

**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service**

[FWS-R8-ES-2023-N072;  
FXES11130800000-234-FF08E00000]

**Endangered and Threatened Wildlife and Plants; Initiation of 5-Year Status Reviews of 47 Species in California, Nevada, and Oregon; Correction**

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

**ACTION:** Notice of initiation of reviews; correction.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, published a notice in the **Federal Register** of August 17, 2023, initiating 5-year status reviews of 47 species in California, Nevada, and Oregon under the Endangered Species Act. We inadvertently included one species in error. We are correcting the notice to remove that species.

**DATES:** Interested persons are invited to submit comments on or before October 16, 2023.

**SUPPLEMENTARY INFORMATION:** On August 17, 2023, we, the U.S. Fish and Wildlife Service, published a notice initiating 5-year status reviews of 47 species in California, Nevada, and Oregon under the Endangered Species Act. We inadvertently included one species, the southern sea otter (*Enhydra lutris nereis*), in error. We are correcting the notice to remove that species. For how to comment, see our August 17, 2023, notice (88 FR 56042).

**Correction**

In the **Federal Register** of August 17, 2023, in FR Doc. 2023-17728, please make the following correction:

On page 56043, remove the “Otter, southern sea” entry from the table.

Jill Russi,

*Acting Regional Director, California Great Basin Region, U.S. Fish and Wildlife Service.*

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**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service**

[FWS-R4-ES-2023-N070;  
FXES11140400000-234-FF04E00000]

**Endangered Species; 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 or 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 any of the requested permits, we will take into consideration any information that we receive during the public comment period.

**DATES:** We must receive written data or comments on the applications by September 27, 2023.

**ADDRESSES: Reviewing Documents:** Submit requests for copies of applications and other information submitted with the applications to Karen Marlowe (see **FOR FURTHER INFORMATION CONTACT**). All requests and comments should specify the applicant name and application number (e.g., Mary Smith, ESPER0001234).

**Submitting Comments:** If you wish to comment, you may submit comments by one of the following methods:

- **Email (preferred method):** *permitsR4ES@fws.gov*. Please include your name and return address in your email message. If you do not receive a confirmation from the U.S. Fish and Wildlife Service that we have received your email message, contact us directly at the telephone number listed in **FOR FURTHER INFORMATION CONTACT**.

- **U.S. mail:** U.S. Fish and Wildlife Service Regional Office, Ecological Services, 1875 Century Boulevard, Atlanta, GA 30345 (Attn: Karen Marlowe, Permit Coordinator).

**FOR FURTHER INFORMATION CONTACT:** Karen Marlowe, Permit Coordinator, 404-679-7097 (telephone) or *karen\_marlowe@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 review and comment from the public and local, State, Tribal, and Federal agencies on applications we have

received for permits to conduct certain activities with endangered and threatened species under section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and our regulations in the Code of Federal Regulations (CFR) at 50 CFR part 17. Documents and other information submitted with the applications are available for review, subject to the requirements of the Privacy Act of 1974, as amended (5 U.S.C. 552a), and the Freedom of Information Act (5 U.S.C. 552).

**Background**

With some exceptions, the ESA prohibits take of listed species unless a Federal permit is issued that authorizes such take. The ESA’s definition of “take” includes hunting, shooting, harming, wounding, or killing, and also such activities as pursuing, harassing, trapping, capturing, or collecting.

A recovery permit issued by us under section 10(a)(1)(A) of the ESA authorizes the permittee to take endangered or threatened species while engaging in activities that are conducted for scientific purposes that promote recovery of species or for enhancement of propagation or survival of species. These activities often include the capture and collection of species, which would result in prohibited take if a permit were not issued. 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**

The ESA requires that we invite public comment before issuing these permits. Accordingly, 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. Proposed activities in the following permit requests are for the recovery and enhancement of propagation or survival of the species in the wild.

Permit application number	Applicant	Species	Location	Activity	Type of take	Permit action
PER4098933-0	Robert Stinson; Knoxville, TN.	Gray bat ( <i>Myotis grisescens</i> ), Indiana bat ( <i>Myotis sodalis</i> ), northern long-eared bat ( <i>Myotis septentrionalis</i> ), tricolored bat ( <i>Perimyotis subflavus</i> ), and Virginia big-eared bat ( <i>Corynorhinus townsendii virginianus</i> ).	Alabama, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.	Presence/probable absence surveys, studies to document habitat use, population monitoring, and studies to evaluate potential impacts of white-nose syndrome and other threats.	Enter hibernacula or maternity roost caves, capture with mist nets or harp traps, handle, identify, band, radio tag, and release.	New.
PER3404461-0	Megan Wallrichs; Knoxville, TN.	Florida bonneted bat ( <i>Eumops floridanus</i> ), gray bat ( <i>Myotis grisescens</i> ), Indiana bat ( <i>Myotis sodalis</i> ), northern long-eared bat ( <i>Myotis septentrionalis</i> ), and tricolored bat ( <i>Perimyotis subflavus</i> ).	Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.	Presence/probable absence surveys, studies to document habitat use, population monitoring, and studies to evaluate potential impacts of white-nose syndrome and other threats.	Enter hibernacula or maternity roost caves, capture with mist nets or harp traps, handle, identify, band, radio tag, swab, and release.	New.
ES81430B-2 ...	Heather Wallace; Raleigh, NC.	Tricolored bat ( <i>Perimyotis subflavus</i> ).	Alabama, Arkansas, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.	Presence/probable absence surveys, population monitoring, genetic analyses, and studies to evaluate potential impacts of white-nose syndrome and other threats.	Enter hibernacula, capture with mist nets or harp traps, handle, identify, band, radio tag, and release.	Amendment.
ES102292-14 ..	Jeremy Jackson; Richmond, KY.	Gray bat ( <i>Myotis grisescens</i> ), Indiana bat ( <i>Myotis sodalis</i> ), northern long-eared bat ( <i>Myotis septentrionalis</i> ), tricolored bat ( <i>Perimyotis subflavus</i> ), and Virginia big-eared bat ( <i>Corynorhinus townsendii virginianus</i> ).	Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.	Presence/probable absence surveys, studies to document habitat use, and population monitoring.	Enter hibernacula or maternity roost caves, capture with mist nets or harp traps, handle, identify, collect hair samples, band, radio tag, and release.	Renewal and amendment.
PER3535456-0	Mirabeau Dudley; Pittsview, AL.	Red-cockaded woodpecker ( <i>Picoides borealis</i> ).	Alabama .....	Population management and monitoring.	Capture, band, construct and monitor artificial nest cavities and restrictors, translocate, recapture, and release.	New.

Permit application number	Applicant	Species	Location	Activity	Type of take	Permit action
PER3726625-0	Kelly Stewart; La Jolla, CA.	Green sea turtle ( <i>Chelonia mydas</i> ), hawksbill sea turtle ( <i>Eretmochelys imbricata</i> ), leatherback sea turtle ( <i>Dermochelys coriacea</i> ), and loggerhead sea turtle ( <i>Caretta caretta</i> ).	U.S. Virgin Islands .....	Nest monitoring and protection, and habitat use, demographic, and genetic studies.	Capture; handle; measure; collect tissue and blood; flipper, satellite, and PIT tag; salvage dead hatchlings and nonviable eggs; and examine and relocate nests.	New.
ES57873C-1 ...	Arkansas Natural Heritage Commission; Little Rock, AR.	Yellowcheek darter ( <i>Etheostoma moorei</i> ).	Arkansas .....	Presence/probable absence surveys.	Capture, identify, and release.	Renewal.
ES62778B-3 ...	Chanston Osborne; Aberdeen, NC.	Tricolored bat ( <i>Perimyotis subflavus</i> ).	Alabama, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.	Presence/probable absence surveys.	Capture with mist nets and harp traps, handle, identify, band, radio tag, and release.	Amendment.
ES022468-6 ....	Endangered Species Branch, Department of Defense; Ft. Bragg, NC.	Red-cockaded woodpecker ( <i>Picoides borealis</i> ).	North Carolina .....	Population management and monitoring..	Capture, band, construct, and monitor artificial nest cavities and restrictors, and translocate.	Renewal.
ES02167C-1 ...	James Gore; Columbia, SC.	Tricolored bat ( <i>Perimyotis subflavus</i> ).	Alabama, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.	Presence/probable absence surveys, population monitoring, and stable isotope analyses..	Enter hibernacula and maternity roost caves, capture with mist nets or harp traps, handle, identify, band, radio tag, and collect hair samples..	Renewal and amendment.

**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 ask us in your comment 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.

**Next Steps**

If we decide to issue a permit to an applicant 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.*).

**Lourdes Mena,**

*Acting Deputy Assistant Regional Director, Ecological Services, Southeast Region.*

[FR Doc. 2023-18523 Filed 8-25-23; 8:45 am]

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**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service**

[FWS-R8-ES-2023-0124;  
FXES1114080000-234-FF08EVEN00]

**Endangered and Threatened Wildlife and Plants; Three Draft Habitat Conservation Plans and Associated Draft Categorical Exclusions for Development of Single-Family Residences; Los Osos, San Luis Obispo County, CA**

**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 three applications for incidental take permits (ITPs) for the federally threatened Morro shoulderband snail under the Endangered Species Act of 1973, as amended. Each of three applicants submitted a permit application which, if issued, would authorize take of the Morro shoulderband snail incidental to activities associated with development of a single-family residence in Los Osos, San Luis Obispo County, California. As part of the application for an ITP, each applicant submitted a draft habitat conservation plan for their respective project. For each project, 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 each applicant for their project. We invite the public and local, State, Tribal, and Federal agencies to comment on these documents.

**DATES:** Written comments should be received on or before September 27, 2023.

**ADDRESSES:** *Obtaining Documents:* The documents this notice announces, as well as any comments and other materials that we receive, will be available for public inspection online in Docket No. FWS-R8-ES-2023-0124 at <https://www.regulations.gov>. *Submitting Written Comments:* Please send us your written comments using one of the following methods:

- *Online:* <https://www.regulations.gov>. Follow the instructions for submitting comments on Docket No. FWS-R8-ES-2023-0124.
- *U.S. mail:* Public Comments Processing; Attn: FWS-R8-ES-2023-0124; U.S. Fish and Wildlife Service; MS: PRB/3W; 5275 Leesburg Pike; Falls Church, VA 22041-3803.

**FOR FURTHER INFORMATION CONTACT:**

Rachel Henry, Fish and Wildlife Biologist, by email at [rachel\\_henry@fws.gov](mailto:rachel_henry@fws.gov) or via phone at (805) 448-7484. 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 (Service), have received three applications for incidental take permits (ITPs) under the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The applicants have developed draft habitat conservation plans (HCPs) for the respective projects that include measures to mitigate and avoid/minimize impacts to the federally threatened Morro shoulderband snail (*Helminthoglypta walkeriana*). Each of the permits, if granted, would authorize take of the Morro shoulderband snail incidental to otherwise lawful activities associated with construction of single-family residences within the community of Los Osos in San Luis Obispo County, California. In addition, two of the HCPs anticipate impacts to the federally threatened Morro manzanita (*Arctostaphylos morroensis*). The Service prepared three draft screening forms 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 the ITPs and implementing the draft HCPs, in order to determine if the actions fit within the criteria for categorical exclusions under NEPA. We invite public comment on all of these documents.

**Background**

The Service listed the Morro manzanita as threatened on December 15, 1994 (59 FR 64613), and listed the Morro shoulderband snail as endangered on December 15, 1994 (65 FR 64613), and reclassified the Morro shoulderband snail from endangered to threatened on February 3, 2022 (87 FR 6063). Section 9 of the ESA prohibits “take” of fish and wildlife species listed as endangered (16 U.S.C. 1538), where 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). The take prohibitions of section 9 are extended to species listed as threatened at the discretion of the Secretary of the Department of the Interior, and were extended to Morro shoulderband snail with exceptions. The Service published a 4(d) rule that includes exceptions to incidental take associated with native habitat enhancement and fire reduction activities (87 FR 6063).

Under section 10(a)(1)(B) of the ESA (16 U.S.C. 1539(a)(1)(B)), we may issue permits to authorize take of listed fish and wildlife species that is incidental to, and not the purpose of, carrying out an otherwise lawful activity. Regulations governing incidental take permits for endangered and threatened species are in the Code of Federal Regulations (CFR) at 50 CFR 17.22 and 17.32, respectively. Issuance of an ITP also must not jeopardize the existence of federally listed fish, wildlife, or plant species, pursuant to section 7 of the ESA and 50 CFR 402.02. The permittee would receive assurances under our “No Surprises” regulations (50 CFR 17.22(b)(5) and 17.32(b)(5)).

**Proposed Activities**

Each applicant has applied for a permit for incidental take of the Morro shoulderband snail. The take would occur in association with activities associated with development of single-family residences and ancillary features on lots zoned for residential use within the community of Los Osos in San Luis Obispo County, California.

The respective HCPs include avoidance and minimization measures for the Morro shoulderband snail and mitigation for unavoidable loss of habitat that is occupied by the species. As mitigation for the loss of suitable habitat, the applicants propose mitigation that will support the recovery goals of the species such as restoration and protection of habitat.