

### Determination of Jurisdiction

The trustees have made the following determinations pursuant to 15 CFR 990.41 and 990.42:

1. A spill of undetermined volume began on or about March 4, 1999, into the waters of the Pacific Ocean, off the coasts of northern Oregon and southern Washington. This occurrence constituted an “incident” within the meaning of 15 CFR 990.30.
2. The incident was not permitted under a permit issued under Federal, State, or local law; was not from a public vessel; and was not from an onshore facility subject to the Trans-Alaska Pipeline Authority Act (43 U.S.C. 1651 *et seq.*).
3. Oil discharged during the incident adversely affected marine and shoreline habitats, and wildlife. Consequently, natural resources under the trusteeship of the trustees have been injured as a result of the incident.
4. As a result of the foregoing determinations, the trustees have jurisdiction to pursue restoration under the OPA.

### Determination To Conduct Restoration Planning

The trustees have determined, pursuant to 15 CFR 990.42(a), that:

1. Pre-assessment data collected and analyzed pursuant to 15 CFR 990.43 demonstrate that injuries to a wide variety and number of seabirds have resulted from the incident, including marbled murrelets (*Brachyramphus marmoratus*, a species listed as threatened under the Endangered Species Act (16 U.S.C. 1531 *et seq.*)). Specifically, 272 dead seabirds of various species were collected during the incident. The trustees plan to undertake additional assessment activities to determine the total number of birds injured and services lost from the incident.
2. Response actions during cleanup have not adequately addressed the injuries and lost services resulting from the incident. Response efforts consisted of cleaning up oil stranded along affected beaches and the collection of injured birds. These efforts reduced the magnitude and duration of impacts to shoreline habitats and wildlife but did not eliminate all injuries or make restoration unnecessary. Data from numerous oil spills demonstrate that the bird carcasses collected during an oil spill represent only a portion of the birds killed by the oil, suggesting that additional birds likely died as a result of the incident.
3. Assessment procedures are available to estimate total injury,

identify appropriate restoration projects, and scale those projects to compensate for the injury. Procedures consist of, but are not limited to, the following.

- a. Analysis of mortality data collected during the incident;
  - b. Analysis of reproductive and demographic parameters of key species;
  - c. Modeling environmental parameters such as historical winds and currents;
  - d. Analysis of historic seabird population data; and
  - e. Analysis of habitat information to scale restoration.
4. Feasible restoration alternatives exist to address injuries from the incident. Restoration activities are expected to focus on seabirds. Restoration could include enhancement or protection of seabird nesting habitat through acquisition, predator management, invasive species removal, habitat creation, habitat enhancement, education, or other means. During restoration planning, the trustees evaluate potential projects, determine the scale of restoration actions needed to make the environment and the public whole, and release a draft damage assessment and restoration plan for public review and comment.

Based upon the foregoing determinations, the trustees intend to proceed with restoration planning for this incident.

### Administrative Record

The trustees have opened an administrative record (“record”) in compliance with 15 CFR 990.45. The record will include documents relied upon by the trustees during the assessment of natural resource damages being performed in connection with the incident. The public may view the record online at [https://www.cerc.usgs.gov/orda\\_docs/CaseDetails?ID=1099](https://www.cerc.usgs.gov/orda_docs/CaseDetails?ID=1099).

### Opportunity To Comment

Pursuant to 15 CFR 990.14(d), the trustees intend to seek public comment on the draft damage assessment and restoration plan once it is completed. A separate **Federal Register** notice will be issued when the draft damage assessment and restoration plan is available for comment.

### Bridget Fahey,

*Acting Regional Director—Pacific Region, U.S. Fish and Wildlife Service; Lead Administrative Trustee, Oregon-Washington Coast Mystery Spill Natural Resource Damage Assessment.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[Docket No. FWS–HQ–IA–2023–0252; FXIA1671090000–234–FF09A30000]

### Endangered Species; Issuance of Permits

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of issuance of permits.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), have issued the following permits to conduct certain activities with endangered species. We issue these permits under the Endangered Species Act (ESA).

**ADDRESSES:** Information about the applications for the permits listed in this notice is available online at <https://www.regulations.gov>. See **SUPPLEMENTARY INFORMATION** for details.

**FOR FURTHER INFORMATION CONTACT:** Brenda Tapia, by phone at 703–358–2185 or via email at [DMAFR@fws.gov](mailto:DMAFR@fws.gov). 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, the U.S. Fish and Wildlife Service (Service), have issued permits to conduct certain activities with endangered and threatened species in response to permit applications that we received under the authority of section 10(a)(1)(A) of the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

After considering the information submitted with each permit application and the public comments received, we issued the requested permits subject to certain conditions set forth in each permit. For each application for an endangered species, we found that (1) the application was filed in good faith, (2) the granted permit would not operate to the disadvantage of the endangered species, and (3) the granted permit would be consistent with the purposes and policy set forth in section 2 of the ESA.

### Availability of Documents

The permittees’ original permit application materials, along with public comments we received during public comment periods for the applications, are available for review. To locate the application materials and received

comments, go to <https://www.regulations.gov> and search for the appropriate permit number (e.g., 12345C) provided in the following table:

ENDANGERED SPECIES

Permit No.	Applicant	Permit issuance date
82001D	Cherokee Exotic Adventures	April 21, 2022.
83956D	Utica Zoological Society	August 23, 2022.
85065D	Russell Corbett-Detig	December 7, 2022.
PER0038856	Continental Ranch Hunts/Kothman Ranch Co	December 7, 2022.
PER0038858	Continental Ranch Hunts/Kothman Ranch Co	December 7, 2022.
PER0037184	NNNN Operations, LLC	December 8, 2022.
PER0037185	NNNN Operations, LLC	December 8, 2022.
PER0044495	University of California Davis Wildlife Health Center	December 21, 2022.
PER0036502	Safari Game Search Foundation	January 30, 2023.
60450D	Loyd D. Keith, Jr	March 27, 2023.
PER0326840	Browder Lee Graves	April 4, 2023.
PER0054702	USGS Western Ecological Research Center	April 12, 2023.
PER1642140	Memphis Zoo, dba Memphis Zoological Society	April 18, 2023.
PER0884554	Zoological Society of San Diego, DBA San Diego Zoo Wildlife Alliance	May 22, 2023.
PER0092994	International Center for the Preservation of Wild Animals dba The Wilds	May 23, 2023.
PER1992989	Smithsonian National Zoo and Conservation Biology Institute	June 7, 2023.
PER1200907	Fossil Rim Wildlife Center, Inc	June 7, 2023.
PER2209279	Colter Lee Combs	June 8, 2023.
PER2209312	Jamie Combs-Hunter	June 13, 2023.
PER2209131	James Lee Combs	June 13, 2023.
PER2208121	Ryan James Combs	June 13, 2023.
PER0036455	Safari Wild Animal Park	June 20, 2023.
PER0613031	Brent C. Oxley	June 20, 2023.
PER1322675	Scott Swasey	June 29, 2023.
PER0017418	Reid Park Zoological Society	July 20, 2023.
33093D	Amy C. Evans	August 1, 2023.
PER2484762	University of Georgia, College of Veterinary Medicine	August 1, 2023.
PER2499014	Smithsonian National Zoo and Conservation Biology Institute	August 1, 2023.
93301C	Richard Prager	August 3, 2023.
PER2525954	Oregon Zoo	August 7, 2023.
PER3108901	Cincinnati Zoo & Botanical Garden	September 21, 2023.
PER3941571	Alexandria Zoological Park	September 26, 2023.
PER0054384	Smithsonian National Zoo and Conservation Biology Institute	September 28, 2023.
PER0054387	Smithsonian National Zoo and Conservation Biology Institute	September 28, 2023.
PER4095187	Smithsonian National Zoo and Conservation Biology Institute	October 2, 2023.
PER3130634	Fresno Chaffee Zoo Corporation	October 10, 2023.
PER3214118	Milwaukee County Zoological	November 1, 2023.
PER3560967	Smithsonian Institution National Museum of Natural History	November 8, 2023.
PER4459661	Sammy Shaw	December 12, 2023.
PER4459612	Teddy Dickerson	December 12, 2023.

**Authority**

We issue this notice under the authority of the Endangered Species Act, as amended (16 U.S.C. 1531 *et seq.*), and its implementing regulations.

**Brenda Tapia,**

*Supervisory Program Analyst/Data Administrator, Branch of Permits, Division of Management Authority.*

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**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**[FWS-R2-ES-2023-N098; FXES11130200000-245-FF02ENEH00]**

**Endangered Wildlife; Recovery Permit Applications**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of receipt of permit applications; request for comments.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications for a permit to conduct activities intended to recover and enhance endangered species survival. With some exceptions, the Endangered Species Act (ESA) prohibits certain activities that may impact endangered species, unless a Federal permit allows such activity.

The ESA also requires that we invite public comment before issuing these permits.

**DATES:** To ensure consideration, please submit your written comments by February 9, 2024.

**ADDRESSES:**

*Document availability:* Request documents from the contact in the **FOR FURTHER INFORMATION CONTACT** section.

*Comment submission:* Submit comments by email to [fw2\\_te\\_permits@fws.gov](mailto:fw2_te_permits@fws.gov). Please specify the permit application you are interested in by number (e.g., Permit Record No. PER1234567).

**FOR FURTHER INFORMATION CONTACT:**

Marty Tuegel, Supervisor, Environmental Review Division, by phone at 505-248-6651, or via email at [marty\\_tuegel@fws.gov](mailto:marty_tuegel@fws.gov). Individuals in the United States who are deaf,