

intra-Service section 7 consultation. We will use the results of this consultation, in combination with the above findings, in our final analysis to determine whether or not to issue a permit. If the requirements are met, we will issue the permit to the applicants.

#### Public Comments

If you wish to comment on the permit application, plan, and associated documents, you may submit comments by any one of the methods in

#### ADDRESSES.

#### Public Availability of Comments

Before including your address, phone number, e-mail address, or other personal identifying information in your comments, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. If you wish us to consider withholding this information you must state this prominently at the beginning of your comments. In addition, you must provide a rationale demonstrating and documenting that disclosure would constitute a clearly unwarranted invasion of privacy. 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. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, are available for public inspection in their entirety.

**Authority:** We provide this notice under section 10 of the Act (U.S.C. 1531 *et seq.*) and NEPA regulations (40 CFR 1506.6).

Dated: April 14, 2010.

**Diane K. Noda,**

*Field Supervisor, Ventura Fish and Wildlife Office, Ventura, California.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS-R3-ES-2009-N0054]; [30120-1113-0000-F6]

### Endangered and Threatened Wildlife and Plants; Permits

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

**ACTION:** Notice of availability of permit applications; request for comments.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), invite the

public to comment on the following applications to conduct certain activities with endangered species. With some exceptions, the Endangered Species Act (Act) prohibits activities with endangered and threatened species unless a Federal permit allows such activity. The Act requires that we invite public comment before issuing these permits. We are also making available for comment an associated environmental assessment (EA) written for each permit application.

**DATES:** We must receive any written data or comments on or before May 20, 2010.

**ADDRESSES:** Send written comments by U.S. Mail to the Regional Director, Attn: Peter Fasbender, U.S. Fish and Wildlife Service, Ecological Services, 1 Federal Drive, Fort Snelling, MN 55111-4056, or by electronic mail to [permitsR3ES@fws.gov](mailto:permitsR3ES@fws.gov).

**FOR FURTHER INFORMATION CONTACT:** Mr. Peter Fasbender, (612) 713-5343.

#### SUPPLEMENTARY INFORMATION:

#### Background

We invite public comment on the following permit applications for certain activities with endangered species authorized by section 10(a)(1)(A) of the Act (16 U.S.C. 1531 *et seq.*), and our regulations governing the taking of endangered species in the Code of Federal Regulations at 50 CFR 17. We are also making available for comment an associated EA for each permit application. Submit your written data, comments, or request for a copy of the complete applications and EAs to the address shown in **ADDRESSES**. Please refer to the permit application numbers below when submitting comments.

On February 8, 2007, we published a final rule that legally established the Western Great Lakes Distinct Population Segment (DPS) of the gray wolf (*Canis lupis*) and removed Act protection for that DPS at the same time (72 FR 6052). This rule became effective March 12, 2007. However, three parties challenged this final rule by filing a lawsuit. On September 29, 2008, the U.S. District Court for the District of Columbia ruled in favor of the plaintiffs by vacating the final rule, rendering it no longer in effect and remanding it back to us to address the court's concerns. On April 2, 2009, we published a new final rule that responded to the issues raised in the court's decision and again removed Act protection for the Western Great Lakes DPS of the gray wolf (74 FR 15070; effective May 4, 2009). In response to a second legal challenge, we withdrew our April 2, 2009, final rule. We agree with the plaintiffs that

sufficient opportunity for public review and comment, as required by Federal law, was not provided before the April 2009 final decision was published. The effect of this withdrawal is reinstatement of Act protections for gray wolves in the Western Great Lakes area while we gather additional public comment. Therefore, gray wolves are now listed as threatened in Minnesota and endangered elsewhere in the western Great Lakes region.

The Wisconsin Department of Natural Resources and Michigan Department of Natural Resources have each applied for a Federal Fish and Wildlife Permit, as described below, to allow their continued management and research of the wolf. In both States, the proposed take of wolves would involve both lethal and nonlethal control for individual wolves involved in depredating livestock, livestock guard animals, and pets. Both States request lethal take authority to abate damages to livestock and pets that result from wolves, and demonstrate the efficacy of control techniques through research since the applicants' ability to control them was negated by the recent relisting of wolves in the Great Lakes States. Under the terms of both permits, wolves captured at depredation sites would be euthanized or released unharmed rather than translocated elsewhere, because:

(a) Virtually all suitable wolf habitat in Michigan and Wisconsin is currently occupied by packs;

(b) Residents do not want problem wolves moved from one area to another; and

(c) Research has shown that some relocated wolves—after being taken out of their element—often die, either slowly by starvation, brutally by being killed by another pack, or by being struck on a highway, while others resume depredation at the relocation site.

#### Permit Applications

**Permit Application Number:** TE206840

**Applicant:** Wisconsin Department of Natural Resources, Madison, Wisconsin.

The applicant requests a permit to take the gray wolf throughout Wisconsin for research, monitoring, and depredation abatement activities. The take would involve both lethal and non-lethal control for wolves involved in depredating livestock, livestock guard animals, and pets. Non-lethal control would involve harassing wolves by using rubber bullets, projectile bean bags, or other scare tactics. Research and monitoring efforts may involve unintentional injury or death to animals caught during the course of these

activities, as well as euthanizing live-captured wolves severely affected by mange or other contagious diseases and those severely injured or in very poor condition. The taking is consistent with both the State Management Plan for wolves and our 1992 Recovery Plan for the Eastern Timber Wolf. The scientific research and depredation abatement activities are aimed at the enhancement of survival of the species in the wild.

*Permit Application Number:* TE219624

*Applicant:* Michigan Department of Natural Resources, Lansing, Michigan.

The applicant requests a permit to take the gray wolf throughout Michigan. The take would include both lethal and non-lethal control for wolves involved in depredating livestock, livestock guard animals, and pets and is consistent with the 2008 Michigan Wolf Management Plan and the 1992 Recovery Plan for the Eastern Timber Wolf. Non-lethal control would involve harassing wolves by using rubber bullets, projectile bean bags, or other scare tactics. The scientific research and depredation abatement activities are aimed at the enhancement of survival of the species in the wild.

#### Availability of Documents

To request copies of the permit applications and associated documents, contact Peter Fasbender (*see ADDRESSES*). The permit applications and the environmental assessments are also available for public inspection at: <http://www.fws.gov/midwest/endangered>.

#### Public Availability of Comments

Before including your address, phone number, e-mail 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 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.

All comments we receive become part of our public record. Requests for such comments will be handled in accordance with the Freedom of Information Act and the Council on Environmental Quality's National Environmental Protection Act regulations (40 CFR 1506.6(f)).

#### National Environmental Policy Act (NEPA)

In compliance with NEPA (42 U.S.C. 4321 *et seq.*), Environmental Assessments have been completed to

evaluate the activities proposed in these permit applications. The Environmental Assessments are also available for review and comment in conjunction with the permit applications.

**Authority:** 16 U.S.C. 1539(c).

Dated: March 1, 2010.

**Lynn M. Lewis,**

*Assistant Regional Director, Ecological Services, Region 3, Fort Snelling, Minnesota.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

**[FWS-R1-ES-2010-N054; 10120-1113-0000-F5]**

#### Endangered Wildlife and Plants; Permits

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

**ACTION:** Notice of availability of a permit application; request for comments.

**SUMMARY:** In accordance with the requirements of the Endangered Species Act of 1973, as amended (Act), we, the U.S. Fish and Wildlife Service (Service), invite the public to comment on applications for permits to conduct enhancement of survival activities with endangered species.

**DATES:** To ensure consideration, please send your written comments by May 20, 2010.

**ADDRESSES:** Program Manager, Endangered Species, Ecological Services, U.S. Fish and Wildlife Service, 911 NE, 11th Avenue, Portland, OR 97232-4181.

**FOR FURTHER INFORMATION CONTACT:** Linda Belluomini, Fish and Wildlife Biologist, at the above address or by telephone (503-231-6131) or fax (503-231-6243).

**SUPPLEMENTARY INFORMATION:** The following applicants have applied for recovery permits to conduct certain activities with endangered species under section 10(a)(1)(A) of the Act (16 U.S.C. 1531 *et seq.*). We are soliciting review of and comments on these applications by local, State, and Federal agencies and the public.

#### Permit No. TE-02997A

*Applicant:* University of Hawaii, Hilo, Hawaii.

The applicant requests a permit to take (collect live specimens) the hammerhead pomace fly (*Drosophila heteroneura*) in conjunction with scientific research including genetic,

morphological and behavioral research on the island of Hawaii in the State of Hawaii for the purpose of enhancing its survival. The applicant also requests a permit to take (collect and voucher) no more than two each of the following unnamed pomace fly species: *Drosophila musaphilia*, *D. aglaia*, *D. hemipeza*, *D. montgomeryi*, *D. obatai*, *D. supstenoptera*, *D. tarphytrichia*, *D. differens*, *D. neoclavisetae*, and *D. ochrobasis*, incidental to the collection of non-listed *Drosophila* species in conjunction with genetic research on the islands of Kauai, Oahu, Molokai, Maui, and Hawaii in the State of Hawaii for the purpose of enhancing their survival.

#### Permit No. TE-018078

*Applicant:* Hawaii Volcanoes National Park, Hawaii National Park, Hawaii.

The applicant requests an amendment to an existing scientific research permit to take (harass) the Hawaiian goose (*Branta sandvicensis*) and the Hawaiian dark rumped petrel (*Pterodroma phaeopygia*) in conjunction with predator control activities on the island of Hawaii in the State of Hawaii, and remove/reduce to possession *Cyanea shipmanii* (haha) and *Haplostachys haplostachya* (honohono) in conjunction with propagation and outplanting on the island of Hawaii in the State of Hawaii for the purpose of enhancing their survival.

#### Permit No. TE-141832

*Applicant:* Oregon State University, Corvallis, Oregon.

The applicant requests an amendment to an existing scientific research permit to take (capture, handle, and release) the Oregon chub (*Oregonichthys crameri*) in conjunction with research in the State of Oregon, for the purpose of enhancing its survival.

#### Public Comments

We are soliciting public review and comment on these recovery permit applications. Before including your address, phone number, e-mail 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 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.

Please refer to the permit number for the application when submitting comments. All comments and materials we receive in response to this request