DEPARTMENT OF THE INTERIOR
Fish and Wildlife Service

Draft Amendment to the Environmental Assessment/Habitat Conservation Plan Previously Associated with the 440-acre Schlumberger Property for Concordia University, Texas

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for public comments.

SUMMARY: Concordia University has applied to the U.S. Fish and Wildlife Service for an amended incidental take permit (ITP) under the Endangered Species Act. The requested amended ITP, if granted, would authorize incidental take of the Jollyville Plateau salamander, in addition to the already existing ITP for golden-cheeked warbler. The proposed incidental take would result from activities associated with otherwise lawful activities, including construction, operation, and maintenance of Concordia University, that result in water quality and habitat degradation. Under the National Environmental Policy Act, we invite public comment on the draft environmental assessment on the proposed amended habitat conservation plan and application.

DATES: To ensure consideration, written comments must be received or postmarked on or before January 14, 2021. We may not consider any comments we receive after the closing date in the final decision on this action.

ADDRESSES: Accessing Documents: Internet: The DE and HCP: You may obtain electronic copies of these documents at http://www.fws.gov/southwest/es/AustinTexas/.

U.S. Mail: You may obtain the documents by writing to the following addresses. In your request for documents, please reference Concordia University HCP and ITP Amendment (TE827597–4).

- DE and HCP: A limited number of CD–ROM and printed copies of the DE and HCP are available, by request, from Mr. Jacob Ogdee; Austin Ecological Services Field Office; U.S. Fish and Wildlife Service; 10711 Burnet Road, Suite 200; Austin, TX 78758; telephone 512–490–0057; fax 512–490–0974.
- ITP application: The ITP application is available from the Assistant Regional Director—Ecological Services; U.S. Fish and Wildlife Service; P.O. Box 1306; Room 6034; Albuquerque, NM 87102; Attention: Environmental Review Branch.

Submitting Comments: Regarding any of the three documents available for review, you may submit written comments by one of the following methods. In your comments, please reference Concordia University HCP and ITP Amendment (TE827597–4).

- Email: FW2_AUES_Consult@fws.gov.
- U.S. Mail: Mr. Adam Zerrenner; Austin Ecological Services Field Office; 10711 Burnet Road, Suite 200; Austin, TX 78758–4460; telephone 512–490–0057; fax 512–490–0974.

We request that you send comments by only one of the methods described above.

FOR FURTHER INFORMATION CONTACT: Adam Zerrenner Field Supervisor, by mail at U.S. Fish and Wildlife Service, 10711 Burnet Road, Suite 200; Austin, TX 78758; via phone at 512–490–0057 or via the Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service (Service), make available a draft environmental assessment (DE) under the National Environmental Policy Act for the Habitat Conservation Plan for an Endangered Species Act Section 10(a)(1)(B) Incidental Take Permit for the Golden-cheeked Warbler Previously Associated with the 440-acre Schlumberger Property to Include Incidental Take of the Jollyville Plateau Salamander Due to Activities Associated with the Construction, Operation, and Maintenance of Concordia University Texas, in Travis County, Texas. Concordia University applied for an amendment to their existing HCP and incidental take permit (ITP) under the Endangered Species Act (16 U.S.C. 1531 et seq.) that would add authorization for incidental take of the Jollyville Plateau salamander (Eurycea tonkawae) to the already permitted incidental take of golden-cheeked warbler (Setophaga chrysoparia). The DEA evaluates the impacts of, and alternatives to, implementation of the proposed HCP.

Background

Section 9 of the ESA (16 U.S.C. 1531 et seq.) and its implementing regulations prohibit the “take” of animal species listed as endangered or threatened. Take is defined under the ESA as to “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect listed animal species, or to attempt to engage in such conduct” (16 U.S.C. 1538). However, under section 10(a) of the ESA, we may issue permits to authorize incidental take of listed species. “Incidental take” is defined by the ESA as take that is incidental to, and not the purpose of, carrying out an otherwise lawful activity. Regulations governing such take of endangered and threatened species, respectively, are found in the Code of Federal Regulations at 50 CFR 17.22 and 50 CFR 17.32. Alterative Action

Proposed Action

The proposed action involves the issuance of an amended ITP by the Service for the covered activities in the permit area, under section 10(a)(1)(B) of the ESA. The ITP would cover “take” of the covered species associated with construction, operation, and maintenance of Concordia University within the permit area. An application for an ITP must include a HCP that describes the conservation measures the applicant has agreed to undertake to minimize and mitigate for the impacts of the proposed taking of covered species to the maximum extent practicable. The applicant will fully implement the HCP if approved by the Service. The terms of the HCP and ITP will also ensure that incidental take will not appreciably reduce the likelihood of...
the survival and recovery of the species in the wild.

No Action Alternative

We have considered one alternative to the proposed action as part of this process: No Action. Under a No Action alternative, the Service would not issue the requested amended ITP, and applicant either would not continue with the construction, operation, and maintenance of Concordia University or would conduct those activities in a manner that avoids incidental take. Therefore, the applicant would not implement the conservation measures described in the HCP.

Next Steps

We will evaluate the EA, HCP, and comments we receive, to determine whether the ITP application meets the requirements of section 10(a) of the ESA (16 U.S.C. 1531 et seq.). We will also evaluate whether issuance of an ESA section 10(a)(1)(B) permit would comply with section 7 of the ESA by conducting an 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 to issue an ITP. If all necessary requirements are met, we will issue the ITP to the applicant.

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 can request in your comment that we withhold your personal identifying information—may be made publicly available at any time. 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 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
[FWS–R2–ES–2020–N079;
FXES1113020000–201–FF02ENEH00]
Endangered and Threatened Wildlife and Plants; Draft Recovery Plan for Texas Hornshell

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comment.

SUMMARY: We, the U.S. Fish and Wildlife Service, announce the availability of our draft recovery plan for Texas hornshell, a medium sized freshwater mussel species listed as endangered under the Endangered Species Act. This species is native to the Rio Grande drainage in Texas, New Mexico, and Mexico. Currently, five known populations of Texas hornshell remain in the United States: Black River (Eddy County, New Mexico), Pecos River (Val Verde County, Texas), Devils River (Val Verde County, Texas), Lower Canyons of the Rio Grande (Brewster and Terrell Counties, Texas), and Lower Rio Grande near Laredo (Webb County, Texas). After the species was listed, a small population was discovered in the confluence of Rio San Diego in Mexico. The draft recovery plan includes specific recovery objectives and criteria that, when achieved, will enable us to consider removing the Texas hornshell from the Federal List of Endangered and Threatened Wildlife (List).

Background

Recovery of endangered or threatened animals and plants to the point at which they are again secure, self-sustaining members of their ecosystems is a primary goal of the ESA and our endangered species program. Recovery means improvement of the status of listed species to the point at which listing is no longer appropriate under the criteria set out in section 4(a)(1) of the ESA. The ESA requires the development of recovery plans for listed species, unless such a plan would not promote the conservation of a particular species.

We used a streamlined approach to recovery planning and implementation by first conducting a species status assessment (SSA) of Texas hornshell (Service 2018). An SSA is a

Availability of Comments under SUPPLEMENTARY INFORMATION.

FOR FURTHER INFORMATION CONTACT: Chuck Ardizzone, Field Supervisor, at the above address and phone number, or by email at houstonesfo@fws.gov. Individuals who are hearing or speech impaired may call the Federal Relay Service at 1–800–877–8339 for TTY assistance.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service, announce the availability of our draft recovery plan for Texas hornshell (Popenaias popeii), a freshwater mussel species listed as endangered under the Endangered Species Act, as amended (ESA; 16 U.S.C. 1531 et seq.). We request review and comment on this plan from local, State, and Federal agencies; Tribes; and the public. We will also accept any new information on the status of Texas hornshell throughout the species’ range to assist in finalizing the recovery plan.

Texas hornshell is a medium-sized freshwater mussel species native to the Rio Grande drainage in Texas, New Mexico, and Mexico. Currently, five known populations of Texas hornshell remain in the United States: Black River (Eddy County, New Mexico), Pecos River (Val Verde County, Texas), Devils River (Val Verde County, Texas), Lower Canyons of the Rio Grande (Brewster and Terrell Counties, Texas), and Lower Rio Grande near Laredo (Webb County, Texas). After the species was listed, a small population was discovered in the confluence of Rio San Diego in Mexico. The draft recovery plan includes specific recovery objectives and criteria that, when achieved, will enable us to consider removing the Texas hornshell from the Federal List of Endangered and Threatened Wildlife (List).

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