

Billing Code: 4333-55

**Comment [sp1]:** This is always the same for FWS.

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

[FWS-RX-ES-2016-XXXX; FXES1112020000-178-FF02ENEH00]

**Comment [sp2]:** For notices in regs.gov, the docket # ends in xxxx. For regs.gov, you get docket # from Marcia Cash.

Notice of Availability; Title of HCP and NEPA Doc and Location (County, State)  
(no more than two lines)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; receipt of application; public meetings request for public comment.

**Comment [RLS3]:** If draft, add this.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the availability of a draft/final environmental assessment (EA)/impact statement (EIS), which evaluates the impacts of, and alternatives to, the proposed name of HCP Habitat Conservation Plan (HCP) for incidental take of the federally listed covered species resulting from activities associated with covered activities. The proposed HCP plan area consists of area in State.

**Comment [sp4]:** Fed Reg style: No scientific names or legal citations in summary section.

**Comment [sp5]:** Instead of being specific -- e.g., listing multiple species and/or all activities, be general and say more at the beginning of the SUPPLEMENTARY INFORMATION section.

See the Office of the Federal Register's Document Drafting Handbook, re what the SUMMARY section should contain:  
<http://www.archives.gov/federal-register/write/handbook/ddh.pdf>

**Comment [sp6]:** Even if you capitalize in your docs, you do not need to capitalize here.

**DATES:** *Comments:* We will accept comments received or postmarked on or before [INSERT DATE X DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]. Comments submitted electronically must be received by 11:59 p.m. EST on the closing date. Comments submitted by U.S. mail must be postmarked by the closing date. Any comments we receive after the closing date or not postmarked by the closing date may not be considered in the final decision on this action. See the SUPPLEMENTARY INFORMATION section for meeting dates and times – OR Meeting dates and times will be announced in the local media at least two weeks before each meeting. The public meetings are physically accessible to people with disabilities. Requests for reasonable accommodations (e.g., auxiliary aids or sign language interpretation) should be directed to Michael Stevenson of Horizon Water & Environment at (510) 986-1852, at least 5 working days prior to the first meeting date.

**Comment [sp7]:** regulations.gov comment period closes 11:59 EST – make this clear.

**Comment [sp8]:** You could say that we will announce them in the media.

**Comment [sp9]:** ?? Or applicable.

**ADDRESSES:** *Obtaining Documents:*

- *Internet:* You may obtain copies of the draft/final EA/EIS and draft/final HCP on the Federal eRulemaking Portal at <http://www.regulations.gov> (Docket Number FWS-R4-ES-2012-XXXX) or on the Service’s Web site at insert web address.
- *Internet:* You may obtain copies of the draft/final EA/EIS and draft/final HCP on the Service’s Web site at insert web address (refer to permit number TEXXXXXX).
- *U.S. Mail:* A limited number of CD-ROM and printed copies of the draft/final EA/EIS and draft/final HCP are available, by request, from the Field Supervisor, by mail at your office, your address; by phone at your phone number XXX-

**Comment [RLS10]:** You may also provide this, but it is not necessary.

XXX-XXX; or by fax at **your fax number** XXX-XXX-XXX. Please note that your request is in reference to the HCP for **species in State (TEXXXXXX)**.

- *In-Person:* Copies of the **draft/final EA/EIS** and **draft/final** HCP are also available for public inspection and review at the following locations, by appointment and written request only, 8 a.m. to 4:30 p.m.:
  - **U.S. Fish and Wildlife Service, your regional office address.**
  - **U.S. Fish and Wildlife Service, your field office address.**
  - **If this is an EIS – also include:** Department of the Interior, Natural Resources Library, 1849 C. St., NW, Washington, DC 20240.

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

- *Electronically:* Go to the Federal e-Rulemaking Portal: <http://www.regulations.gov>. In the Search box, enter **your tracking number from above**, which is the docket number for this notice. On the left side of the screen, under the Document Type heading, click on the Notices link to locate this document and submit a comment.
- *By Hard Copy:* Submit by U.S. mail or hand-delivery to Public Comments Processing, Attn: **your tracking number from above**; U.S. Fish and Wildlife Service; MS BPHC-PPM; 5275 Leesburg Pike, Falls Church, VA 22041-3803.
- [For how to view comments on the EIS from the Environmental Protection Agency \(EPA\), or for information on EPA's role in the EIS process, see EPA's Role in the EIS Process under SUPPLEMENTARY INFORMATION.](#)

**Comment [sp11]:** New language we need to add. EISs only!

We request that you send comments only by the methods described above. We will post all comments on <http://www.regulations.gov>. This generally means that we will post any personal information you provide us (see **Public Availability of Comments** for more information).

**FOR FURTHER INFORMATION CONTACT:** name of Field Supervisor, U.S. Fish and Wildlife Service, your field office address; or by phone at XXX-XXX-XXXX.

**SUPPLEMENTARY INFORMATION:**

**Introduction**

Under the National Environmental Policy Act of 1969 (NEPA), this notice advises the public that we have gathered the information necessary to determine impacts of, and formulate alternatives for, the (name of HCP) draft/final EA/EIS. The proposed Federal action is issuance of an incidental take permit (ITP) under section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (ESA), to (name of applicants) (applicants), who agree to fully implement the proposed HCP and adhere to the ITP terms and conditions. [If scoping was done or if this is notice of a final EA/EIS, insert reference earlier notices by date and FR citation (XX FR first page #). With this notice, we continue the CCP process, which started through a notice in the Federal Register on July 30, 2013 (78 FR 18231). For more about the refuges and our CCP process, please see that notice.]

[In addition to this notice of the draft EIR/EIS, EPA is publishing a notice](#)

announcing the draft EIS, as required under section 309 of the Clean Air Act (42 U.S.C. 7401 *et seq.*). The publication of EPA’s notice is the official start of the minimum requirement for a 45-day public comment period for an EIS (see **EPA’s Role in the EIS Process under SUPPLEMENTARY INFORMATION**).

**Comment [sp12]:** Necessary new language for EISs only.

### **The HCP Process**

Say a little more about what HCPs are/do, with a link to more info about them (e.g., For more about the HCP program, go to <http://www.fws.gov/endangered/esa-library/pdf/hcp.pdf>).

### **Alternatives**

Say a little about where the species is/are, and what activities applicant wants to do. We are considering **two** alternatives as part of this process:

*No Action*—No ITP would be issued under the proposed HCP.

*Proposed Alternative: Activities as Proposed in the HCP*—This alternative is issuance of an ITP by the Service for covered species in the HCP plan area, with a duration of **X** years. Incidental take authorized by the requested ITP would result from **covered activities**.

### **Request for Comments**

Consistent with Section 10(c) of the ESA, we invite your submission of written data, views, or arguments with respect to the **[permit]** application, HCP, and permitting

decision.

### **Public Meetings**

Meeting dates, times, and locations will be announced in the local media at least two weeks before each meeting. The public meetings are physically accessible to people with disabilities. Requests for reasonable accommodations (e.g., auxiliary aids or sign language interpretation) should be directed to Michael Stevenson of Horizon Water & Environment at (510) 986-1852, at least 5 working days prior to the meeting date.

### **EPA's Role in the EIS Process**

In addition, EPA is publishing a notice announcing the [draft EIS], as required under section 309 of the Clean Air Act. The publication date of EPA's notice of availability is the official start of the public comment period for the [draft EIS]. Under the Clean Air Act, EPA also must subsequently announce the final EIS via the Federal Register. The EPA is charged under section 309 of the Clean Air Act to review all Federal agencies' EISs and to comment on the adequacy and the acceptability of the environmental impacts of proposed actions in the EISs.

EPA also serves as the repository (EIS database) for EISs prepared by Federal agencies and provides notice of their availability in the Federal Register. The EIS database provides information about EISs prepared by Federal agencies, as well as EPA's comments concerning the EISs. All EISs are filed with EPA, which publishes a notice of availability on Fridays in the Federal Register.

The notice of availability is the start of the 60-day public comment period for

**Comment [sp13]:** Required new language for EISs only.

draft EISs, and the start of the 30-day "wait period" for final EISs, during which

agencies are generally required to wait 30 days before making a decision on a proposed

action. For more information, see <http://www.epa.gov/compliance/nepa/eisdata.html>.

You may search for EPA comments on EISs, along with EISs themselves, at

<https://cdxnodengn.epa.gov/cdx-enepa-public/action/eis/search>.

**Comment [LYC14]:** Some possible additional language based on the NWR O&G proposed reg: 80 FR 77218

**Public Availability of Comments**

Written comments we receive 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 at any time. While you may 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. We will not consider anonymous comments. 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.

**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 [and 43 CFR 46.10](#)).

**Date:** \_\_\_\_\_

\_\_\_\_\_  
**Appropriate officer name,  
Appropriate officer’s title, region (e.g., Regional Director, Southwest Region),  
City, State (Albuquerque, New Mexico).**

**Comment [sp15]:** Not required to have a date, but if you have one on the hard copies, you must put one in the electronic copy, and vice versa. If you don’t have one on the hard copies, you must not have one in the electronic copy, and vice versa.

**Comment [RLS16]:** Any discrepancy between dates will trigger questions and may require starting over.