

applicant will fully implement minimization and mitigation measures to offset impacts to the ABB according to the HCP.

The applicant has agreed to include the following minimization measures:

- Reducing erosion by implementing stormwater best practices;
- Limiting use of motor vehicles, machinery, or heavy equipment in occupied ABB habitat to avoid soil compaction;
- Increasing safety during operation fluid use and storage;
- Limiting disturbance from mechanical vegetation management;
- Limiting the use of artificial lighting in occupied ABB habitat; and
- Providing a training program for all personnel conducting or supervising covered activities that may disturb ABB-occupied habitat.

The mitigation measures include the following commitments:

- Relieve soil compaction by disking (mechanically breaking up) compacted soil in laydown areas and material storage areas;
- Revegetate with a native species composition similar to that of the surrounding area (typically warm season grasses) or of the same vegetation type that existed prior to impacts for areas that experienced ground disturbance causing temporary or permanent cover change habitat impacts; and
- Establish off-site habitat mitigation for temporary or permanent cover change and permanent impacts.

In addition to this notice, the Environmental Protection Agency (EPA) is publishing a notice announcing the EIS, as required under the Clean Air Act, section 309 (42 U.S.C. 7401 *et seq.*; see *EPA's Role in the EIS Process* below).

Background

The applicant has applied for an ITP under the ESA that would authorize incidental take of the ABB and would be in effect for a period of 30 years. The proposed incidental take of the ABB would occur from lawful, non-Federal activities from the applicant's repair, maintenance, and construction activities for electrical lines and support facilities (e.g., substations and switching facilities) within the plan area, as well as from activities carried out as part of the HCP's conservation strategy (covered activities). The HCP plan area includes Oklahoma and Arkansas counties within known ABB ranges and Texas counties with ABB occurrence records. The plan area also includes counties in these States where the ABB's range could expand over the ITP

term. The final EIS considers the direct, indirect, and cumulative effects of implementing the HCP, including measures to minimize and mitigate such impacts to the maximum extent practicable.

Section 9 of the ESA and its implementing regulations in title 50 of the Code of Federal Regulations (CFR) prohibit "take" of fish and wildlife species listed as endangered or threatened under the ESA. The ESA defines "take" as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect listed animal species, or attempt to engage in such conduct" (16 U.S.C. 1533). The term "harm" is defined in the regulations as significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering (50 CFR 17.3). However, we may, under specified circumstances, issue permits that allow the take of federally listed species, provided that the take is incidental to, but not the purpose of, otherwise lawful activity. Regulations governing ITPs for endangered and threatened species are at 50 CFR 17.22 and 17.32, respectively.

On July 3, 2018, we published a **Federal Register** notice announcing the availability for public review of a draft EIS and requested public comment on our evaluation of the potential impacts associated with issuance of an ITP for implementation of the HCP and to evaluate alternatives (82 FR 32861). In July and August 2018, we held public meetings on the draft document in Tulsa, OK; McAlester, OK; Fort Smith, AR; and Texarkana, TX. The public comment period closed on August 17, 2018.

We received 10 comments in total: 8 Through *regulations.gov*, 1 comment via email, and 1 through the U.S. mail. The final EIS provides responses to those comments in Appendix G.

Decision

We intend to issue an ITP allowing the applicant to implement the proposed HCP, identified as the preferred alternative (Alternative B) in the final EIS. We determined that the preferred alternative best balances the protection and management of habitat for the ABB, while allowing the applicant to supply the public's energy needs. We based our decision on a thorough review of the alternatives and their environmental consequences. Implementing this decision entails issuing an ITP to American Electric Power and full implementation of the HCP, including minimization and

mitigation measures, monitoring and adaptive management, and complying with all terms and conditions in the ITP.

EPA's Role in the EIS Process

In addition to this notice, EPA is publishing a notice in the **Federal Register** announcing final EIS for American Electric Power's *American Burying Beetle Habitat Conservation Plan in Oklahoma, Arkansas, and Texas*, as required under the Clean Air Act, section 309. The EPA is charged with reviewing all Federal agencies' EISs and commenting on the adequacy and acceptability of the environmental impacts of proposed actions in EISs.

The EPA also serves as the repository (EIS database) for EISs that Federal agencies prepare. All EISs must be filed with EPA, which publishes a notice of availability on Fridays in the **Federal Register**. For more information, see <https://www.epa.gov/nepa>. You may search for EPA comments on EISs, along with EISs themselves, at <https://cdxnodengn.epa.gov/cdx-enepa-public/action/eis/search>.

Authority

We provide this notice under section 10(c) of the ESA (16 U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.22 and 17.32) and NEPA (42 U.S.C. 4321 *et seq.*) and its implementing regulations (40 CFR 1506.6).

Amy L. Lueders,

Regional Director, Southwest Region,
Albuquerque, New Mexico.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS-R4-ES-2018-0079;
FXES1114040000-178-FF04EF2000]

Eastern Collier Property Owners, LLC, Multi-Species Habitat Conservation Plan and Draft Environmental Impact Statement, Collier County, Florida

AGENCY: Fish and Wildlife Service,
Interior.

ACTION: Notice of availability; request
for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, announce the availability of our draft environmental impact statement (EIS) and a habitat conservation plan (HCP) associated with the incidental take permit (ITP) applications of eleven Collier County landowners under the Endangered Species Act of 1973, as amended. Each

of the eleven landowners, collectively known as the Eastern Collier Property Owners, LLC, requests a 50-year ITP authorizing take of the Florida panther and 18 other Federal or State-listed species incidental to residential and commercial development, earth mining, and low-intensity rural-land activities in a defined portion of Collier County, Florida.

DATES: *Comments:* We will accept comments received or postmarked on or before December 3, 2018. Comments submitted electronically at <http://www.regulations.gov> must be received by 11:59 p.m. Eastern time on the closing date. Any comments we receive after the closing date may not be considered in the final decision on these actions.

ADDRESSES:

Obtain Documents: You may obtain copies of the EIS and HCP by the following methods:

Internet: <http://www.regulations.gov> (search for Docket No. FWS–R4–ES–2018–0079).

Field Office: <https://www.fws.gov/verobeach/>.

Submit Comments: You may submit written comments by one of the following methods:

Internet: <http://www.regulations.gov>. Follow the instructions for submitting

comments on Docket No. FWS–R4–ES–2018–0079.

Hard Copy: Via U.S. mail or hand-delivery to Public Comments Processing, Attn: FWS–R4–ES–2018–0079; U.S. Fish and Wildlife Service Headquarters, MS: BPHC; 5275 Leesburg Pike, Falls Church, VA 22041–3803.

Review Public Comments: Submitted comments may be viewed at <http://www.regulations.gov> in Docket No. FWS–R4–ES–2018–0079.

FOR FURTHER INFORMATION CONTACT: Mr. David Dell, Regional HCP Coordinator, by mail at Attn: ECPO; U.S. Fish and Wildlife Service; 1875 Century Boulevard, Atlanta, GA 30345 or by telephone at 404–679–7313, or Dr. Constance Cassler, Supervisory Fish and Wildlife Biologist, by mail at the South Florida Ecological Services Office, Attn: ECPO; U.S. Fish and Wildlife Service, 1339 20th Street, Vero Beach, FL 32960 or by telephone at 772–469–4356.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service (Service), have received applications for ITPs under the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*).

Applicants

The Eastern Collier Property Owners, LLC (ECPO/Applicants) was formed as a collaborative effort to address long-term

land-use planning and conservation issues related to the Florida panther in the east Collier County area (see also <http://www.floridapantherprotection.com>). The Applicants’ collaboration culminated in the HCP, which supports their collective application for the issuance of 50-year ITPs for take of the Florida panther and 18 other covered species. Table 1, below, individually lists the ECPO members and their Service-assigned application numbers. Table 2 depicts the species covered by the HCP.

TABLE 1—MEMBERS OF EASTERN COLLIER PROPERTY OWNERS, LLC, AND THEIR INCIDENTAL TAKE PERMIT APPLICATION NUMBERS

Applicants	Permit application Nos.
Alico Land Development, Inc	TE05647D–0
Barron Collier Investment, Ltd	TE04440D–0
Collier Enterprises Management, Inc	TE04443D–0
Consolidated Citrus Limited Partner- ship.	TE04471D–0
English Brothers Partnership	TE04152D–0
Half Circle L Ranch, LLP	TE05238D–0
Heller Bros. Packing Corp	TE05668D–0
JB Ranch I, LLC	TE04473D–0
Owl Hammock Immokalee, LLC	TE06114D–0
Pacific Land, Ltd	TE05665D–0
Suniland Family Limited Partner- ship.	TE04472D–0

TABLE 2—HCP-COVERED WILDLIFE SPECIES AND THEIR PROTECTED STATUS

Status	Common name	Scientific name
Listed as endangered under the ESA	Florida panther	<i>Puma concolor coryi</i> .
	Florida bonneted bat	<i>Eumops floridanus</i> .
	Red-cockaded woodpecker	<i>Picooides borealis</i> .
Listed as threatened under the ESA	Everglade snail kite	<i>Rostrhamus sociabilis plumbeus</i> .
	Wood stork	<i>Mycteria americana</i> .
	Northern crested caracara	<i>Caracara cheriway</i> .
	Florida scrub jay	<i>Aphelocoma coerulescens</i> .
Candidate Species or Species under review for Federal listing	Eastern indigo snake	<i>Drymarchon corais couperi</i> .
	Gopher tortoise	<i>Gopherus polyphemus</i> .
	Eastern diamondback rattlesnake	<i>Crotalus adamanteus</i> .
	Gopher frog	<i>Lithobates capito</i> .
State-listed species	Big Cypress fox squirrel	<i>Sciurus niger avicennia</i> .
	Everglades mink	<i>Neovison vison evergladensis</i> .
	Burrowing owl	<i>Athene cunicularia</i> .
	Florida sandhill crane	<i>Antigone canadensis pratensis</i> .
	Little blue heron	<i>Egretta caerulea</i> .
	Roseate spoonbill	<i>Platalea ajaja</i> .
	Southeastern American kestrel	<i>Falco sparverius Paulus</i> .
	Tricolored heron	<i>Egretta tricolor</i> .

Background

Section 9 of the ESA and its implementing regulations prohibit “take” of Federally-listed “threatened” or “endangered” fish and wildlife species. However, section 10(a) of the Act provides exceptions to the prohibition by allowing us to issue permits authorizing take of listed

species where such take is incidental to, and not the purpose of, otherwise lawful activities and where the applicant meets certain statutory requirements.

The Applicants’ HCP proposes a programmatic approach and framework for engaging in incidental take of the covered species while providing for the permanent protection of portions of the

covered lands via conservation easements and generating funding for conservation activities for the covered species in addition to those provided in the HCP. The individual Applicants collectively own a total of 151,779 acres within the approximately 174,000-acre HCP planning area. Under the HCP, up to 45,000 acres could be developed or

used for other activities. Impacts to covered species from the activities would be mitigated through habitat management measures and the placement of conservation easements on up to 107,000 acres of the covered lands. The Applicants also propose to make contributions to a conservation endowment, the Marinelli Fund, to implement conservation measures for the covered species throughout and beyond the covered lands.

Draft Environmental Impact Statement

We published a notice of intent to prepare an EIS for this HCP in the **Federal Register** on March 25, 2016 (81 FR 16200). A public scoping meeting was held in Naples, Florida on April 12, 2016, and an online public participation webcast was conducted on April 19, 2016. We have incorporated issues identified during these scoping meetings into the draft EIS. A summary of the comments received during the scoping period is provided in the Scoping Report appended to the draft EIS.

The draft EIS assesses the likely environmental impacts associated with the implementation of the activities proposed in the HCP, compared to the likely consequences of not issuing the requested ITPs, *i.e.*, uncoordinated project-by-project and lot-by-lot planning and mitigation as currently occurs. The Department of the Army, through its bureau the U.S. Army Corps of Engineers, Jacksonville District, is a cooperating agency in the development of the draft EIS.

Public Comments

If you wish to comment on the HCP, or draft EIS, you may submit comments by any one of the methods listed above in **ADDRESSES**. 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 at any time. While you may request in your comment that we withhold your personal identifying information, we cannot guarantee that we will be able to do so.

Next Steps

We will evaluate the HCP, draft EIS, and your comments to determine whether the collective ITP application meets the permit issuance requirements of section 10(a) of the ESA. We will also conduct an intra-Service consultation pursuant to section 7 of the ESA. If the requirements for permit issuance are

met, we will issue individual ITPs to the Applicants.

Authority

We provide this notice under section 10 of the ESA (16 U.S.C. 1531 *et seq.*) and ESA regulations in title 50 of the Code of Federal Regulations and, the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*) and NEPA regulations (40 CFR 1506.6).

Mike Oetker,

Acting Regional Director, Southeast Region.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

**[FWS–R8–ES–2018–N022;
FXES11130800000–189–FF08EVEN00]**

Endangered and Threatened Wildlife and Plants; Availability of Habitat Conservation Plan and Categorical Exclusion for the Mount Hermon June Beetle, Santa Cruz County, California

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comment.

SUMMARY: We, the U.S. Fish and Wildlife Service, have received an application from Lantana, LLC for a 5-year incidental take permit under the Endangered Species Act of 1973, as amended (Act). The permit would authorize “take” of the federally endangered Mount Hermon June beetle, incidental to the otherwise lawful activities associated with the demolition of a single-family home and construction of two duet homes at 22 Blake Lane, Scotts Valley, Santa Cruz County, California. We invite comments from the public on the application package, which includes a low-effect habitat conservation plan.

DATES: To ensure consideration, please send your written comments by November 19, 2018.

ADDRESSES: You may download a copy of the draft habitat conservation plan, draft environmental action statement, and draft low-effect screening form at <http://www.fws.gov/ventura/>, or you may request copies of the documents by U.S. mail to our Ventura office or by phone (see **FOR FURTHER INFORMATION CONTACT**). Please address written comments to Stephen P. Henry, Field Supervisor, Ventura Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2493 Portola Road, Suite B, Ventura, CA 93003. You may alternatively send

comments by facsimile to (805) 644–3958.

FOR FURTHER INFORMATION CONTACT:

Karen Sinclair, Fish and Wildlife Biologist, by U.S. mail to the Ventura address in **ADDRESSES**, or by telephone at (805) 677–3315.

SUPPLEMENTARY INFORMATION: We have received an application from Lantana, LLC for a 5-year incidental take permit under the Act. The application addresses the potential for take of the federally endangered Mount Hermon June beetle (*Polyphylla barbata*) likely to occur incidental to the demolition of a single-family home and construction of two duet homes at 22 Blake Lane, Scotts Valley, Santa Cruz County, California. We invite comments from the public on the application package, which includes the Low-Effect Habitat Conservation Plan (HCP) for the Mount Hermon June Beetle.

Background

The U.S. Fish and Wildlife Service (Service) listed the Mount Hermon June beetle as endangered on January 24, 1997 (62 FR 3616). Section 9 of the Act (16 U.S.C. 1531 *et seq.*) and its implementing regulations prohibit the take of fish or wildlife species listed as endangered or threatened. “Take” is defined under the Act 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); however, under section 10(a)(1)(B) of the Act, we may issue permits to authorize incidental take of listed species. The Act defines “Incidental Take” as take that is incidental to, and not the purpose of carrying out an otherwise lawful activity. Regulations governing incidental take permits for threatened and endangered species are in the Code of Federal Regulations (CFR) at 50 CFR 17.32 and 17.22, respectively. Issuance of an incidental take permit must not jeopardize the existence of federally listed fish, wildlife, or plant species. All species covered by the incidental take permit associated with this low-effect HCP receive assurances under our “No Surprises” regulations (50 CFR 17.22(b)(5) and 17.32(b)(5)).

Applicant’s Proposal

Lantana, LLC (hereafter, the applicant) has submitted a low-effect HCP in support of their application for an incidental take permit (ITP) to address take of the Mount Hermon June beetle that is likely to occur as the result of direct impacts on up to 0.32 acre (ac) (14,031 square feet (sf)) of degraded