



DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–R8–ES–2026–2344; FXES1114080000–267–FF08EACT00]

Receipt of Incidental Take Permit Application and Proposed Habitat Conservation Plan for Green Diamond Resource Company, Humboldt and Del Norte Counties, CA; Availability of Draft Environmental Assessment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the Fish and Wildlife Service (Service), announce receipt of an application from Green Diamond Resource Company, LLC (applicant) for an incidental take permit (ITP) under the Endangered Species Act. The applicant requests the ITP to take the federally threatened marbled murrelet incidental to timber harvest operations on lands owned by the applicant, in Humboldt and Del Norte counties, California. We request public comments on the application, which includes the applicant’s proposed habitat conservation plan, and the Service’s Environmental Assessment (EA) pursuant to the National Environmental Policy Act (NEPA), Department of the Interior’s (DOI) NEPA regulations, and the DOI NEPA Departmental Handbook. We invite comment from the public and local, State, Tribal, and Federal agencies.

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

ADDRESSES: *Obtaining Documents:* You may obtain copies of the documents this notice announces, along with any comments and other materials that we receive, online in Docket No. FWS–R8–ES–2026–2344 at <https://www.regulations.gov>.

Submitting Comments: All submissions must include the docket number [FWS–R8–ES–2026–2344] for this document. You must submit comments using one of the

following methods:

- Electronic submission: Federal eRulemaking Portal at: <https://www.regulations.gov>. In the Search box, enter FWS–R8–ES–2026–2344, which is the docket number for this action. Then click the Search button. On the resulting page, you may submit a comment by clicking on “Comment.” Please ensure that you have found the correct document before submitting your comments.
- U.S. mail: Public Comments Processing, Attn: Docket No. FWS–R8–ES–2026–2344, Policy and Regulations Branch, U.S. Fish and Wildlife Service, MS: PRB (JAO/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: Nora Papian, Deputy Field Supervisor, Arcata Fish and Wildlife Office, nora_papian@fws.gov (email) or 707–825–5182 (telephone). Individuals in the United States who are deaf, blind, 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, the U.S. Fish and Wildlife Service (Service), have received an application from Green Diamond Resource Company, LLC (applicant) for a 50-year incidental take permit (ITP) for one covered species pursuant to

section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 et seq.). The application addresses the potential “take” of the threatened marbled murrelet (murrelet; *Brachyramphus marmoratus*) associated with timber harvest operations on lands owned by the applicant, in Humboldt and Del Norte counties, California. We request public comment on the application, which includes the applicant’s habitat conservation plan (HCP), and on the Service’s Environmental Assessment (EA) pursuant to the Department of the Interior’s (DOI) NEPA regulations (43 CFR part 46), and the DOI’s NEPA Departmental Handbook (516 DM 1).

Background

The Service listed the murrelet as threatened on October 1, 1992 (57 FR 45328) and published a revised final rule designating critical habitat on August 4, 2016 (81 FR 51348). Section 9 of the ESA prohibits take of fish and wildlife species listed as endangered (16 U.S.C. 1538); pursuant to section 4(d) of the ESA (16 U.S.C. 1533(d)), this prohibition has been extended to the marbled murrelet by regulation in the Code of Federal Regulations (CFR) (50 CFR 17.31(a)). Under the ESA, “take” is defined to include the following activities: “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct” (16 U.S.C. 1532). Under section 10(a)(1)(B) of the ESA (16 U.S.C. 1539(a)(1)(B)), 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 incidental take permits for threatened species are at 50 CFR 17.32. 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 17.32(b)(5)).

Proposed Project

The proposed project is timber harvest and land management across the

applicant's ownership in Humboldt and Del Norte counties, California. The HCP Plan Area includes 380,554 acres (ac). The HCP also identifies privately-owned timberlands in Humboldt and Del Norte counties where the applicant may purchase lands in the future to be added to the HCP. The HCP Covered Activities are timber harvest and regeneration efforts, land management activities such as road maintenance, and other silvicultural activities. The applicant requests a 50-year ITP under section 10(a)(1)(B) of the ESA. If we approve the permit, the applicant anticipates taking 15 murrelets during the harvest of 10,252 ac of modeled marginal suitable habitat. The take would be incidental to the applicant's timber harvesting activities.

The applicant's proposed HCP contains measures to minimize and mitigate the effects of timber harvest and land management activities on the murrelet. Conservation measures include the establishment of 300-foot buffers around occupied murrelet habitat, the use of single-tree selection harvest within buffers to accelerate the development of murrelet suitable habitat, seasonal restrictions on certain activities within buffers of occupied murrelet habitat, and the implementation of best management practices to reduce threats such as predation. Mitigation proposed by the applicant includes the protection of at least 854 ac of Suitable Habitat Reserves during the permit term, and the protection of the 76.2-ac Adaptive Management Reserve.

Proposed Action and Alternatives

The proposed action consists of the issuance of an incidental take permit and implementation of the proposed HCP, which includes measures to avoid, minimize, and mitigate impacts to the murrelet. To comply with the requirements for an HCP under ESA section 10(a), the applicant evaluated two additional alternatives to the project. First, the applicant considered what they described in the HCP as "intensive take avoidance;" essentially, the process the applicant has utilized since the federal listing of murrelet, whereby timber stands known to be occupied by murrelets are not harvested

including a 300-foot protective buffer around the occupied stand. In addition, intensive take avoidance includes implementation of protocol-level surveys for murrelets prior to timber harvest in stands where suitable nesting habitat is present. If murrelets are confirmed or suspected in a stand during surveys, those stands are deemed to be occupied and unavailable to future timber harvest. Timber harvest may proceed at stands where protocol-level surveys have shown no occupancy by murrelets. Second, the applicant considered what they described in the HCP as “passive take avoidance,” whereby the applicant would avoid timber harvest in any areas where there is a perceived risk of take of a murrelet due to presence of suitable nesting habitat. The applicant considers passive take avoidance as a financially non-viable timber management strategy because it places their timberland investment on a trajectory of progressive, cumulative set-asides of forest stands for conservation without timber harvest.

Our Preliminary Determination

The Service has made a preliminary determination that the applicant’s proposed project may have effects on the murrelet and the human environment. Therefore, we have preliminarily determined that the proposed ESA section 10(a)(1)(B) ITP would individually or cumulatively have effects on the murrelet and that development of an EA is appropriate pursuant to DOI’s NEPA regulations and the DOI NEPA Departmental Handbook.

Next Steps

The Service will evaluate the application and comments received on the HCP and EA to determine whether to issue the requested ITP. We will also conduct an intra-Service consultation pursuant to section 7 of the ESA to evaluate the effects of the proposed take. After considering the preceding and other matters, we will determine whether the permit issuance criteria of section 10(a)(1)(B) of the ESA have been met. If met, the Service will issue the permit to the applicant for incidental take of the murrelet.

Public Availability of Comments

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 may 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.

Authority

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

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