

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.

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## 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

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 view, 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 NEPA regulations (40 CFR 1506.6).

#### Stephen P. Henry,

Field Supervisor, Ventura Fish and Wildlife Office, Ventura, California.

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[Docket No. FWS-R8-ES-2021-N027; FXES1114080000-212]

#### Endangered and Threatened Species; Receipt of an Enhancement of Survival Permit Application and Safe Harbor Agreement for Bluff Lake, San Bernardino County, California

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

**ACTION:** Notice of availability and request for comments.

**SUMMARY:** The Wildlands Conservancy (applicant) has submitted a safe harbor agreement (SHA) and applied to the U.S. Fish and Wildlife Service (Service) for an enhancement of survival permit pursuant to the Endangered Species Act. The Service is considering issuance to the applicant of a 30-year permit that would authorize take of the federally endangered mountain yellow-legged frog and unarmored threespine stickleback (a fish species). We have prepared a draft environmental action statement (EAS) for our preliminary determination that the SHA and permit decision may be eligible for categorical exclusion under the National Environmental Policy Act. We invite comments from the public on the aforementioned documents.

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

**ADDRESSES:** You may view or download copies of the draft SHA and draft EAS and obtain additional information on the internet at <https://www.fws.gov/carlsbad/>, or obtain hard copies by calling the phone number listed below. You may submit comments or requests

for more information by any of the following methods:

- *Email:* [fw8cfwocomments@fws.gov](mailto:fw8cfwocomments@fws.gov). Include “Bluff Lake SHA” in the subject line of the message.

- *U.S. Mail:* Field Supervisor, U.S. Fish and Wildlife Service, Carlsbad Fish and Wildlife Office, 2177 Salk Avenue, Suite 250, Carlsbad, CA 92008.

#### FOR FURTHER INFORMATION CONTACT:

Jesse Bennett, by telephone at 760-431-9440 or by electronic mail at [Jesse\\_Bennett@fws.gov](mailto:Jesse_Bennett@fws.gov). If you use a telecommunications device for the deaf (TDD), please call the Federal Information Relay Service at 800-877-8339.

**SUPPLEMENTARY INFORMATION:** The Wildlands Conservancy (applicant) has applied to the U.S. Fish and Wildlife Service (Service) for an enhancement of survival permit pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The Service is considering issuance to the applicant of a 30-year permit that would authorize take of the federally endangered mountain yellow-legged frog (*Rana muscosa*) and unarmored threespine stickleback (a fish species; *Gasterosteus aculeatus williamsoni*) through a safe harbor agreement (SHA). The purpose of this SHA is for the applicant to manage habitat for the species at Bluff Lake in San Bernardino County, California. The applicant seeks to provide for the long-term recovery of the species in the wild through the maintenance and/or enhancement of suitable habitat that can accommodate reestablishment of the site from captive populations or other extant locations that may be present within the historic range of the species. We have prepared a draft environmental action statement (EAS) for our preliminary determination that the SHA and permit decision may be eligible for categorical exclusion under the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*).

We invite comments from the public on the permit application, draft SHA, and draft EAS, which are available for review. The SHA describes the proposed project and the measures that the applicant would undertake to avoid and minimize take of the covered species.

#### Background

SHAs are intended to encourage private or other non-Federal property owners to implement beneficial conservation actions for species listed under the ESA. SHA permit holders are assured that they will not be subject to increased property use restrictions as a

result of their proactive actions to benefit listed species. Incidental take of listed species is authorized under a permit pursuant to the provisions of section 10(a)(1)(A) of the ESA. For an applicant to receive a permit through an SHA, the applicant must submit an application form that includes the following:

1. The common and scientific names of the listed species for which the applicant requests incidental take authorization;
2. A description of how incidental take of the listed species pursuant to the SHA is likely to occur, both as a result of management activities and as a result of the return to baseline; and
3. A description of how the SHA complies with the requirements of the Service’s Safe Harbor Policy (64 FR 32717, June 17, 1999).

For the Service to issue a permit, we must determine that:

1. The take of listed species will be incidental to an otherwise lawful activity and will be in accordance with the terms of the SHA;
2. The implementation of the terms of the SHA is reasonably expected to provide a net conservation benefit to the covered species by contributing to its recovery, and the SHA otherwise complies with the Service’s Safe Harbor Policy;
3. The probable direct and indirect effects of any authorized take will not appreciably reduce the likelihood of survival and recovery in the wild of any listed species;
4. Implementation of the terms of the SHA is consistent with applicable Federal, State, and Tribal laws and regulations;
5. Implementation of the terms of the SHA will not be in conflict with any ongoing conservation or recovery programs for listed species covered by the permit; and
6. The applicant has shown capability for and commitment to implementing all of the terms of the SHA.

The Service’s Safe Harbor Policy and Safe Harbor Regulations (68 FR 53320; 69 FR 24084) provide important terms and concepts for developing SHAs. The policy and regulations are available at <http://www.fws.gov/endangered/laws-policies/regulations-and-policies.html>.

#### Proposed Action

The applicant’s permit application includes a draft SHA, which covers 60 acres owned by the applicant in San Bernardino County, California. The proposed term of the permit and the SHA is 30 years. The permit would authorize incidental take of the two species that may occur while pursuing