

permit not operate to the disadvantage of endangered species, and that the permit be consistent with the purposes of the ESA.

Our regulations implementing the ESA are in chapter I, subchapter B of title 50 of the Code of Federal Regulations (CFR) (50 CFR 13 and 50 CFR 17). The regulations stipulate general and specific requirements that, when met, allow us to issue permits to authorize activities that are otherwise prohibited. Upon receipt of a complete application, the Director may issue a permit authorizing any activity otherwise prohibited by § 17.21, in accordance with the issuance criteria of this section, for scientific purposes, for enhancing the propagation or survival, or for the incidental taking of endangered wildlife. Such permits may authorize a single transaction, a series of transactions, or a number of activities over a specific period of time. (See § 17.32 for permits for threatened species.)

We collect information associated with application forms to determine the eligibility of applicants for permits requested in accordance with the criteria in section 10 of the ESA. The Service uses the following permit application forms for activities associated with native endangered and threatened species:

- Form 3–200–54, *Enhancement of Survival Permits Associated with Safe Harbor Agreement and Candidate Conservation Agreement with Assurances*;
- Form 3–200–56, *Incidental Take Permits Associated with a Habitat Conservation Plan (HCP)*;
- Form 3–200–59, *Scientific, Enhancement of Propagation, or Survival (i.e., Purposeful Take for Recovery)*; and
- Form 3–200–60, *Interstate Commerce*.

Annual reporting of the results subsequent to the activity authorized by the permit is required in most cases (under the authority of section 10(a)(1)(A) and 10(a)(1)(B) of the ESA and its implementing regulations at 50 CFR 17). These reports allow us to evaluate the success of the project, formulate further research, and develop and adjust management and recovery plans for the species. We currently use the following reports specific to particular species (and regions, where appropriate):

- Form 3–202–55a, *U.S. Fish and Wildlife Service Geographic Area: Southwestern Bat Reporting Form*;
- Form 3–202–55b, *U.S. Fish and Wildlife Service Geographic Area: Midwestern Bat Reporting Form*;

- Form 3–202–55c, *U.S. Fish and Wildlife Service Geographic Area: Southeastern Bat Reporting Form*;
- Form 3–202–55d, *U.S. Fish and Wildlife Service Geographic Area: Northeastern Bat Reporting Form*;
- Form 3–202–55e, *U.S. Fish and Wildlife Service Geographic Area: Plains/Rockies Bat Reporting Form*;
- Form 3–202–55f, *Non-Releasable Sea Turtle Annual Report*; and
- Form 3–202–55g, *Sea Turtle Rehabilitation Annual Report*.
- Form 3–2523, *Midwest Geographic Area: Freshwater Mussel Reporting Form*;
- Form 3–2526, *Midwest Geographic Area: Bumble Bee Reporting Form*;
- Form 3–2530, *California/Nevada/Klamath Basin, OR Recovery Permit Annual Summary Report Form*;
- Form 3–2532, *U.S. Fish and Wildlife Service Geographic Area: Alaska Bat Reporting Form*;
- Form 3–2533, *U.S. Fish and Wildlife Service Geographic Area: Northwestern Bat Reporting Form*; and
- Form 3–2534, *U.S. Fish and Wildlife Service Geographic Area: Western Bat Reporting Form*.

Annual reporting of the results subsequent to the activity authorized by the permit is required in most cases (under the authority of section 10(a)(1)(A) and section 10(a)(1)(B) of the ESA and its implementing regulations at 50 CFR 17). The Service designed the forms to facilitate the electronic reporting specifically for each species. The Service will use the reported data to evaluate the success of the permitted project, formulate further research, and develop and adjust management and recovery plans for the species. The data will also inform 5-year reviews and species status assessments conducted under the ESA.

Additionally, we require that the following notifications be made to the Service:

- Private landowners who have an enhancement of survival permit (and accompanying safe harbor agreement or candidate conservation agreement with assurances) must notify us if their land management activities incidentally take a listed or candidate species covered under their permit.
- We issue enhancement of survival permits to landowners, and their name is printed on the permit. If ownership of the land changes, this permit does not automatically transfer to the new landowner. Therefore, we ask the permittee to notify us if there is a change in land ownership so that we may update the permit; and
- If a recovery or interstate commerce permit authorizes activities that include

keeping wildlife in captivity, we ask the permittee to notify us if any of the captive wildlife escape.

*Title of Collection:* Federal Fish and Wildlife Permit Applications and Reports—Native Endangered and Threatened Species; 50 CFR 10, 13, and 17.

*OMB Control Number:* 1018–0094.  
*Form Numbers:* FWS Forms 3–200–54, 3–200–56, 3–200–59, 3–200–60, 3–202–55a through 3–202–55g, 3–2523, 3–2526, 3–2530, and 3–2532 through 3–2534 (new).

*Type of Review:* Extension of a currently approved collection.

*Respondents/Affected Public:* Individuals; private sector; and State/local/Tribal governments.

*Total Estimated Number of Annual Respondents:* 4,258.

*Total Estimated Number of Annual Responses:* 4,258.

*Estimated Completion Time per Response:* Varies from 30 minutes to 2,080 hours, depending on activity.

*Total Estimated Number of Annual Burden Hours:* 119,949.

*Respondent's Obligation:* Voluntary.

*Frequency of Collection:* On occasion, annually, one time.

*Total Estimated Annual Nonhour Burden Cost:* \$54,910 for fees associated with permit applications and amendments.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

**Madonna Baucum,**

*Information Collection Clearance Officer, U.S. Fish and Wildlife Service.*

[FR Doc. 2024–00068 Filed 1–5–24; 8:45 am]

**BILLING CODE 4333–15–P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[Docket No. FWS–R8–ES–2023–0251; FXES1114080000–245–FF08ECAR00]

#### Receipt of Incidental Take Permit Application and Proposed Habitat Conservation Plan for Montebello Hills Phase B Project, City of Montebello, CA; 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 Metro Heights Montebello, LLC (applicant) for an incidental take permit (ITP) under the Endangered Species Act. The applicant requests the ITP to take the federally threatened coastal California gnatcatcher and endangered least Bell's vireo incidental to construction of the Montebello Hills Phase B Project, in the City of Montebello, Los Angeles County, California. We request public comment on the application, which includes the applicant's proposed habitat conservation plan (HCP), and the Service's preliminary determination that the proposed permitting action may be eligible for a categorical exclusion pursuant to the Council on Environmental Quality's National Environmental Policy Act (NEPA) regulations, the Department of the Interior's (DOI) NEPA regulations, and the DOI Departmental Manual. To make this preliminary determination, we prepared a draft environmental action statement and low-effect screening form, both of which are also available for public review. We invite comment from the public and local, State, Tribal, and Federal agencies.

**DATES:** We must receive your written comments on or before February 7, 2024.

**ADDRESSES:**

*Obtaining Documents:* You may obtain copies of the documents this notice announces, along with any comments and other materials that we receive, online in Docket No. FWS-R8-ES-2023-0251 at <https://www.regulations.gov>.

*Submitting Comments:* If you wish to submit comments, you may do so in writing by one of the following methods:

- *Online:* <https://www.regulations.gov>.

Follow the instructions for submitting comments on Docket No. FWS-R8-ES-2023-0251.

- *U.S. Mail:* Public Comments Processing, Attn: Docket No. FWS-R8-ES-2023-0251; U.S. Fish and Wildlife Service, MS: PRB/3W; 5275 Leesburg Pike; Falls Church, VA 22041-3803.:

**FOR FURTHER INFORMATION CONTACT:** Mr. Jonathan Snyder, Assistant Field Supervisor, Carlsbad Fish and Wildlife Office, 760-431-9440 (telephone). Individuals in the United States who are deaf, blind, 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 an application from Metro Heights Montebello, LLC (applicant) for an 11-year incidental take permit (ITP) for two covered species pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The application addresses the potential "take" of the threatened coastal California gnatcatcher (*Poliophtila californica californica*) and the endangered least Bell's vireo (*Vireo bellii pusillus*) associated with the construction of the Montebello Hills Phase B Project, in the City of Montebello, Los Angeles County, California. We request public comment on the application, which includes the applicant's habitat conservation plan (HCP), and on the Service's preliminary determination that this proposed ITP qualifies as "low effect," and may qualify for a categorical exclusion pursuant to the Council on Environmental Quality's National Environmental Policy Act (NEPA) regulations (40 CFR 1501.4), the Department of the Interior's (DOI) NEPA regulations (43 CFR 46), and the DOI's Departmental Manual (516 DM 8.5(C)(2)). To make this preliminary determination, we prepared a draft environmental action statement and low-effect screening form, both of which are also available for public review.

**Background**

The proposed project is the second part of the larger 488-acre Montebello Hills Development and Conservation Project (also known as Montebello Hills Specific Plan). The Service consulted with the U.S. Army Corps of Engineers under section 7 of the Endangered Species Act on the effects to the coastal California gnatcatcher from the proposed issuance of a Clean Water Act section 404 permit for the Montebello Hills Development and Conservation Project in 2009 and in 2019. Ultimately, U.S. Army Corps of Engineers did not issue a 404 permit, because they determined that waters within the Montebello Hills Development and Conservation Project area are excluded from Clean Water Act jurisdiction. Phase A of the Montebello Hills Development and Conservation Project was initiated in 2019 and is currently under construction.

**Proposed Project**

The proposed project includes the construction of 851 residential homes, a park, and fuel modification zones on 86.78 acres in the City of Montebello, California. The applicant requests an 11-year ITP under section 10(a)(1)(B) of the

ESA. If we approve the permit, the applicant anticipates taking coastal California gnatcatcher and least Bell's vireo as a result of impacts to 86.78 acres, including about 32 acres of native coastal sage scrub vegetation these species use for breeding, feeding, and sheltering. The take would be incidental to the applicant's activities associated with the construction of the Montebello Hills Phase B Project.

Coastal California gnatcatchers are common in coastal sage scrub vegetation within the Montebello Hills, with a maximum of 160 pairs recorded in 2012. The proposed project area contained 7 pairs prior to initiation of the Phase A of the Montebello Hills Development and Conservation Project in 2019 and 3 pairs in 2023. Least Bell's vireos are common in riparian woodlands near the proposed project area within Whittier Narrows Recreation Area, but were first observed within the project area in May of 2023. Riparian vegetation, suitable for vireo, occurs in small patches within the coastal sage scrub vegetation community.

The applicant's proposed HCP contains measures to minimize the effects of construction activities on the coastal California gnatcatcher and least Bell's vireo. During construction, a Service-approved biological monitor will be present to ensure avoidance and minimization measures are understood by the contractors and implemented as anticipated. Impacts to preserved vegetation adjacent to the Project footprint will be avoided by surveying, staking, and fencing the limits of proposed impacts and controlling erosion, sedimentation, and pollution within the footprint of impacts. Vegetation removal will occur outside the breeding season to avoid active nests, and impacts to productivity will be minimized by limiting construction within 200 feet of an active nest.

The applicant proposes to increase the quality and extent of habitat for the gnatcatcher and vireo that occurs within and adjacent to the project area by (1) restoring, preserving, and managing 91.51 acres of native vegetation communities within the 276.83-acre Montebello Hills Habitat Reserve (Habitat Reserve), and (2) restoring, preserving, and managing 12 acres of native vegetation communities in the Puente Hills. In total, 100.11 acres of coastal sage scrub habitat for coastal California gnatcatcher and 3.4 acres riparian woodland habitat for least Bell's vireo will be protected in perpetuity with conservation easements and managed in accordance with long-term management plans, with funding secured in non-wasting endowment

accounts to ensure the quality and extent of restored habitats are maintained over time.

Because the Habitat Reserve will be surrounded by residential development, the proposed project also includes several design features to minimize the potential for degradation of habitat that is preserved as part of the project. The fuel modification zone was minimized by incorporating fire-resistant features into the project design and will be planted with coastal sage scrub species approved for use by the local fire authority to maintain foraging habitat for coastal California gnatcatchers. Development landscaping will exclude invasive plant species and incorporate primarily drought-tolerant plants to minimize artificial irrigation. Lighting will be shielded and designed to minimize spillover into the Montebello Habitat Reserve. Fencing will prohibit access to the Habitat Reserve by homeowners and their pets, and no-trespassing signs will be posted at likely points of entry.

#### Proposed Action and Alternatives

The proposed action consists of the issuance of an incidental take permit and implementation of the proposed HCP, which includes measures to avoid, minimize, and mitigate impacts to coastal California gnatcatcher and least Bell's vireo. To comply with the requirements for an HCP under ESA section 10(a), alternatives to the project and the incidental take of coastal California gnatcatcher and least Bell's vireo were evaluated. Under the No Action Alternative, the project would not be constructed, and no ITP would be issued. The No Action Alternative would not meet the primary goal of the proposed project, which is to construct residential homes within the project area. It would also represent a loss of the value of the infrastructure (roadways, utilities, and storm water facilities) previously constructed to facilitate development of Phase B, including revegetation of 41.85 acres of coastal sage scrub on slopes as part of the Phase A development. Alternatives to the proposed project are constrained by the Phase A development and would necessitate extensive changes to the developed subdivisions in Phase A from a land use, circulation, and utility perspective. There are no other feasible alternatives, based on the description of already installed improvements that would avoid incidental take of coastal California gnatcatcher and least Bell's vireo.

#### Our Preliminary Determination

The Service has made a preliminary determination that the applicant's proposed project would individually and cumulatively have a minor effect on the coastal California gnatcatcher, least Bell's vireo, and the human environment. Therefore, we have preliminarily determined that the proposed ESA section 10(a)(1)(B) ITP would be a "low-effect" ITP that individually or cumulatively would have a minor effect on the species and may qualify for application of a categorical exclusion pursuant to the Council on Environmental Quality's NEPA regulations, DOI's NEPA regulations, and the DOI Departmental Manual. A "low-effect" ITP is one that would result in (1) minor or nonsignificant effects on species covered in the HCP; (2) nonsignificant effects on the human environment; and (3) impacts that, when added together with the impacts of other past, present, and reasonable foreseeable actions, would not result in significant cumulative effects to the human environment.

#### Next Steps

The Service will evaluate the application and the comments received to determine whether to issue the requested ITP. We will also conduct an intra-Service consultation pursuant to section 7 of the ESA to evaluate the effects of the proposed take. After considering the preceding and other matters, we will determine whether the permit issuance criteria of section 10(a)(1)(B) of the ESA have been met. If met, the Service will issue the permit to the applicant for incidental take of coastal California gnatcatcher and least Bell's vireo.

#### 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 may 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.

#### Authority

We provide this notice under section 10 of the ESA (16 U.S.C. 1531 *et seq.*) 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 (40 CFR 1500–1508 and 43 CFR 46).

**Kristine Petersen,**

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

[FR Doc. 2024–00163 Filed 1–5–24; 8:45 am]

BILLING CODE 4333–15–P

---

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS–R5–ES–2023–N082;  
FXES11130500000–201–FF05E00000]

#### Endangered and Threatened Wildlife and Plants; Initiation of 5-Year Reviews of Five Northeastern Species

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

**ACTION:** Notice of initiation of reviews; request for information.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, are initiating 5-year reviews under the Endangered Species Act, as amended, for five northeastern species. A 5-year review is based on the best scientific and commercial data available at the time of the review. We are requesting submission of any such information that has become available since the previous 5-year review for each species.

**DATES:** To ensure consideration, please submit your written information by February 7, 2024. However, we will continue to accept new information about any listed species at any time.

**ADDRESSES:** For instructions on how and where to submit information, see Request for New Information and Table 2—Contacts under **SUPPLEMENTARY INFORMATION**.

#### FOR FURTHER INFORMATION CONTACT:

*General Information:* Martin Miller, 413–253–8615 (phone), [martin\\_miller@fws.gov](mailto:martin_miller@fws.gov) (email), and via U.S. mail at U.S. Fish and Wildlife Service, 300 Westgate Center Drive, Hadley, MA 01035.

*Species-Specific Information and Submission of Comments:* Contact the appropriate person or office listed in Table 2—Contacts in **SUPPLEMENTARY INFORMATION**.

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.