

respond: 22 responses (Form I-690) at approximately 3 hours per response; 11 responses (Supplement 1) at approximately 2 hours per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 88 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is \$3,316.50.

Dated: September 14, 2016.

**Samantha Deshommes,**

Chief, Regulatory Coordination Division,  
Office of Policy and Strategy, U.S. Citizenship  
and Immigration Services, Department of  
Homeland Security.

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS-R3-ES-2016-N128];  
[FVES5942030000F2 14X FF03E00000]

#### Draft Environmental Impact Statement; Indiana Department of Natural Resources Habitat Conservation Plan

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

**ACTION:** Notice of intent to prepare an  
environmental impact statement; notice  
of scoping meeting; and request for  
comments.

**SUMMARY:** Pursuant to the National  
Environmental Policy Act of 1969, as  
amended (NEPA), we are advising the  
public that we intend to prepare an  
environmental impact statement (EIS)  
on a proposed Endangered Species Act  
(ESA) incidental take permit (ITP)  
application from the Indiana  
Department of Natural Resources  
(IDNR), Division of Forestry (DoF) for  
the federally endangered Indiana bat  
(*Myotis sodalis*). We are also  
announcing the initiation of a public  
scoping process to engage Federal,  
Tribal, State, and local governments;  
special interest groups; and the public  
in the identification of issues and  
concerns, potential impacts, and  
possible alternatives to the proposed  
action.

**DATES:** Public scoping will begin with  
the publication of this NOI in the  
**Federal Register** and will continue  
through October 19, 2016. We will  
consider all comments on the scope of  
the EIS analysis that are received or  
postmarked by this date. Comments

received or postmarked after this date  
will be considered to the extent  
practicable. We will conduct a public  
scoping meeting during the scoping  
period. The scoping meeting will  
provide the public with an opportunity  
to ask questions, discuss issues with  
Service staff regarding the EIS, and  
provide written comments.

• September 30th, 6:00–9:00 p.m. at  
the Forestry Training Center on Morgan-  
Monroe State Forest. Directions: from  
the Forest Office at 6220 Forest Road,  
Martinsville, IN (see Google Maps), go  
0.2 miles north on Forest Road and take  
the first road to the left (West), go 0.4  
miles and park at 2nd building on the  
right. The Forestry Training Center is  
located approx. 6 miles south of  
Martinsville, IN.

**ADDRESSES:** Send written comments via  
U.S. mail to the Field Supervisor, U.S.  
Fish and Wildlife Service, Bloomington  
Field Office, 620 South Walker Street,  
Bloomington, IN 47403-2121; by  
facsimile to 812-334-4273; or by  
electronic mail to [commentbfo@fws.gov](mailto:commentbfo@fws.gov).

**FOR FURTHER INFORMATION CONTACT:**  
Andrew King, by telephone at 812-334-  
4261, extension 1216, or email at  
[andrew\\_king@fws.gov](mailto:andrew_king@fws.gov). If you use a  
telecommunications device for the deaf,  
please call the Federal Information  
Relay Service at 800-877-8339.

#### **SUPPLEMENTARY INFORMATION:**

##### **Introduction**

Indiana bats were listed as an  
endangered species under the ESA in  
1967. The decline of this species has  
historically been attributed to loss and  
degradation of winter hibernation  
habitat and summer roosting habitat,  
human disturbance during hibernation,  
and possibly pesticides. A recent new  
threat to Indiana bats is white-nose  
syndrome (WNS), a disease caused by  
the fungus *Pseudogymnoascus*  
*destructans*. WNS has caused significant  
population declines throughout much of  
the Indiana bat's range, particularly in  
the Northeast and Appalachian regions.

The DoF conducts management  
activities on 13 State Forests and 2 State  
Recreation Areas covering  
approximately 158,000 acres of state-  
owned forest land in Indiana. These  
activities include maintenance of  
recreation trails, timber harvest, tree  
plantings, prescribed burning, and the  
use of specific chemicals such as  
herbicides and fertilizers. Management  
activities on these lands are designed for  
long-term sustainability and to enhance  
forest health and diversity, create  
wildlife habitat, provide recreational  
opportunities and to generate revenue  
from timber harvests that contribute to

local and state economies. While many  
forest management activities benefit the  
conservation and recovery of the  
Indiana bat, some activities may  
adversely impact this species and their  
habitat during certain life stages.

The net effect of forest management  
on Indiana bats may vary depending on  
the type, scale, and timing of various  
practices. Unlike forest conversion  
where habitat is permanently removed,  
the DoF's forest management practices  
are designed to promote and sustain  
suitable forested bat habitat on the  
landscape, and adverse impacts  
typically are temporary in nature. The  
primary potential benefit of forest  
management to the species is  
perpetuating forests on the landscape  
that provide suitable roosting and  
foraging habitat. Impacts from timber  
harvest, which can range from the  
selective removal of individual trees to  
small clearcuts, can range from positive  
(e.g., maintaining or increasing suitable  
roosting and foraging habitat within  
Indiana bat home ranges) to neutral  
(e.g., minor amounts of timber harvest,  
areas outside Indiana bats summer  
home ranges, away from hibernacula) to  
negative (e.g., death of adult female bats  
and/or pups resulting from accidental  
felling of occupied maternity roost  
trees). Therefore, the DoF is developing  
a Habitat Conservation Plan (HCP) in  
support of an ITP that would authorize  
the incidental take of Indiana bats from  
certain forest management activities on  
State Forest lands within the State of  
Indiana.

The HCP will incorporate avoidance,  
minimization, mitigation, monitoring,  
and reporting measures aimed at  
addressing the impact of take caused by  
certain forest and property management  
activities occurring on approximately  
158,000 acres of state-owned land  
managed by the DoF. The forest and  
property management activities  
included in the DoF HCP are timber  
harvesting, prescribed burning, timber  
stand improvement, and the  
construction and maintenance of roads,  
trails, and recreation and operational  
facilities. Potential measures to avoid,  
minimize, and mitigate impacts to  
Indiana bats may include, but are not  
limited to, retention of potential roost  
trees, sustained supply of future roost  
trees, protection of known roost trees,  
leave-tree designation near perennial  
streams, seasonal tree-felling restrictions  
around known hibernacula, and set-  
back distances for the protection of  
hibernacula entrances. The requested  
term of the ITP is 20 years.

### Habitat Conservation Plans and Incidental Take Permits

Section 9 of the ESA prohibits “take” of fish and wildlife species listed as endangered under section 4 (16 U.S.C. 1538, and 1533, respectively). The ESA implementing regulations extend, under certain circumstances, the prohibition of take to threatened species (50 CFR 17.31). Under section 3 of the ESA, the term “take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct (16 U.S.C. 1532(19)).

Under section 10 of the ESA, the Service may issue permits to authorize incidental take of federally listed fish and wildlife species. “Incidental take” is defined by the ESA as “take that is incidental to, and not the purpose of, carrying out an otherwise lawful activity.” To obtain an ITP, an applicant must submit an HCP to the Service that specifies (1) the impact that will likely result from the taking; (2) what steps the applicant will take to monitor, minimize and mitigate the impacts, the funding that will be available to implement such steps and the procedures to be used to deal with changed circumstances; (3) what alternative actions to the taking the applicant considered and the reasons why the alternatives are not being utilized; and (4) how the applicant will carry out any other measures that we may require as being necessary or appropriate for purposes of the HCP. 50 CFR 17.22(b)(1)(iii); 50 CFR 17.32(b)(1)(iii)(C). If we find, after opportunity for public comment, with respect to the permit application and the related HCP that (1) the taking will be incidental; (2) the applicant will, to the maximum extent practicable, minimize and mitigate the impacts of such taking; (3) the applicant will ensure that adequate funding for the HCP will be provided, as well as procedures to deal with unforeseen circumstances; (4) the taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild; and (5) the measures, if any, required by us will be carried out; and we have received assurances that the plan will be implemented, then we will issue the DoF its requested permit. 50 CFR 17.22, 17.32(b)(2)(i).

The purpose of an HCP and subsequent issuance of an ITP is to authorize the incidental take of threatened or endangered species, not to authorize the underlying activities that result in take. This process ensures that the effects of the authorized incidental take will be adequately minimized and mitigated to the maximum extent

practicable (Final Handbook for Habitat Conservation Planning and Incidental Take Permitting Process (61 FR 63854, December 2, 1996)).

### Environmental Impact Statement

NEPA (42 U.S.C. 4321 *et seq.*) requires that Federal agencies conduct an environmental analysis of their proposed actions to determine if the actions may significantly affect the human environment. Based on 40 CFR 1508.27 and 40 CFR 1508.2, we have determined that issuance of an ITP to the DoF, including implementation of its proposed HCP (*i.e.*, proposed action), may have significant impacts on the human environment. Therefore, before deciding whether to issue an ITP to the IDNR, we will prepare an EIS to analyze the environmental impacts associated with that action. The EIS will also include an analysis of a reasonable range of alternatives to the proposed action. Alternatives considered in the EIS may include, but are not limited to, variations in the permit term or permit structure; the level of take allowed; the level, location, or type of conservation, monitoring, or mitigation provided in the HCP; the scope of covered activities; or a combination of these factors. Additionally, a “no-action” alternative will be included that assesses the anticipated effects of not issuing an ITP for the DoF’s management activities.

### Request for Information

We request data, comments, information, and suggestions from the public, other concerned governmental agencies, the scientific community, Tribes, industry, and any other interested party on this notice. We will consider all comments we receive with respect to complying with the requirements of NEPA and the development of the HCP and ITP. We seek comments particularly related to:

(1) Information concerning the range, distribution, population size, and population trends of Indiana bats and other federally listed species in Indiana;

(2) Additional biological information concerning Indiana bats and other federally listed species that occur in Indiana that could be affected by activities on State-owned forest land;

(3) Relevant data and information concerning timber management practices and bat interactions;

(4) Current or planned forest management activities and their possible impacts on Indiana bats and other federally listed species in Indiana;

(5) The presence of facilities within the project planning area that are eligible to be listed on the National Register of Historic Places, or whether

other historical, archeological, or traditional cultural properties may be present; and

(6) Any other environmental issues that we should consider with regard to the HCP coverage area and potential ITP issuance.

### Next Steps

We are seeking information to assist us in the development of the EIS and the associated HCP. We will develop a draft EIS based on a complete ITP application, draft HCP, and public comments received through this early scoping effort. We may solicit additional public, agency, and Tribal input to identify the nature and scope of the potentially significant environmental issues that should be addressed in the EIS. We will publish a notice of availability for the draft EIS and draft HCP, and seek additional public comments, before completing our final analysis to determine whether to issue an ITP to the DoF.

### Public Availability of Comments

All comments received, including names and addresses, will become part of the administrative record and will be available to the public. Before including your address, phone number, electronic mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—will be publicly available. If you submit a hardcopy comment 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.

### Authority

We provide this notice under section 10 of the ESA (16 U.S.C. 1531 *et seq.*) and per NEPA regulations (40 CFR 1501.7, 1506.5, and 1508.22).

Dated: August 22, 2016.

**Lori H. Nordstrom,**

*Assistant Regional Director, Ecological Services, Midwest Region.*

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