Public Comments

We request that you send comments only by one of the methods described in ADDRESSES. If you submit a comment via http://www.regulations.gov, your entire comment—including your personal identifying information—will be posted on the Web site. We will post all hardcopy comments on http://www.regulations.gov as well. If you submit a hardcopy comment that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. Comments and materials we receive, as well as documents associated with the notice, will be available for public inspection on http://www.regulations.gov at Docket No. FWS–R8–NWRS–2016–0063.

Public Meetings

The locations, dates, and times of public meetings will be listed in a planning update distributed to the project mailing list and posted on the refuge planning Web site at http://www.fws.gov/refuge/TuleLake/what_we_do/conservation.html.

Environmental Protection Agency Comments

To view comments on the draft CCP/EIS from the Environmental Protection Agency (EPA), go to https://cdxnodeng.epa.gov/cds-enepa-public/action/eis/search.

Ren Loboeferner,
Regional Director, Pacific Southwest Region,
Sacramento, California.
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DEPARTMENT OF THE INTERIOR
Fish and Wildlife Service

Draft Environmental Assessment, Draft Habitat Conservation Plan, and Draft Implementing Agreement; Receipt of an Application for an Incidental Take Permit, Wildcat Wind Farm, Madison and Tipton Counties, Indiana

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), have received an application from Wildcat Wind Farm I, LLC (applicant), for an incidental take permit (ITP) under the Endangered Species Act of 1973, as amended (ESA), for its Wildcat Wind Farm (Wildcat) (project). If approved, the ITP would be for a 28-year period and would authorize the incidental take of an endangered species, the Indiana bat, and a threatened species, the northern long-eared bat. The applicant has prepared a draft habitat conservation plan (HCP) that describes the actions and measures that the applicant would implement to avoid, minimize, and mitigate incidental take of the Indiana bat and northern long-eared bat. The ITP application also includes a draft implementing agreement (IA). We also announce the availability of a draft Environmental Assessment (DEA), which has been prepared in response to the permit application in accordance with the requirements of the National Environmental Policy Act (NEPA). We request public comment on the application and associated documents.

DATES: We will accept comments received or postmarked on or before August 4, 2016.

ADDRESSES: Document availability:

• Internet: You may obtain copies of the documents on the Internet at http://www.fws.gov/midwest/endangered/permits/hcp/wildcat/.
  • U.S. Mail: You can obtain the documents by mail from the Indiana Ecological Services Field Office (see FOR FURTHER INFORMATION CONTACT).
  • In-Person: To view hard copies of the documents in person, go to one of the Ecological Services Offices (8 a.m. to 4 p.m.) listed under FOR FURTHER INFORMATION CONTACT.

Comment submission: In your comment, please specify whether your comment addresses the draft HCP, draft EA, or draft IA, or any combination of the aforementioned documents, or other supporting documents. You may submit written comments by one of the following methods:
  • Electronically: Submit by email to CommentBFO@fws.gov.
  • By hard copy: Submit by U.S. mail or hand-delivery to U.S. Fish and Wildlife Service; Bloomington Ecological Services Field Office; 620 S. Walker Street; Bloomington, IN 47403.


SUPPLEMENTARY INFORMATION: We have received an application from Wildcat Wind Farm I LLC (WWF) for an incidental take permit under the ESA (16 U.S.C. 1531 et seq.). If approved, the ITP would be for a 28-year period and would authorize incidental take of the endangered Indiana bat (Myotis sodalis) and the threatened northern long-eared bat (Myotis septentrionalis).

The applicant has prepared a draft HCP that covers the operation of the Wildcat Wind Farm (Wildcat). The project consists of a wind-powered electric generation facility located in an approximately 24,434-acre area in Madison and Tipton Counties, Indiana.

The draft HCP describes the following:

1) Biological goals and objectives of the HCP;
2) covered activities;
3) permit...
long-term monitoring and adaptive management strategy to ensure that the ITP terms are satisfied, and to account for changed and unforeseen circumstances.

**Purpose and Need for Action**

In accordance with NEPA, the Service has prepared an EA to analyze the impacts to the human environment that would occur if the requested ITP were issued and the associated HCP were implemented.

**Proposed Action**

Section 9 of the ESA prohibits the “taking” of threatened and endangered species. However, provided certain criteria are met, the Service is authorized to issue permits under section 10(a)(1)(B) of the ESA for take of federally listed species when, among other things, such a taking is incidental to, and not the purpose of, otherwise lawful activities. Under the ESA, the term “take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect endangered and threatened species, or to attempt to engage in any such conduct. Our implementing regulations define “harass” as an act which actually kills or injures wildlife, and such act may include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or traveling. Harass, as defined, means “an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering.”

The HCP analyzes, and the ITP would cover, take from harassment and harm, and killing of bats due to the operation of the Wildcat project. If issued, the ITP would authorize incidental take consistent with the applicant’s HCP and the ITP. To issue the ITP, the Service must find that the application, including its HCP, satisfies the criteria of section 10(a)(1)(B) of the ESA and the Service’s implementing regulations at 50 CFR parts 13 and 17.22. If the ITP is issued, the applicant would receive assurances under the Service’s No Surprises policy, as codified at 50 CFR 17.22(b)(5).

The applicant proposes to operate a maximum of 125 wind turbines and associated facilities (described below) for a period of 28 years in Madison and Tipton Counties, Indiana. The project will consist of wind turbines, associated access roads, an underground and aboveground electrical collector system, one substation containing transformers that feed electricity into an existing 138-kilovolt (kV) electrical tie-in line (an approximately 1.5-mile-long line that connects the substation to the switching station), three permanent meteorological towers, and an operations and maintenance building. Project facilities and infrastructure is placed on private land via long-term easement agreements between the applicant and respective landowners.

The draft HCP describes the impacts of take associated with the operation of the Wildcat Wind Farm and includes measures to avoid, minimize, mitigate, and monitor the impacts of incidental take on the Indiana bat and the northern long-eared bat. The applicant will mitigate for take and associated impacts through protection and restoration of maternity colony habitat at one or more documented maternity colonies. Maternity colony habitat mitigation, including any restored habitat, will occur on private land and be permanently protected by restrictive covenants approved by the Service.

Chapter 5 of the HCP describes the Conservation Program, including details of avoidance and minimization measures, compensatory mitigation, and adaptive management that will limit and mitigate for the take of Indiana bats and northern long-eared bats.

The Service is soliciting information regarding the adequacy of the HCP to avoid, minimize, mitigate, and monitor the proposed incidental take of the covered species and to provide for adaptive management. In compliance with section 10(c) of the ESA (16 U.S.C. 1539(c)), the Service is making the ITP application materials available for public review and comment as described above.

We invite comments and suggestions from all interested parties on the draft documents associated with the ITP application (HCP, HCP Appendices, and IA), and request that comments be as specific as possible. In particular, we request information and comments on the following topics:

1. Whether adaptive management and monitoring provisions in the Proposed Action alternative are sufficient;
2. Any threats to the Indiana bat and the northern long-eared bat that may influence its population over the life of the ITP that are not addressed in the draft HCP or draft EIS;
3. Any new information on white-nose syndrome effects on the Indiana bat and the northern long-eared bat; and
4. Any other information pertinent to evaluating the effects of the proposed
action on the Indiana bat and the northern long-eared bat.

Alternatives in the Draft EA

The DEA contains an analysis of four alternatives: (1) No Action alternative, in which all 125 turbines would be feathered up to 5.0 meters per second (m/s) from ½ hour before sunset to ½ hour after sunrise from March 15 through May 15, and all turbines would be feathered up to 6.9 m/s from ½ hour before sunset to ½ hour after sunrise from August 1 through October 15, the primary spring and fall migratory periods of the Indiana bat and the northern long-eared bat, each year during the operational life (27 years) of Wildcat; (2) the 5.0 m/s Cut-In Speed (feathered) Alternative including implementation of the HCP and issuance of a 28-year ITP; (3) the 6.5 m/s Cut-In Speed (feathered) Alternative, including implementation of the HCP and issuance of a 28-year ITP; and (4) the 4.0 m/s Cut-In Speed (Feathered) Alternative, including implementation of the HCP and issuance of a 28-year ITP. The DEA considers the direct, indirect, and cumulative effects of the alternatives, including any measures under the Proposed Action alternative intended to minimize and mitigate such impacts. The DEA also identifies three additional alternatives that were considered but were eliminated from consideration as detailed in Section 3.4 of the DEA.

The Service invites comments and suggestions from all interested parties on the content of the DEA. In particular, information and comments regarding the following topics are requested:

1. The direct, indirect, or cumulative effects that implementation of any alternative could have on the human environment;
2. Whether or not the significance of the impact on various aspects of the human environment has been adequately analyzed; and
3. Any other information pertinent to evaluating the effects of the proposed action on the human environment.

Public Comments

You may submit your comments and materials concerning the notice by one of the methods listed in ADDRESSES. We request that you send comments only by one of the methods described in ADDRESSES.

Comments and materials we receive, as well as documents associated with the notice, will be available for public inspection, during normal business hours, at the Indiana Ecological Services Field Office in Bloomington, Indiana (see FOR FURTHER INFORMATION CONTACT).

Public Scoping Meeting: A public scoping meeting will be held on Thursday, June 30, 2016, from 1:00 p.m. to 3:00 p.m., at Don Edwards San Francisco Bay National Wildlife Refuge Headquarters—Third Flood Auditorium located at 1 Marshlands Road, Fremont, California, 94555. The details of the public scoping meeting will be posted on the SBSP Restoration Project’s Web site (http://www.southbayrestoration.org/events/). Scoping meeting details will also be emailed to the Project’s Stakeholder Forum and to those interested parties who request to be notified. Notification requests can be made by emailing the SBSP Restoration Project’s public outreach coordinator, Ariel Ambruster, at aambrust@ccp.csus.edu (email) or 510–815–7111 (phone).

Reasonable Accommodations: Persons needing reasonable accommodations in order to attend and participate in the public scoping meeting should contact Ariel Ambruster at least 1 week in advance of the meeting to allow time to process the request.

ADDRESSES:

Comments and materials we receive, as well as documents associated with the notice, will be available for public inspection, during normal business hours, at the Indiana Ecological Services Field Office in Bloomington, Indiana (see FOR FURTHER INFORMATION CONTACT).

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), the NEPA (42 U.S.C. 4371 et seq.) and its implementing regulations (40 CFR 1506.6; 43 CFR part 46), and the NHPA (16 U.S.C. 470 et seq.) and its implementing regulations (36 CFR 800).


Lynn Lewis,
Assistant Regional Director, Ecological Services, Midwest Region.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service


South Bay Salt Pond Restoration Project, Phase 2 at the Eden Landing Ecological Reserve; Intent To Prepare an Environmental Impact Statement/Environmental Impact Report

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of intent; announcement of meeting; request for public comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (USFWS), in coordination with the California Department of Fish and Wildlife (CDFW), are preparing a joint environmental impact statement/environmental impact report (EIS/EIR) for the proposed restoration of ponds at the CDFW’s Eden Landing Ecological Reserve (Reserve) in Alameda County, California. We intend to gather information necessary to prepare an EIS pursuant to the National Environmental Policy Act (NEPA). We encourage the public and other agencies to participate in the NEPA scoping process by attending the public scoping meeting and/or by sending written suggestions and information on the issues and concerns that should be addressed in the draft EIS/EIR, including the range of alternatives, appropriate mitigation measures, and the nature and extent of potential environmental impacts.

DATES:

Submit Comments: To ensure that we have adequate time to evaluate and incorporate suggestions and other input, we must receive your comments on or before July 20, 2016.