

| Permit No.   | Applicant   | Permit issuance date |
|--------------|---|----------------------|
| 41581C ..... | Smithsonian National Zoological Park .....                  | December 6, 2017.    |
| 34054C ..... | Cynthia Page-Kargian, Florida Atlantic University .....     | December 18, 2017.   |
| 43158C ..... | Center for the Conservation of the Tropical Ungulates ..... | December 20, 2017.   |
| 013008 ..... | 777 Ranch, Inc .....  | December 27, 2017.   |

### Authority

We issue this notice under the authority of the ESA, as amended (16 U.S.C. 1531 *et seq.*).

Joyce Russell,

Government Information Specialist, Branch of Permits, Division of Management Authority.

[FR Doc. 2018-06667 Filed 4-2-18; 8:45 am]

BILLING CODE 4333-15-P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS-R2-ES-2017-N179;  
FXES1113020000-189-FF02ENEH00]

### Notice of Intent To Prepare a Draft Environmental Assessment for a Proposed Safe Harbor Agreement for Spikedace, Loach Minnow, and Gila Chub; Eagle Creek and Lower San Francisco River in Greenlee and Graham Counties, Arizona

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

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

**SUMMARY:** We, the U.S. Fish and Wildlife Service, advise the public that we intend to prepare a draft environmental assessment (EA), pursuant to the National Environmental Policy Act, to evaluate the impacts of, and alternatives to, the proposed issuance of an enhancement of survival permit under the Endangered Species Act of 1973, as amended, to Freeport-McMoRan, Inc., Freeport-McMoRan Morenci, Inc., and the Morenci Water and Electric Company (FMMI/MWE) (collectively referred to as the applicant) for conservation of federally-listed fish species. The applicant proposes to draft a safe harbor agreement. Via this notice, we also open a public scoping period.

**DATES:** Written suggestions or comments on alternatives and issues to be addressed in the Service's draft environmental analysis must be received by close of business on or before May 3, 2018.

**ADDRESSES:** To request further information or submit written comments, use one of the following methods, and note that your information request or comment is in reference to the FMMI/MWE NEPA scoping:

- Email: [incomingazcorr@fws.gov](mailto:incomingazcorr@fws.gov);
- U.S. Mail: Field Supervisor, Arizona Ecological Services Office, 9828 N 31st Avenue, Suite C3, Phoenix, Arizona 85051;
- Fax: 602-242-2513; or
- Phone: 602-242-0210.

**SUPPLEMENTARY INFORMATION:** We, the U.S. Fish and Wildlife Service (Service), advise the public that we intend to prepare a draft EA, pursuant to the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*; NEPA), to evaluate the impacts of, and alternatives to, the proposed issuance of an enhancement of survival permit (EOS Permit) under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*; ESA), to Freeport-McMoRan, Inc., Freeport-McMoRan Morenci, Inc., and the Morenci Water and Electric Company (FMMI/MWE) (collectively referred to as the applicant) for conservation of three federally-listed species: The endangered spikedace (*Meda fulgida*), endangered loach minnow (*Tiaroga cobitis*), and endangered Gila chub (*Gila intermedia*) (collectively referred to as covered species). In support of the EOS Permit, the applicant proposes to draft a safe harbor agreement (SHA) for land and water uses at Eagle Creek and the lower San Francisco River, as well as for long-term management and monitoring activities, including construction of a nonnative fish barrier; an exotic species study; annual surveys for covered species and other fish species; and the continued implementation of the *Spikedace and Loach Minnow Management Plan* (October 2011) at Eagle Creek and the lower San Francisco River in Greenlee and Graham Counties, Arizona.

### Background

Section 9 of the ESA and its implementing regulations 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. EOS Permits issued to applicants in association with approved SHAs authorize incidental take of the covered species from implementation of the conservation activities and ongoing covered activities above the baseline condition. Baseline condition for a species could be described as the existing number of individuals, acres of habitat, or length of occupied stream present in the permit area prior to implementation of the SHA.

Application requirements and issuance criteria for EOS permits for SHAs are found in the Code of Regulations (CFR) at 50 CFR 17.22(c)(2)(ii) and 17.32(c)(2)(ii), respectively. See also the joint policy on SHAs, which the Service and the Department of Commerce's National Oceanic and Atmospheric Administration, National Marine Fisheries Service published in the **Federal Register** on June 17, 1999 (64 FR 32717).

The purpose of issuing the proposed EOS Permit is to authorize take associated with the applicant's proposed activities while conserving covered species and their habitats. We expect that the applicant will request EOS Permit coverage for a period of 50 years.

### The Applicant's Proposed Project

The proposed activities would include ongoing land and water management activities associated with water-related improvements, including a diversion dam and appurtenant pumping facilities and pipelines, groundwater pumping stations and water transmission pipelines, access roads, power lines, and related infrastructure. During the term of the SHA, the permittee anticipates improving, replacing, repairing, reconstructing, and maintaining these facilities and related infrastructure on land adjacent to Eagle Creek and the lower San Francisco River. We have worked with the applicant to design conservation activities expected to have a net conservation benefit to the spikedace, loach minnow, and Gila

chub within the area to be covered under this proposed SHA. These conservation activities would include the following:

(1) Allocation of \$4,000,000 over the next 10 years to complete the design and construction of a fish barrier on Eagle Creek to protect and enhance aquatic habitat for the covered species. Design of the barrier is almost complete, and the location for the barrier has been selected by the applicant. The fish barrier would prevent nonnative aquatic species from moving upstream into the upper portion of the creek, protecting the covered species and their habitat. Loach minnow and Gila chub are primarily found above the proposed barrier location, and the best remaining habitat for the three species is also above the proposed barrier location.

(2) Development and implementation of a 3-year monitoring program to detect the presence of other types of nonnative invasive species (e.g., bullfrogs and crayfish) within the upper reach of Eagle Creek, and investigation of the practicability and cost of actions to suppress the populations of these species in the upper segment of Eagle Creek, above the fish barrier.

(3) Annual monitoring along Eagle Creek and the lower reach of the San Francisco River to gather data for use in informing future conservation and management activities and assisting in the recovery of the Covered Species.

These conservation activities are expected to:

(1) Protect existing upper Eagle Creek populations of spikedace, loach minnow, and Gila chub, as well as other native fish species, against future upstream incursion of nonnative aquatic organisms from the Gila River and lower Eagle Creek. Spikedace, loach minnow, and Gila chub all occur in approximately 10 to 15 percent of their historical ranges, having been extirpated from other areas due to habitat alteration, competition with or predation by nonnative species, and other factors. The Gila River and lower Eagle Creek are currently occupied by a variety of nonnative fish species known to be detrimental to native fishes, including flathead catfish, channel catfish, smallmouth bass, red shiner, and green sunfish.

(2) Provide data that can be used to inform future management actions to remove nonnative species (e.g., crayfish and bullfrogs) within Eagle Creek.

(3) Provide a cooperative approach that allows for continuation of mining operations and native fish conservation.

Ongoing land and water management activities, as well as conservation activities under the SHA, would occur

along portions of Eagle Creek and the lower San Francisco River in Graham and Greenlee Counties, Arizona, on lands currently owned by the applicant.

#### Potentially Affected Species

The applicant may apply for an EOS Permit to cover the spikedace, loach minnow, and Gila chub. The permit area may include an additional three species federally listed as threatened: The western distinct population segment of the yellow-billed cuckoo (*Coccyzus americanus*), Chiricahua leopard frog (*Lithobates chiricahuensis*), and narrow-headed gartersnake (*Thamnophis rufipunctatus*). The ultimate list of species covered by the proposed EOS Permit and associated SHA may change based on the outcome of more detailed reviews of the best available science, changes to the list of protected species, or further assessments of the likelihood of take from the proposed activities.

#### Possible Alternatives in the Environmental Assessment

The proposed action presented in the draft EA would be compared to the No-Action Alternative. The No-Action Alternative represents the estimated future conditions without the proposed Federal action.

##### No-Action Alternative

In the No-Action Alternative, the applicant would not request, and we would not issue, an EOS Permit for the ongoing use and management of land and water along Eagle Creek and the lower San Francisco River. Therefore, ongoing use and management of land and water on the applicant's property, should incidental take occur, would require the applicant to seek coverage for incidental take in some other manner. Additionally, the non-native fish barrier would not be built, and monitoring would not occur.

##### Proposed Alternative

The proposed action would be the issuance of an EOS Permit for the covered species for the conservation and covered activities within the plan area, when and if the applicant determines to move forward with an SHA and development of a nonnative fish barrier. The draft SHA, which must be consistent with the final SHA policy (64 FR 32717), would be developed in coordination with the Service and implemented by the applicant.

The proposed alternative would need to provide a net conservation benefit for the listed species covered by the SHA, and would need to provide long-term protection of native fish habitat in portions of upper Eagle Creek and the

lower San Francisco River. Actions covered under the requested EOS Permit may include possible take of the species associated with proposed land and water management activities above the baseline condition for the species, as well as construction of the nonnative fish barrier.

##### Other Alternatives

Possible alternatives include mechanical or chemical stream renovation with barrier construction, or alternative sites for barrier construction. We are requesting information regarding other reasonable alternatives during this scoping period.

#### National Historic Preservation Act

We will use and coordinate the NEPA process to fulfill our obligations under the National Historic Preservation Act [(Pub. L. 89–665, as amended by Pub. L. 96–515, and as provided in 36 CFR 800.2(d)(3) and 800.8c)]. A cultural resource inventory has already been completed for the project; we will address the findings of that report and continue coordinating with tribes and the State Historic Preservation Office during project development.

#### Environmental Review

The Service will draft an EA to analyze the proposed action, as well as other alternatives, and the associated impacts of each alternative on the human environment and each species covered for the range of alternatives to be addressed. The draft EA is expected to provide biological descriptions of the affected species and habitats, as well as the effects of the alternatives on other resources, such as vegetation, wetlands, wildlife, geology, and soils, air quality, water resources, water quality, cultural resources, land use, recreation, water use, local economy, and environmental justice, as appropriate for the proposed action.

#### Public Availability of Comments

Written comments received will become part of the public 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. While you can 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 publish this notice in compliance with NEPA and its implementing regulations (40 CFR 1501.7, 1506.6, and 1508.22), and section 10(c) of the ESA (16 U.S.C. 1539(c)).

**Amy Lueders,**

*Regional Director, Southwest Region,  
Albuquerque, New Mexico.*

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**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service**

[FWS-R4-ES-2017-N089;  
FXES1113040000C2-178-FF04E00000]

**Endangered and Threatened Wildlife  
and Plants; Technical/Agency Draft  
Recovery Plan for the Cumberland  
Darter**

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

**ACTION:** Notice of availability and  
request for public comment.

**SUMMARY:** We, the Fish and Wildlife Service (Service), announce the availability of the technical/agency draft recovery plan for the endangered Cumberland darter, a fish. The draft recovery plan includes specific recovery objectives and criteria that will guide the process of recovery under the Endangered Species Act of 1973, as amended (Act). We request review and comment on this draft recovery plan from local, State, and Federal agencies, and the public.

**DATES:** In order to be considered, comments on the draft recovery plan must be received on or before June 4, 2018.

**ADDRESSES:**

*Reviewing documents:* If you wish to review this technical/agency draft recovery plan, you may obtain a copy by contacting Michael Floyd, U.S. Fish and Wildlife Service, Kentucky Ecological Services Field Office, 330 West Broadway, Suite 265, Frankfort, KY 40601; tel. 502-695-0468; or by visiting the Service's Kentucky Field Office website at <http://www.fws.gov/frankfort/>.

*Submitting comments:* If you wish to comment, you may submit your comments by one of the following methods:

1. You may submit written comments and materials to us at the Kentucky Field Office address;
2. You may hand-deliver written comments to our Kentucky Field Office,

at the above address, or fax them to 502-695-1024; or

3. You may send comments by email to [mike\\_floyd@fws.gov](mailto:mike_floyd@fws.gov). Please include "Cumberland Darter Draft Recovery Plan Comments" on the subject line.

For additional information about submitting comments, see the Request for Public Comments section.

**FOR FURTHER INFORMATION CONTACT:**  
Michael Floyd (see ADDRESSES).

**SUPPLEMENTARY INFORMATION:** We, the Fish and Wildlife Service (Service), announce the availability of the technical/agency draft recovery plan for the endangered Cumberland darter, a fish. The draft recovery plan includes specific recovery objectives and criteria that would be used to delist this fish under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*; Act). We request review and comment on this draft recovery plan from local, State, and Federal agencies, and the public.

**Background**

The Act requires the development of recovery plans for listed species, unless such a plan would not promote the conservation of a particular species. Recovery plans describe actions considered necessary for conservation of species, establish criteria for delisting, and estimate time and cost for implementing recovery measures. Section 4(f) of the Act requires us to provide public notice and an opportunity for public review and comment during recovery plan development. We will consider all information presented during a public comment period prior to approval of each new or revised recovery plan. We and other Federal agencies will take these comments into consideration in the course of implementing approved recovery plans.

*About the Species*

We listed the Cumberland darter (*Etheostoma susanae*) as endangered under the Act on September 8, 2011 (76 FR 48722). The Cumberland darter is a small fish endemic to the upper Cumberland River basin, above Cumberland Falls, in Kentucky and Tennessee. Cumberland darters occur in 9 widely separated populations (total of 16 streams) in southeastern Kentucky and north-central Tennessee. No population estimates or status trends are available; however, survey results by Thomas (2007) suggest that the species is uncommon or occurs in low densities across its range.

Cumberland darters are known from streams ranging in size from small,

second order tributaries to larger, fourth order streams such as Jellico Creek, Whitley County, Kentucky. Little is known of the species' life history or microhabitat suitability, but it is often encountered in pools or shallow runs of low-to-moderate-gradient sections of streams with sand, silt, or sand-covered bedrock substrates. Most of these habitats contain isolated boulders and large cobble that the species likely uses as cover.

We designated critical habitat for the Cumberland darter on October 16, 2012 (77 FR 63604). A total of 54 river miles (86 rkm) were designated, including 13 streams in McCreary and Whitley Counties, Kentucky, and Campbell and Scott Counties, Tennessee.

*Threats*

The majority of streams within the upper Cumberland River basin have been modified from their historical condition due to a number of anthropogenic activities such as agriculture, logging, residential development, road construction, and surface coal mining. As a result of these activities and associated stressors (*e.g.*, siltation), the Cumberland darter has been extirpated from at least six streams and is now restricted to nine isolated watersheds. Limiting factors include the following: (1) Anthropogenic activities that cause siltation, disturbance of riparian corridors, and changes in channel morphology; (2) water quality degradation caused by a variety of nonpoint-source pollutants; and (3) naturally small population size and reduced geographic range.

**Recovery Plan Components**

The primary goal of this recovery plan is to recover Cumberland darter populations to the point that listing under the Act is no longer necessary. To achieve these goals, it is necessary to produce self-sustaining, viable populations that possess healthy, long-term demographic and genetic trends (*e.g.*, evidence of multiple age classes and continued recruitment, high genetic diversity), and that are no longer threatened by any of the factors discussed above.

*Management Units*

For this Recovery Plan, we identify nine management units for the Cumberland Darter (refer to the associated Recovery Implementation Strategy, Figure 1). Based on the species' current distribution (refer to the associated Species Biological Report, Figures 1 and 2) and our knowledge of the species' movement patterns, we consider each management unit to