



DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–R8–ES–2025–0054; FXES1114080000–267–FF08ENVS00]

Incidental Take Permit Application for the Desert Tortoise; Draft Habitat Conservation Plan and Draft Environmental Assessment; CalPortland – Oro Grande Quarries and Cement Plant, San Bernardino County, CA

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for public comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), have received an application from CalPortland Company (CalPortland) for an incidental take permit under the Endangered Species Act of 1973, as amended. The permit would authorize take of the federally threatened desert tortoise (*Gopherus agassizii*) incidental to otherwise lawful activities associated with continuing vested mining activities at CalPortland’s Oro Grande Mine. We invite comments on the applicant’s draft habitat conservation plan and the draft environmental assessment, which we have prepared pursuant to the National Environmental Policy Act. We will take comments into consideration before deciding whether to issue an incidental take permit.

DATES: *Submitting Comments:* We must receive any written comments on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

To ensure your comment is received and considered, you must submit it using one of the methods identified in the **ADDRESSES** section of this document. Comments submitted through any method not authorized in this document, or sent to an address not listed here, will not be considered.

ADDRESSES: *Obtaining Documents:* The application, application supporting

materials, and any comments and other materials that we receive will be available for public inspection at <https://www.regulations.gov> in Docket No. FWS–R8–ES–2025–0054.

Submitting Comments: All submissions must include the docket number [FWS–R8–ES–2025–0054] this document. You must submit comments using one of the following methods: :

- *Online:* <http://www.regulations.gov>. Follow the instructions for submitting comments on Docket No. FWS–R8–ES–2025–0054.
- *U.S. mail:* Public Comments Processing, Attn: Docket No. FWS–R8–ES–2025–0054; U.S. Fish and Wildlife Service, MS: PRB/3W, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

Comments submitted through any method not authorized in this document, or sent to an address not listed here, will not be considered. We will not accept comments via email, fax, or hand delivery. We are not required to consider comments that are submitted after the comment period ends or that are submitted via a method outside of these instructions. Comments containing profanity, vulgarity, threats, or other inappropriate content will not be considered.

We will post all comments at <https://www.regulations.gov>. You may request that we withhold personal identifying information from public review; however, we cannot guarantee that we will be able to do so. See Request for Public Comments for more information.

FOR FURTHER INFORMATION CONTACT: Brooke Su, Fish and Wildlife Biologist, by email at brooke_su@fws.gov or via phone at (760) 309-7994. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their

country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: We have received an application from CalPortland Company (applicant) for an incidental take permit under the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 et seq.). The application addresses the potential take of the federally threatened desert tortoise (*Gopherus agassizii*), incidental to otherwise lawful activities at the Oro Grande Quarries and Cement Plant (project), as described in the applicant's draft habitat conservation plan (HCP). The proposed project is located in the community of Oro Grande in San Bernardino County, California.

Background

Section 9 of the ESA (16 U.S.C. 1538) and Federal regulations promulgated pursuant to section 4(d) of the ESA (16 U.S.C. 1533) prohibit the take of endangered and threatened animals without special exemption. Under section 10(a)(1)(B) of the ESA (16 U.S.C. 1539), we may issue permits to authorize take of listed fish and wildlife species that is incidental to, and not the purpose of, carrying out an otherwise lawful activity. Regulations governing permits for endangered and threatened species are set forth in title 50 of the Code of Federal Regulations (CFR) at part 17, sections 17.22 and 17.32.

The National Environmental Policy Act (NEPA; 42 U.S.C. 4321 et seq.) requires Federal agencies to analyze their proposed actions to determine whether the actions may significantly affect the human environment. The Federal action in this case is the Service's proposed issuance of an incidental take permit for the federally threatened desert tortoise. In the NEPA analysis, we identify the reasonably foreseeable effects, as well as proposed mitigation for effects, on environmental resources within our regulatory authority that could be caused by implementation of the proposed action and alternatives.

Permit Application

The applicant has submitted a draft HCP that describes the proposed activities for

which they are requesting incidental take authorization, such as continued cement manufacturing and vested mining activities. To minimize the risk of incidental take, the applicant would employ authorized biologists to translocate desert tortoises to a safe location offsite. To mitigate the impact of the incidental take, the applicant proposes to purchase desert tortoise mitigation credits from an approved conservation bank.

The draft HCP and the draft environmental assessment (EA) consider alternatives to the proposed action, including a no action alternative.

The Service prepared a draft EA to evaluate the impacts of issuing the proposed incidental take permit on the human environment, consistent with the purpose and goals of NEPA and pursuant to the Department of the Interior NEPA regulations (43 CFR part 46) and Administration priorities and policies. Once completed, the Service will make the final EA, mitigation measures, and Finding of No Significant Impact (if determined appropriate) available to the public using the NEPA Tracker tool that can be found at <https://ecos.fws.gov/ecp/species-reports>.

Public Comments

If you wish to comment on the draft habitat conservation plan and draft environmental assessment, you may submit comments by one of the methods listed in **ADDRESSES**.

Public Availability of Comments

All comments and materials we receive in response to this request will become part of the decision record associated with this action.

If you submit a comment at <https://www.regulations.gov>, your entire comment, including any personal identifying information, will be posted on the website.

If you submit a comment via U.S. Mail that includes personal identifying information, such as your address, phone number, or email address, 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 comments to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority

The Service provides this notice under section 10(c) of the Endangered Species Act (16 U.S.C. 1531 et seq.) and its implementing regulations and the National Environmental Policy Act (42 U.S.C. 4321 et seq.) and its implementing regulations (43 CFR 46).

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