



DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–R6–ES–2026–0859; FXES1114060000–267–FF06E15000]

North Dakota Petroleum Council, North Dakota; Multi-Project Habitat

Conservation Plan for the Dakota Skipper, Draft Environmental Assessment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the availability of documents related to an application for an incidental take permit (ITP) under the Endangered Species Act (ESA). The North Dakota Petroleum Council (NDPC) is applying for a permit associated with incidental take of the Dakota Skipper (*Hesperia dacotae*) during above-ground activities associated with the development of oil and gas projects in North Dakota. NDPC has submitted a new application for a 30-year ITP, including the Dakota Skipper Multi-Project Habitat Conservation Plan (HCP) and associated documents and appendices. We request public comment on the application, which includes the applicant's revised HCP and the Service's draft environmental assessment, prepared pursuant to the National Environmental Policy Act. The Service provides this notice to seek comments from the public and Federal, Tribal, State, and local governments.

DATES: We will accept comments received or postmarked on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]. Comments submitted online at <https://www.regulations.gov> (see **ADDRESSES**) must be received by 11:59 p.m. eastern time on the closing date.

ADDRESSES: *Obtaining Documents:* Electronic copies of the documents this notice announces, along with public comments received, will be available online in Docket No.

FWS–R6–ES–2026–0859 at <https://www.regulations.gov>.

Submitting Comments: All submissions must include the docket number [FWS–R6–ES–2026–0859] for this document. To submit written comments, please use one of the following methods, and note that your information requests or comments are in reference to the NDPC HCP.

- *Online:* <https://www.regulations.gov>. Follow the instructions for submitting comments to Docket No. FWS–R6–ES–2026–0859.
- *U.S. Mail:* Public Comments Processing, Attn: Docket No. FWS–R6–ES–2026–0859; U.S. Fish and Wildlife Service Headquarters, 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.

FOR FURTHER INFORMATION CONTACT: Luke Toso, by phone at (701) 355–8528 or by email at Luke_Toso@fws.gov. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TTD, 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, the U.S. Fish and Wildlife Service (Service), announce the availability of the Dakota Skipper Multi-Project Habitat Conservation Plan (HCP), Draft Environmental Assessment (draft EA), and associated documents related to the North Dakota Petroleum Council’s (NDPC) application for an

Incidental Take Permit (ITP) under section 10(a)(1)(B) of the Endangered Species Act (ESA; 16 U.S.C. 1531 et seq.). NDPC applied for a 30-year ITP to seek authorization for incidental take of the Dakota Skipper (*Hesperia dacotae*; DASK) that may be associated with oil and gas development projects by NDPC member companies in North Dakota. If granted, the ITP would authorize incidental take of DASK resulting from the HCP's covered activities. The proposed HCP has a programmatic structure that establishes a standardized conservation strategy and defines a process to enroll multiple similar projects under a single incidental take permit through Certificates of Inclusion over the 30-year permit term. The draft EA analyzes the effects of the proposed action and the no-action alternative.

Background

Section 9 of the ESA and Federal regulations prohibit the taking of a species listed as endangered or threatened. The ESA defines "take" to mean to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The Service may issue permits, under limited circumstances, to take listed species incidental to, and not the purpose of, otherwise lawful activities. Section 10(a)(1)(B) of the ESA and its implementing regulations (50 CFR 17.22(b) and 17.32(b)) provide for authorizing incidental take of listed species. Issuance of an ITP also must not jeopardize the existence of federally listed fish, wildlife, or plant species, pursuant to section 7 of the ESA and 50 CFR 402.02. The permittee would receive assurances under our "No Surprises" regulations (50 CFR 17.22(b)(5) and 17.32(b)(5)).

Project Information

The NDPC has requested take authorization of DASK that may result from covered activities associated with oil and gas development in the Plan Area, which is the State of North Dakota. Covered activities include those associated with above-ground pre-construction and exploration actions, construction, operation and maintenance,

decommissioning, and reclamation for multiple future projects. Under the programmatic structure of the HCP, the NDPC is the master permit holder. Individual projects seeking coverage under the HCP would prepare an application package to demonstrate their plan to implement the conservation strategies set forth in the HCP, submit that application package to the NDPC, and receive a Certificate of Inclusion. The Certificate of Inclusion then extends the DASK take authorization of the HCP and ITP to the Certificate of Inclusion holder for the individual project.

The ITP, if issued, would authorize take of the DASK that may occur incidental to the covered activities. The HCP describes the covered activities, the anticipated impacts to DASK from the covered activities, and the measures that NDPC and Certificate of Inclusion holders will implement to minimize and mitigate such impacts. The HCP also describes the environmental setting and biological resources in the Plan Area, the biological goals and objectives of the HCP, monitoring, adaptive management, and funding assurances.

National Environmental Policy Act Background

The draft EA analyzes the effects of the proposed action, which is issuance of the ITP and the implementation of the proposed programmatic HCP. The draft EA also analyzes the no-action alternative, which is the denial of the programmatic permit application and the consideration of individual ITP applications for proposed projects instead.

The potential issuance of the ITP is considered a Federal action under NEPA, and we determined that preparation of an EA to analyze the potential impacts on the human (biological, physical, social, and economic) environment caused by the project was appropriate. The draft EA was prepared in accordance with NEPA, and the most recent associated regulations, and the procedures set forth in the Department of the Interior's NEPA Handbook.

Public Availability of Comments

Before including your address, phone number, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—might 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 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. Comments and materials we receive will be available for public inspection online in Docket No. FWS–R6–ES–2026–0859, at <https://www.regulations.gov/>.

Next Steps and Decision to be Made

We will make a permit decision based on the statutory and regulatory criteria of ESA Section 10(a), informed by the permit application, HCP, and any public comments. This determination will also include our compliance with Section 7 of the ESA through an intra-Service consultation. We will rely on the results of this consultation, our NEPA analyses, and the findings on permit issuance criteria to decide whether to issue the permit with appropriate terms and conditions.

Authority

We provide this notice under section 10(c) of the Endangered Species Act (16 U.S.C. 1531 et seq.) and its implementing regulations (50 CFR 17.22 and 17.32), National Environmental Policy Act (42 U.S.C. 4321 et seq.) and the Service's implementing regulations (43 CFR part 46).

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