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**SUPPLEMENTARY INFORMATION:** We, the U.S. Fish and Wildlife Service (Service), have received an application from the Wind Energy Condor Action Team (WECAT) for an incidental take permit under the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The application addresses the potential take of the federally endangered California condor (condor; *Gymnogyps californianus*), incidental to the otherwise lawful operation of wind energy projects owned by WECAT members, as described in the WECAT conservation plan.

### Background

The Service listed the California condor as endangered on February 24, 1967 (67 FR 2758). Section 9 of the ESA (16 U.S.C. 1538) and Federal regulations prohibit the “take” of animal species listed as endangered or threatened without special exemption. Under the ESA, “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). 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 species are set forth 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, 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)).

### Permit Application and Associated Documents

WECAT has submitted a draft conservation plan that describes the activities that would be covered by the incidental take permit, which include the operation of wind turbines and other wind energy facility infrastructure (*i.e.*, above-ground power lines and poles, meteorological towers, and substations and switchyards) at WECAT member

projects. To minimize the risk of incidental take of California condors, the WECAT members will maintain programs to detect condors approaching covered projects, and temporarily curtail operation of wind turbines when appropriate. The conservation plan also includes use of adaptive management to allow for maintaining the protection of condors as technologies, condor behavior, and other factors change over time. To mitigate the impact of incidental take, the applicants propose to work with an existing captive breeding facility to fund the production of additional condors for release into the wild. The Service and applicants used the results of population modeling and a population viability analysis conducted by a team of independent researchers to inform the mitigation strategy and ensure that the level of potential injury and mortality of condors permitted at covered projects would not impede the recovery of the species. A report documenting the methods and results of these analyses is appended to the draft conservation plan. A “Frequently Asked Questions” document for the analyses described above is attached to the draft environmental assessment (EA). The draft conservation plan and the draft EA also consider alternatives to the proposed action, including a no action alternative.

### National Environmental Policy Act Compliance

The National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*) requires Federal agencies to analyze their proposed actions to determine whether the actions may significantly affect the human environment. In the NEPA analysis, the Federal agency will identify the effects, as well as possible mitigation for effects on environmental resources, that could occur with the implementation of the proposed action and alternatives. The Federal action in this case is the Service’s proposed issuance of an incidental take permit for the federally endangered California condor. The Service prepared a draft EA to analyze the impacts of issuing the incidental take permit as described in the conservation plan, and to inform the public of the proposed action, alternatives, and associated impacts.

### Public Availability of Comments

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(c) of the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.22) and the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its implementing regulations (40 CFR 1506.6).

### Scott Sobiech,

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

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS–R3–ES–2022–N075;  
FXES1113030000–223–FF03E00000]

### Endangered and Threatened 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 or survival of endangered or threatened species under the Endangered Species Act of 1973. 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 your written comments on or before March 24, 2023.

**ADDRESSES:** *Document availability and comment submission:* Submit requests for copies of the applications and related documents, as well as any comments, by one of the following methods. All requests and comments should specify the applicant name(s) and application number(s) (*e.g.*, ESXXXXXX; see table in **SUPPLEMENTARY INFORMATION**):

- *Email (preferred method):* [permitsR3ES@fws.gov](mailto:permitsR3ES@fws.gov). Please refer to the respective application number (*e.g.*, Application No. ESXXXXXX) in the subject line of your email message.

• *U.S. Mail:* Regional Director, Attn: Nathan Rathbun, U.S. Fish and Wildlife Service, Ecological Services, 5600 American Blvd. West, Suite 990, Bloomington, MN 55437–1458.

**FOR FURTHER INFORMATION CONTACT:** Nathan Rathbun, 612–713–5343 (phone); *permitsR3ES@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 and the Freedom of Information Act.

**Background**

The ESA prohibits certain activities with endangered and threatened species unless authorized by a Federal permit. The ESA and our implementing regulations in part 17 of title 50 of the Code of Federal Regulations (CFR) provide for the issuance of such permits and require that we invite public comment before issuing permits for activities involving endangered species.

A recovery permit issued by us under section 10(a)(1)(A) of the ESA authorizes the permittee to conduct activities with endangered species for scientific purposes that promote

recovery or for enhancement of propagation or survival of the species. 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.

Application No.	Applicant	Species	Location	Activity	Type of take	Permit action
TE 19208C .....	Ashley Reed, Bloomington, IN.	Indiana bat ( <i>Myotis sodalis</i> ), gray bat ( <i>M. grisescens</i> ), and Northern long-eared bat ( <i>M. septentrionalis</i> ).	AL, AR, CT, GA, IL, IN, IA, KS, KY, MA, MD, ME, MI, MN, MO, MS, MT, NC, ND, NE, NH, NJ, NY, OH, OK, PA, RI, SC, SD, TN, VA, VT, WI, and WV.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, and evaluate impacts.	Capture with mist-nets and harp traps, handle, identify, radio-tag, band, collect noninvasive measurements, and release.	Renew.
TE 207526 .....	U.S. Geological Survey, Columbia, MO.	Pallid sturgeon ( <i>Scaphirhynchus albus</i> ).	IA, IL, KS, MO, NE, and SD.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, and evaluate impacts.	Capture, handle, hold, transport, tag, sample, culture, collect noninvasive measurements, and release.	Renew and amend.
TE 151109 .....	Ohio Department of Natural Resources, Columbus, OH.	American burying beetle ( <i>Nicrophorus americanus</i> ).	OH and NE .....	Conduct presence/absence surveys, document habitat use, conduct population monitoring, and evaluate impacts.	Capture with pitfall traps, handle, collect noninvasive measurements, transport, hold, salvage, captive propagate, augment wild populations, and release.	Renew and amend.
TE37601C .....	University of Minnesota, St. Paul, MN.	Rusty patched bumble bee ( <i>Bombus affinis</i> ).	MN .....	Conduct presence/absence surveys, document habitat use, conduct population monitoring, and evaluate impacts.	Capture, handle, hold, collect noninvasive measurements, and release.	Amend.
TE 212440 .....	Bat Conservation and Management, Inc., Carlisle, PA.	Indiana bat ( <i>Myotis sodalis</i> ), gray bat ( <i>M. grisescens</i> ), and Northern long-eared bat ( <i>M. septentrionalis</i> ).	AL, AR, CT, FL, GA, IL, IN, IA, KY, MA, MD, ME, MI, MO, MS, NC, NH, NJ, NY, OH, OK, PA, RI, SC, TN, VA, VT, WI, and WV.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, and evaluate impacts.	Capture with mist-nets, handle, identify, radio-tag, band, collect noninvasive measurements, and release.	Renew and amend.

Application No.	Applicant	Species	Location	Activity	Type of take	Permit action
TE 11135C .....	Herpetological Resource and Management, LLC, Grass Lake, MI.	Animals: Eastern massasauga rattle-snake ( <i>Sistrurus catenatus</i> ) and Copperbelly water snake ( <i>Nerodia erythrogaster neglecta</i> ) Plants: Pitcher's thistle ( <i>Cirsium pitcheri</i> ), Dwarf lake iris ( <i>Iris lacustris</i> ), eastern prairie fringed orchid ( <i>Platanthera leucophaea</i> ).	IL, IN, MI, OH, and WI ..	Conduct presence/absence surveys, document habitat use, conduct population monitoring, and evaluate impacts.	Capture, handle, hold, mark, collect noninvasive measurements, and release.	Renew and amend.
ES69825D .....	Michigan State University, Hickory Corners, MI.	Add new species— Mitchell's satyr butterfly ( <i>Neonympha mitchellii mitchellii</i> )— to existing authorized species: Poweshiek skipperling ( <i>Oarisma poweshiek</i> ).	MI .....	Conduct presence/absence surveys, document habitat use, conduct population monitoring, and evaluate impacts.	Capture, handle, collect eggs, headstart, hold, release.	Amend.
ES21829B .....	Laura Bishop-Boros, Williamsburg, VA.	Add new species— Mexican long-nosed bat ( <i>Leptonycteris nivalis</i> ) and Hawaiian hoary bat ( <i>Lasiurus cinereus semotus</i> )—to existing authorized species: Indiana bat ( <i>Myotis sodalis</i> ), gray bat ( <i>M. grisescens</i> ), and Northern long-eared bat ( <i>M. septentrionalis</i> ).	Add new locations—HI, LA, IL, NM, MT, TX— to existing authorized States: AL, AR, CT, DE, DC, FL, GA, IN, IA, KS, KY, MA, MD, ME, MI, MO, MS, NE, NC, ND, NH, NJ, NY, OH, OK, PA, RI, SC, SD, TN, VA, VT, WI, WV, and WY.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, and evaluate impacts.	Capture with mist-nets, handle, identify, radiotag, band, collect noninvasive measurements, collect bio-samples, enter hibernacula, and release.	Renew and amend.
ES90090B .....	Power Engineers Inc., Richmond, VA.	Northern long-eared bat ( <i>Myotis septentrionalis</i> ).	DE, KS, ME, MA, MN, MT, NE, NH, ND, SD, RI, OK, WI, and WY.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, and evaluate impacts.	Capture with mist-nets, handle, identify, collect noninvasive measurements, and release.	Renew.
ESPER0107276	Sarah Stankavich, Columbus, OH.	Indiana bat ( <i>Myotis sodalis</i> ), gray bat ( <i>M. grisescens</i> ) and Northern long-eared bat ( <i>M. septentrionalis</i> ).	AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KS, KY, LA, MA, ME, MD, MI, MS, MO, MT, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, VT, VA, WI, WV, and WY.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, and evaluate impacts.	Capture with mist-nets, handle, identify, radiotag, band, collect noninvasive measurements, collect bio-samples, enter hibernacula, and release.	New.

**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 request in your comment that we withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. Moreover, 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 permits to any of the applicants 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.*).

**Lori Nordstrom,**

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

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**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

[Docket No. FWS–R4–ES–2023–0019; FXES11130400000–234–FF04EF4000]

**Receipt of Incidental Take Permit Application and Proposed Habitat Conservation Plan for the Eastern Indigo Snake; Decatur County, GA; Categorical Exclusion**

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

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

**SUMMARY:** We, the Fish and Wildlife Service (Service), announce receipt of an application from Tri-State Solar Project, LLC (applicant) for an incidental take permit (ITP) under the Endangered Species Act. The applicant requests the ITP to take the federally