmitted by facsimile will not be accepted as timely filed.

**Abby Muth,**

*Land Law Examiner, Adjudication Section.*

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[223 LLUTG02000 L12200000.PM00000]

#### Notice of Public Meetings, San Rafael Swell Recreation Area Advisory Council, Utah

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of public meetings.

**SUMMARY:** In accordance with the Federal Land Policy and Management Act, the Federal Advisory Committee Act, and the Federal Lands Recreation Enhancement Act, the U.S. Department of the Interior, Bureau of Land Management's (BLM) San Rafael Swell Recreation Area Advisory Council (Council) will meet as indicated below.

**DATES:** The Council will meet at the Emery County Courthouse on May 24, 2022, to depart for a field tour of the San Rafael Swell Recreation Area from 8:30 a.m. to 5:00 p.m. The Council will hold an in-person public meeting with a virtual participation option on May 25, 2022, from 8:30 a.m. to 12:30 p.m., with public comments accepted at 11:00 a.m.

The Council will hold an in-person public meeting with a virtual participation option on August 29, 2022, from 8:30 a.m. to 12:45 p.m., with public comments accepted at 11:00 a.m.

The meetings and field tour are open to the public.

#### ADDRESSES:

- On May 24, participants will meet at the Emery County Courthouse, 75 East Main Street, Castle Dale, UT 84513 for a field tour to the San Rafael Swell Recreation Area. The May 25 meeting will also be held at the Emery County Courthouse. Individuals that prefer to participate virtually must register in advance at <https://tinyurl.com/bdcs6nnpn>.

- The August 29 meeting will be held at the Emery County Courthouse. Individuals that prefer to participate virtually must register in advance at <https://tinyurl.com/yckrjtfa>.

Written comments may be sent prior to each meeting either by mail to the BLM Green River District, Attn: Lance Porter, 170 South 500 West, Vernal, UT 84078, or by email: [utprmail@blm.gov](mailto:utprmail@blm.gov), with the subject line "San Rafael Swell Recreation Area Advisory Council Meeting."

#### FOR FURTHER INFORMATION CONTACT:

BLM Green River District Manager Lance Porter, telephone: (435) 781-4400 or email: [utprmail@blm.gov](mailto:utprmail@blm.gov). Persons 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:** The John D. Dingell, Jr. Conservation, Management, and Recreation Act (Pub. L. 116-9) established the San Rafael Swell Recreation Area Advisory Council to advise the Secretary of the Interior, through the BLM, in planning and managing the San Rafael Swell Recreation Area. The seven-member Council represents a wide range of interests including local government, recreational users, grazing allotment permittees, conservation organizations, people with expertise in historical uses of the recreation area, and Tribes.

The Council will host a field tour on May 24 to the San Rafael Swell Recreation Area, which features badlands of brightly colored and wildly eroded sandstone formations, deep canyons, and giant plates of stone tilted upright through massive geologic upheaval. The recreation area offers numerous recreational opportunities including hiking, biking, four-wheel driving, horseback, canyoneering, and river running. Members of the public are welcome on the field tour but must provide their own transportation and meals. Individuals who plan to attend