

permits that authorize take of federally listed species, provided the take is incidental to, but not the purpose of, an otherwise lawful activity. "Incidental taking" is defined by the ESA implementing regulations as taking that is incidental to, and not the purpose of, carrying out an otherwise lawful activity (50 CFR 17.3). Regulations governing incidental take permits for endangered and threatened species, respectively, are found at 50 CFR 17.22 and 50 CFR 17.32.

Under SHAs, private and non-Federal participating landowners voluntarily undertake management activities on their properties to enhance, restore, or maintain habitat benefiting species listed under the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*). SHAs, and the subsequent EOS permits that are issued pursuant to section 10(a)(1)(A) of the ESA, encourage private and other non-Federal property owners to implement conservation efforts for listed species, by assuring property owners that they will not be subject to increased land use restriction as a result of efforts to attract or increase the numbers or distribution of a listed species on their property. In this case, an ESA section 10(a)(1)(A) EOS permit is proposed to be issued to the Service's Carlsbad Fish and Wildlife Office under a programmatic SHA providing a specific level of incidental take coverage should the enrolled landowners' agreed-upon conservation measures and routine land uses (*e.g.*, recreation, ranching, agriculture, and maintenance activities) result in take of the covered species. Application requirements and issuance criteria for EOS permits through SHAs are found at 50 CFR 17.22(c) and 17.32(c).

California Red-Legged Frog

The California red-legged frog is currently extirpated from its former range in Southern California south of the Transverse Ranges. It was last recorded in Riverside County in the early 2000s. Population declines have been attributed to habitat loss and degradation including introduced predators, water diversions, and poor water quality. Eligible lands under the SHA include aquatic (*e.g.*, streams, creeks, ponds, and marshes), riparian, and adjacent upland habitat where threats to frogs have been addressed and minimized. Primary conservation measures implemented under the SHA include reintroductions, habitat management, and the minimization of potential threats (*e.g.*, bullfrog predation and sedimentation). Additional conservation measures include allowing agency staff to monitor frogs and their

habitat and to salvage/rescue frogs when necessary. Covered land use activities include recreation, ranching, agriculture, maintenance activities, and ongoing activities associated with the enrolled lands.

If California red-legged frog populations become established within the eligible lands covered under the SHA, take of California red-legged frogs associated with the approved land uses and conservation measures outlined under the certificate of inclusion for enrolled lands would be authorized under the EOS permit during the 30-year permit term. The proposed SHA would implement conservation measures that contribute to the recovery of the California red-legged frog. The proposed SHA with the option for renewal is based on the commitment to implement the proposed SHA, including issuance of certificates of inclusion to participating non-Federal landowners. The reestablishment of the Southern California genetic lineage is an important conservation action for the species' recovery. Therefore, the cumulative impact of the SHA and the activities it covers, which are facilitated by the allowable incidental take, are expected to provide a net conservation benefit to the California red-legged frog.

Public Comments Solicited

We solicit written comments on the proposed safe harbor agreement and National Environmental Policy Act documentation described in this notice. All comments received by the date specified in **DATES** will be considered in development of a final safe harbor agreement for the California red-legged frog. You may submit written comments and information by email to the Service's Carlsbad Fish and Wildlife Office at the above address (see **ADDRESSES**).

Public Availability of Comments

Written comments we receive become part of the decision 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. All submissions from organization or businesses, and from individuals identifying themselves as representative or officials of organization or business, will be made

available for public disclosure in their entirety.

Authority

We provide this notice under Section 10(c) of the ESA and its implementing regulations (50 CFR 17.22 and 17.32) and the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its implementing regulations for the Department of the Interior (43 CFR part 46).

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-2021-N184;
FXES11130300000-201-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. 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 September 22, 2021.

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.*, TEXXXXXX; see table in **SUPPLEMENTARY INFORMATION**):

- *Email:* permitsR3ES@fws.gov. Please refer to the respective application number (*e.g.*, Application No. TEXXXXXX) 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 who are hearing or speech impaired may call the Federal Relay Service at 1-800-877-8339 for TTY assistance.

SUPPLEMENTARY INFORMATION:

Background

The Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et*

seq.), 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

We invite local, State, and Federal agencies; Tribes; and the public to comment on the following applications:

Application No.	Applicant	Species	Location	Activity	Type of take	Permit action
PER0016072 ..	Brittany Rogness, Urbana, IL.	Indiana bat (<i>Myotis sodalis</i>), gray bat (<i>Myotis grisescens</i>), northern long-eared bat (<i>M. septentrionalis</i>).	IL, IN, IA, KS, MI, MN, MO, WV, WI.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Capture, handle, harp trap, mist-net, band, collect tissue samples, radio-tag, enter hibernacula, release.	New.
ES95228C	Terry VanDeWalle, Brandon, IA.	Add: New species—Rusty patched bumble bee (<i>Bombus affinis</i>)—to existing authorized species: Eastern Massasauga (<i>Sistrurus catenatus</i>).	IL, IN, IA, MI, MN, MO, WI.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Capture, handle, temporary hold, release.	Amend.
ES72093B	Rebecca Winterring, Euclid, OH.	34 freshwater mussel species.	Add: New location—KS—to existing authorized locations: AL, AR, IL, IN, IA, KY, LA, MD, MI, MN, MS, MO, NJ, NY, NC, OK, OH, PA, TN, VA, WV, WI.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Capture, handle, temporary hold, release.	Amend.

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.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS-R4-ES-2021-0074; FXES1114040000-212-FF04EF4000]

Renewal of Enhancement of Survival Permit and Modification of Safe Harbor Agreement for the Florida Scrub-Jay, Volusia County, FL; Categorical Exclusion

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comment and information.

SUMMARY: We, the Fish and Wildlife Service (Service), have received a written request from Daytona State College (applicant) to renew the enhancement of the survival permit