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Subject: Fw: FWS Weekly Report - March 24, 2021
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From: Maciel, Martha L <martha_maciel@fws.gov>
Sent: Thursday, March 25, 2021 3:05 PM
To: FW8 Directorate <FW8Directorate@fws.gov>; FW8 All Project leaders <FW8AllProjectleaders@fws.gov>
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Subject: FWS Weekly Report - March 24, 2021

FYI... Here is the HQ Weekly Report. I've highlighted a few items that might be of interest to our region. You'll notice that the Endangered Species Act actions have increased significantly from last week's report.

**WEEKLY REPORT
DEPARTMENT OF THE INTERIOR/FWS
03/24/2021**

Week Ahead Schedule of Meetings, Hearings, and Travel

ASFWP: Shannon Estenoz, teleworking; Judy Fong, teleworking
FWS: Martha Williams, teleworking; Caroline Welles, teleworking

Upcoming Bureau Priority Communications

U.S. Fish and Wildlife Service

None to report._

Grants, Financial Awards, and Contracts

U.S. Fish and Wildlife Service

- * By April 14, FWS plans to allocate \$16.8 million in funding to states and insular areas under the Boating Infrastructure Grant Program (BIG). BIG provides funds to the states, the District of Columbia and insular areas to construct, renovate, and maintain tie-up facilities with features for transient boaters in recreational vessels 26 feet or more in length, and to produce and distribute information and educational materials about the program. The program includes two funding tiers, Tier 1 (non-competitive) and Tier 2 (nationally competitive). Seventeen states and one territory will receive \$3.2 million in BIG Tier 1 funding and six states will receive \$13.6 million in BIG Tier 2 funding. A national news release is planned. (03/24/2021)

Week Ahead Announcements and Actions (March 25-April 4)

U.S. Fish and Wildlife Service

NEW ITEMS

- During the week of March 22, FWS is initiating tribal consultation as part of the review of the application by Magellan Midstream Partners, L.P. for a pipeline right-of-way permit through the Pipestone Unit of the Northern Tallgrass Prairie National Wildlife Refuge. There is an existing pipeline through the unit. The applicant is seeking renewal of the permit (expired in 1966) for the existing pipeline right of way This may be controversial, because there are more than 20 tribes with ties to the area. These lands are adjacent to the site of a former Indian boarding school and Pipestone National Monument, a tribally-significant site managed by the NPS. (03/24/2021)
- By April 2, FWS plans to publish in the *Federal Register* the final regulations for the 2021 spring and summer subsistence harvest of migratory birds in Alaska. These regulations allow for the continuation of customary and traditional subsistence uses of migratory birds in Alaska and prescribe regional information on when and where the harvesting of birds may occur. The regulations are reviewed annually by the Alaska Migratory Bird Co-Management Council whose members include representatives of the U.S. Fish and Wildlife Service, the Alaska Department of Fish and Game, Alaska Native peoples and other qualified rural residents. Changes to the regulations were recommended by the Alaska Migratory Bird Co-Management Council. The publication of these regulations is routine and not controversial. Stakeholders will be notified by email and a news release will be issued to announce the availability of the final regulations. (03/24/2021)

UPDATED ITEMS

- On or around March 26, FWS will post a Finding of No Significant Impact and Final Environmental Assessment to the regional website in response to an application from the City of San José for a two-year incidental eagle take permit, pursuant to the Bald and Golden Eagle Protection Act. The application requests authorization of disturbance to, and loss of breeding productivity of, one golden eagle breeding pair during the 2021 and 2022 eagle breeding seasons from construction activities related to the San Jose Headworks Improvements and New Headworks Project. FWS concludes there will be no significant impact to the human environment of issuing a permit authorizing this take, as described in the FONSI. The applicant would implement measures to minimize adverse effects to eagles and would provide compensatory mitigation. This is not controversial. and if-asked talking points will be available. (Updated 03/24/2021)
- By March 31, FWS plans to make available for a 30-day public comments period a draft

Environmental Assessment (EA) that analyzes the risk of bald and golden eagle incidental take associated with operation of the existing Top of the World Wind Energy Project in Converse County, Wyoming. Top of the World Wind Energy, LLC (Applicant) is requesting a 30-year Incidental Eagle Take Permit (IETP) for the take of bald and golden eagles, pursuant to the 2016 Eagle Act regulations. As part of their application, the applicant prepared an Eagle Conservation Plan. Despite the implementation of avoidance and minimization measures as part of the project design, since the 110-turbine project became operational in 2010, 51 golden eagles and 5 bald eagles have been killed. On October 10, 2013, the applicant pleaded guilty to two counts of Unlawful Take of Migratory Birds, resulting in fines, restitution, and community service, as well as required implementation of a Migratory Bird Compliance Plan (MBCP). As part of the Plea Agreement, as long as the applicant implements the MBCA and diligently pursues obtaining the IETP, the government would extend its “non-prosecution” agreement under the Eagle Act. There’ll be no release, but if-asked talking points will be available. (Updated 03/24/2021)

- By March 31, NOAA will publish in the *Federal Register* (on behalf of FWS and NOAA) a Notice of Intent to conduct management planning for the Pacific Remote Islands Marine National Monument. The monument is cooperatively managed by both agencies. The agencies will be asking for public input on issues that should be considered during the Monument planning process. The comment period will extend 30 days from the posting date. Local interested parties will be notified by email, and a news release will be shared with the local media. Local congressional offices will be notified by email. This planning process may be controversial with Western Pacific Fishery Management Council but is otherwise not expected to be controversial. (Updated 03/24/2021)

ONGOING ITEMS

- On or around March 25 (the rule is supposed to be effective April 1), FWS plans to publish the final rule for the Subsistence Taking of Fish on Federal Public Lands in Alaska in the *Federal Register*. The rule reflects changes to federal subsistence fisheries regulations adopted by the Federal Subsistence Board during their January 2021 public regulatory meeting. The publication of this rule is routine and not controversial. The publication of this rule will be announced to the public through Facebook, a news release, and a ListServ. (Updated 03/17/2021)
- Around March 25, National Elk Refuge in Wyoming is predicting an end to supplemental feeding based on current conditions, approximately 10-14 days earlier than normal. The refuge began supplemental feeding on February 3. The beginning and termination time for supplemental feeding each year are based on a number of conditions to include snowmelt, available forage, elk behavior and coordination with Wyoming Game and Fish

Department. The refuge is following its 2019 Step-Down Plan for Bison and Elk Management is a structured framework to reduce reliance on supplemental feeding by shortening the feeding season each year. (03/10/2021)

- By March 26, FWS plans to publish a Notice of Availability (NOA) in the *Federal Register* for an Incidental Take Permit (ITP) application and associated Low Effect Habitat Conservation Plan (HCP) submitted by the City of Gunnison, Colorado, for the incidental take of Gunnison sage-grouse. The NOA would open the 30-day public comment period for the draft HCP and the draft National Environmental Policy Act Categorical Exclusion. To provide responsive customer service to the applicant, FWS has requested clearance to publish the NOA by March 26. The ITP application would authorize incidental take of four sage-grouse on 597 acres from impacts related to the proposed Gunnison Rising residential and commercial development immediately east of existing City of Gunnison infrastructure. The HCP includes avoidance, minimization, and mitigation measures to address impacts. Mitigation includes protection of 885 acres to the north and south of the development area to provide some on-site benefit to sage-grouse and serve as a buffer between development and habitat heavily used by sage-grouse. Minimization measures include reducing grazing impacts to sage-grouse by retiring an existing BLM grazing permit on 27,000 acres east of the Gunnison Rising property. The Outreach Plan includes notifying the two Colorado Senators, the congressional Representative, and four primary stakeholders (Gunnison Valley Properties, city, Gunnison County, and Colorado Parks and Wildlife) a day prior to NOA publication in the Reading Room. Although local opposition to the project has been minimal, the project may raise attention given current pending litigation related to sage-grouse. (03/17/2021)
- By March 31, FWS, U.S. Forest Service (USFS), and the US Agency for International Development (USAID) plan to issue a news release announcing a curriculum focused on human rights for conservation practitioners in Africa launched at the Garoua Wildlife College in Cameroon. But it is currently awaiting final clearance with the US Embassy in Cameroon. The curriculum was developed through a partnership with FWS and the USFS, funded through USAID. Since 2011, FWS and Garoua Wildlife College have worked together to integrate emerging wildlife conservation issues into the college curriculum. Communications strategies and social media posts will accompany the news release. Garoua launched the curriculum March 3. (03/10/2021)
- *Around March 31, FWS intends to announce a Notice of Availability (NOA) for a draft management plan and draft Environmental Impact Statement (EIS) to address recent declines in California bighorn sheep on Hart Mountain National Antelope Refuge in south-central Oregon. An EIS review team briefing will be scheduled for mid-March. Since 2017, the bighorn sheep population on the refuge has declined 67 percent to a potentially unsustainable population level and is at risk of extirpation without management intervention. Oregon Department of Fish and Wildlife is a cooperating

agency on this project. Outreach will include a news release and Congressional notifications. Portions of the draft management plan and draft EIS will be controversial. The plan is to publish in the *Federal Register* on April 2. (Updated 03/17/2021)

- By March 31, FWS will finalize a five-year status review for the grizzly bear (*Ursus arctos horribilis*) in the lower-48 states to comply with a court-approved settlement agreement. The last five-year status review for grizzly bears in the lower-48 states was completed in 2011. FWS solicited data for this five-year status review, and the associated Species Status Assessment (SSA) report, from interested parties. FWS sought peer review and review from partners on the SSA report. Based on the best available information, the five-year status review will recommend no change in status for threatened grizzly bears in the lower-48 states. Five-year status reviews are not published in the *Federal Register*; the Regional Director of Interior Regions 5 and 7 will sign the completed status review and it will be posted on the Regional website. A communications plan and news release will be developed. (02/24/2021)
- In late March/early April, FWS will participate in an informational webinar for invited media about the South Farallon Island Invasive House Mouse Eradication Project hosted by Point Blue Conservation Science. The webinar will feature spokespeople representing multiple organizations to discuss the project's objectives, current status and answer questions. The webinar will be scheduled to coincide with the FWS's transmittal of a federal Consistency Determination (CD) to the California Coastal Commission. The commission is expected to consider the CD at one of their meetings later this spring/early summer. (03/17/2021)

30+ Day Look Ahead (April 5-24)

U.S. Fish and Wildlife Service

NEW ITEMS

- On April 6-8, the Louisiana Coastal Protection and Restoration Authority (CPRA) and the Deepwater Horizon Natural Resource Damage Assessment (NRDA) LA Trustee Implementation Group (TIG) and the U.S Army Corps of Engineers will host virtual public meetings on a restoration plan (Draft Phase II Restoration Plan #3.2: Mid-Barataria Sediment Diversion). FWS is a member of the TIG. The draft plan was released on March 5; a 60-day public comment period follows. At the same time, the Corps released a draft Environmental Impact Statement (EIS) for the proposed project. The EIS will be used to inform the Corps decision regarding the permit application the CPRA has submitted for the diversion. The comment period for the draft EIS will run concurrently with the comment period for the draft restoration plan. The Environmental Law Institute also will host the third Community Conversation informational meeting

regarding Mid-Barataria Sediment Diversion on April 20. The first two were in March. (03/24/2021)

- Before May 31, FWS plans to publish in the *Federal Register* a Notice of Availability for the draft Environmental Assessment on the Habitat Conservation Plan for Renewable Energy covering the lesser prairie-chicken. FWS is seeking authorization to publish prior to the nine-month finding on the listing petition. The permit applicant is LPC Conservation, LLC. They have applied for an Incidental Take Permit (ITP) supported by a HCP. The ITP would cover an unlisted species and would not take effect until such time as the species may become listed in the future. The issuance of this permit would be consistent in how FWS issues Enhancement of Survival Permits (EOS) supported by a Candidate Conservation Agreement with Assurances. The draft EA analyzes three alternatives: no action alternative, an ITP alternative, and EOS alternative. After public comment period closes, FWS will determine if the applicant and HCP meets criteria for an ITP or an EOS. Outreach to congressional offices, elected officials, partners, and the media is planned. (03/24/2021)

UPDATED ITEMS

- Around April 5, FWS will post a Draft Environmental Assessment (EA) associated with issuance of an eagle take permit for the incidental take of bald and golden eagles at the Goodnoe Hills Wind project in Klickitat County, Washington. The Bald and Golden Eagle Protection Act allows FWS to authorize the take of bald and golden eagles if that take is incidental to actions that are otherwise lawful. The draft EA will be available for public comment for 30 days from the posting date. Tribes and local interested parties will be notified directly by email. For EAs on eagle take, FWS posts the EA on a regional website, and extends a notification to stakeholders and has if-asked talking points available. This is not expected to be controversial. (Updated 03/24/2021)
- *During the week of April 11, (anticipated), the journal Conservation Biology will publish an analysis finding that northern long-eared, little brown and tricolored bat colonies affected by white-nose syndrome (WNS) have declined by greater than 90 percent. The paper's authors include the FWS white-nose syndrome coordinator and assistant coordinator, three additional FWS biologists, along with U.S. Geological Survey, Bat Conservation International (BCI), and several state and provincial agency biologists. The research tapped into the most comprehensive dataset on hibernating bat populations to date, which was compiled through the North American Bat Monitoring Program (NABat), established by FWS and U.S. Geological Survey (USGS) to improve bat conservation. FWS leads the national multi-agency response to WNS, supporting data management, coordinating among partners, and awarding grants that further disease research and solutions -- including a recent national prize challenge for novel,

innovative solutions that could help permanently eradicate, weaken, or disarm the fungus that causes the disease. FWS, USGS, the Association of Fish and Wildlife Agencies, and BCI have developed a joint news release to share with targeted news media, congressional staff and partners; communications materials are with FWS HQ for review. (Updated 03/24/2021)

- *During the first half of 2021, FWS plans to convene the Theodore Roosevelt Genius Prize Boards to begin the initial work to "select a topic" and "issue a problem statement." The appointment package is working its way through FWP, the White House and the Secretary's Office. The Director surnamed the package on January 30. The Theodore Roosevelt Genius Prize Advisory Council and boards were established under 2019's John D. Dingell, Jr., Conservation, Management, and Recreation Act and 2020's America's Conservation Enhancement Act. The council will advise the Secretary of the Interior regarding the six Theodore Roosevelt Genius Prize competitions. The council is regulated by the Federal Advisory Committee Act. The prize competitions encourage technological innovation with the potential to advance the mission of FWS in the following areas of concern: 1) preventing wildlife poaching and trafficking, 2) promoting wildlife conservation, 3) managing invasive species, 4) protecting endangered species, 5) managing nonlethal human-wildlife conflict, and 6) reducing human-predator conflict. The enabling legislation calls for annual cash prizes up to \$100,000, for each of the six competitions. (Updated 03/24/2021)

ONGONG ITEMS

- *In April, FWS will publish in the *Federal Register* the Proposed 2021-2022 Station-Specific Hunting and Sport Fishing Regulation (proposed rule), an annual update to hunting and sport fishing regulations in 50 Code of Federal Regulations (CFR). The rule modifies regulations for individual refuges at 50 CFR Part 32 and regulations for individual hatcheries at 50 CFR Part 71. Station-specific regulations are necessary for the FWS to open and expand hunting and sport fishing opportunities, as well as to ensure safe and compatible opportunities for hunters and anglers, on FWS lands and waters. The annual rule is developed on a 14-month timeline, such that there is overlap in the processes for consecutive rules. The 2021-2022 rule cycle began in June 2020 with a memorandum to the regions and the final rule is on track to publish by September 1, 2021, in advance of the traditional start of fall hunting seasons. For the 2021-2022 rule cycle, the FWS anticipates proposing to open or expand approximately 700 hunting or sport fishing opportunities on approximately 2.8 million acres across 90 refuges and 1 hatchery. (03/17/2021)
- By April 12, a response is due to a legal complaint was filed by Audubon of Kansas alleging violations of various statutory duties to protect the senior water right held by

the FWS at Quivira NWR. The complaint makes claims for relief, all of which hinge on a general theory that the FWS has failed to adequately protect and exercise its water right for the refuge. FWS's senior water right of 14,632 acre-feet at Quivira has been and continues to be impaired by junior groundwater pumping, largely for agriculture. The refuge continues to collaborate with the Big Bend Groundwater Management District #5 (GMD) to formulate solutions to remedy the impairment, including water conservation and management. Future discussions with GMD will focus on completing a Cooperating Agency Agreement for the development of a water augmentation work plan (AWP). The refuge will remain engaged at each stage of the process; however, the GMD has the lead for AWP, scope of feasibility, and NEPA. The complaint was served on February 11 and assigned for Solicitor review under the Department of Justice (DOJ). The FWS will follow DOJ and Solicitor review of the complaint and submit a responsive pleading within 60 days of service as required. (03/17/2021)

- *On April 16, the virtual judging for the Federal Junior Duck Stamp Art Contest will begin in coordination with the Duck Stamp Program over several days, and a winner will be announced when judging is completed. The winning art will be made into a stamp, which goes on sale beginning June 25. A national news release is planned to announce the winner. (03/17/2021)
- *By April 17, FWS will complete a reinitiated Biological Opinion (BiOp) for the Jordan Cove Energy Project, based on significant modifications to the project route by FERC and the applicant (Pembina). The project entails development of a liquid natural gas shipping terminal in Coos Bay, Oregon, and a 230-mile pipeline across private and federal lands in southwestern Oregon. FWS determined this would adversely impact western snowy plover, Pacific fisher, Pacific (California) marten, several listed plant species, northern spotted owl, and marbled murrelet. Although impacts to the latter two species would be substantial, this project will not likely jeopardize any species. This project is highly contentious within Oregon due to substantial environmental and economic impacts. The BiOp will be publicly available on a FWS webpage, but no proactive outreach is planned. State and other federal permitting requirements have not yet been met. (02/17/2021)
- *On April 21, the Migratory Bird Conservation Commission will meet via videoconference to consider 56 proposals for \$78 million in funding under the North American Wetlands Conservation Act. The slate includes 32 projects in the U.S., 16 projects in Mexico, and eight projects in Canada. The Commission will also consider four proposals for addition to the National Wildlife Refuge System under the Migratory Bird Conservation Act, which is funded through Duck Stamp sales and other sources. The Commission is chaired by the Secretary of the Interior. A national news release is planned. (03/17/2021)

Endangered Species Act Actions through April 21 *(for full details please table in attached file)*

Species	Actions	Current Status	Target Date to FR (dates in bold are litigation deadline)
Western Yellow-billed cuckoo	Final Critical Habitat -- Responses to OMB review	Pending Exec-Sec clearance	April 6
San Clemente Island species (SCI paintbrush, SCI larkspur, SCI sage sparrow, SCI bush-mallow, and SCI lotus)	Proposed Delisting	Pending FWP clearance	As soon as it clears (rule previously sent to FR)
Water howellia IR5/7 lead	Final Delisting	Pending FWP clearance	As soon as it clears (rule previously sent to FR)
Aztec gilia, Clover's cactus, Suckley's cuckoo bumble bee) HQ does comms	Batched 90-day Petition Findings	Pending FWP clearance	As soon as it clears
Beach layia	Reopening Comment Period and Notice of Public Hearing	Pending FWP clearance	March 24
Franklin's bumble bee IR9 lead	Final Listing	Pending FWS Director clearance	As soon as it clears
Sierra Nevada Red Fox	Final Listing	Pending FWS Director clearance	As soon as it clears

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