

The ultimate recovery goal is to delist the Diamond Y invertebrates by ensuring the long-term viability of these species in the wild. In the recovery plan, we define the following criteria for delisting (*i.e.*, removal of the species from the List of Endangered and Threatened Wildlife):

- **Criterion 1:** Maintain the presence of each species in the occupied management unit as of the start of this plan, with a stable or increasing average trend in density over a period of 20 consecutive years.

- **Criterion 2:** Develop, implement, and fulfill a water management plan or equivalent conservation agreement, supported by the local irrigation district and other partners, that ensures adequate surface and groundwater levels to (a) sustain delisting criteria measured by Criterion 1, above, and (b) ensure that the flows in the Diamond Y Spring system are stable and perennial.

- **Criterion 3:** Commitments (*e.g.*, conservation agreements) are in place to maintain sufficient water quality protections and will be implemented in perpetuity. These commitments should specifically address the Diamond Y invertebrates and reduce the risk of a catastrophic spill occurring within a drainage or recharge area occupied by any of the three invertebrate species.

#### Request for Public Comments

Section 4(f) of the ESA requires us to provide public notice and an opportunity for public review and comment during recovery plan development. It is also our policy to request peer review of recovery plans (59 FR 34270; July 1, 1994). In an appendix to the approved final recovery plan, we will summarize and respond to the issues raised during public comment and peer review. Substantive comments may or may not result in changes to the recovery plan. Comments regarding recovery plan implementation will be forwarded as appropriate to Federal or other entities so that they can be taken into account during the course of implementation of recovery actions.

We invite written comments on this draft recovery plan. In particular, we are interested in additional information regarding the current threats to the species, ongoing beneficial management efforts, and the costs associated with implementing the recommended recovery actions. The species status assessment is available as a supporting document for the draft recovery plan, but we are not seeking comments on the status assessment. We will consider all comments we receive by the date specified in **DATES**, above, prior to final approval of the plan.

#### Public Availability of Comments

All comments we receive, including names and addresses, will become part of the administrative record and will be available to the public. 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—will be publicly available. While you may request in your comment that we withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

#### Authority

We developed our draft recovery plan and publish this notice under the authority of section 4(f) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

**Amy L. Lueders,**

*Regional Director, Interior Region 6, U.S. Fish and Wildlife Service.*

[FR Doc. 2021-23977 Filed 11-2-21; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS-R4-ES-2021-N190;  
FXES11140400000-201-FF04E00000]

#### Endangered Species; 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, have received applications for permits, permit renewals, and/or permit amendments to conduct activities intended to enhance the propagation or survival of endangered species under the Endangered Species Act of 1973, as amended. We invite the public and local, State, Tribal, and Federal agencies to comment on these applications. Before issuing any of the requested permits, we will take into consideration any information that we receive during the public comment period.

**DATES:** We must receive written data or comments on the applications by December 3, 2021.

**ADDRESSES:** *Reviewing Documents:* Documents and other information submitted with the applications are available for review, subject to the requirements of the Privacy Act and

Freedom of Information Act. Submit a request for a copy of such documents to Karen Marlowe (see **FOR FURTHER INFORMATION CONTACT**).

*Submitting Comments:* If you wish to comment, you may submit comments by one of the following methods:

- **U.S. mail:** U.S. Fish and Wildlife Service Regional Office, Ecological Services, 1875 Century Boulevard, Atlanta, GA 30345 (Attn: Karen Marlowe, Permit Coordinator).

- **Email:** [permitsR4ES@fws.gov](mailto:permitsR4ES@fws.gov). Please include your name and return address in your email message. If you do not receive a confirmation from the U.S. Fish and Wildlife Service that we have received your email message, contact us directly at the telephone number listed in **FOR FURTHER INFORMATION CONTACT**.

**FOR FURTHER INFORMATION CONTACT:** Karen Marlowe, Permit Coordinator, 404-679-7097 (telephone), [karen\\_marlowe@fws.gov](mailto:karen_marlowe@fws.gov) (email), or 404-679-7081 (fax). Individuals who are hearing or speech impaired may call the Federal Relay Service at 1-800-877-8339 for TTY assistance.

**SUPPLEMENTARY INFORMATION:** We invite review and comment from the public and local, State, Tribal, and Federal agencies on applications we have received for permits to conduct certain activities with endangered and threatened species under section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and our regulations in the Code of Federal Regulations (CFR) at 50 CFR part 17. With some exceptions, the ESA prohibits take of listed species unless a Federal permit is issued that authorizes such take. The ESA's definition of "take" includes hunting, shooting, harming, wounding, or killing, and also such activities as pursuing, harassing, trapping, capturing, or collecting.

A recovery permit issued by us under section 10(a)(1)(A) of the ESA authorizes the permittee to take endangered or threatened species while engaging in activities that are conducted for scientific purposes that promote recovery of species or for enhancement of propagation or survival of species. These activities often include the capture and collection of species, which would result in prohibited take were a permit not issued. Our regulations implementing section 10(a)(1)(A) for these permits are found at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

**Permit Applications Available for Review and Comment**

Proposed activities in the following permit requests are for the recovery and enhancement of propagation or survival of the species in the wild. The ESA requires that we invite public comment before issuing these permits. Accordingly, we invite local, State,

Tribal, and Federal agencies and the public to submit written data, views, or arguments with respect to these applications. The comments and recommendations that will be most useful and likely to influence agency decisions are those supported by quantitative information or studies.

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 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.

Permit application No.	Applicant	Species	Location	Activity	Type of take	Permit action
TE 25612A-2 ....	Stephen Samoray, Nashville, TN.	Gray bat ( <i>Myotis grisescens</i> ), Indiana bat ( <i>Myotis sodalis</i> ), northern long-eared bat ( <i>Myotis septentrionalis</i> ), Ozark big-eared bat ( <i>Corynorhinus</i> (=Plecotus) <i>townsendii ingens</i> ), and Virginia big-eared bat ( <i>Corynorhinus</i> (=Plecotus) <i>townsendii virginianus</i> ).	Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.	Presence/absence surveys, studies to document habitat use, and population monitoring.	Enter hibernacula or maternity roost caves, capture with mist nets or harp traps, handle, identify, band, radio-tag, light-tag, swab, wing-punch, and collect hair samples.	Renewal.
TE 06337C-1 ....	Zachary Loughman, West Liberty University, West Liberty, WV.	Big Sandy crayfish ( <i>Cambarus callainus</i> ), Guyandotte River crayfish ( <i>Cambarus veteranus</i> ).	Kentucky, Virginia, West Virginia.	Development of genetic management plan and study of movements in response to anthropogenic structures and activities.	Collect gill samples and radio-tag.	Amendment.
TE 834070-4 ....	Point Defiance Zoo and Aquarium, Tacoma, WA.	Red wolf ( <i>Canis rufus</i> ) ..	Washington .....	Study genetic predisposition to hyperthermia.	Collect tissues from deceased individuals.	Amendment.
TE 114069-4 ....	Fairchild Tropical Botanic Garden, Coral Gables, FL.	Florida semaphore cactus ( <i>Consolea corallicola</i> ).	Biscayne National Park, Florida.	Artificial propagation and research.	Collect seeds and cuttings.	Amendment.
TE 079972-4 ....	Eric Baka, Louisiana Department of Wildlife and Fisheries, Pineville, LA.	Red-cockaded woodpecker ( <i>Picoides borealis</i> ).	Arkansas, Louisiana, Oklahoma, and Texas.	Population management and monitoring.	Capture, band, monitor nest cavities, construct and monitor artificial nest cavities and restrictors, and translocate.	Renewal.
TE 86220A-3 ....	Jaret Daniels, Florida Museum of Natural History, Gainesville, FL.	Miami blue butterfly ( <i>Cyclargus</i> (=Hemiargus) <i>thomasi bethunebakeri</i> ), Schaus swallowtail butterfly ( <i>Heraclides aristodemus ponceanus</i> ).	Florida .....	Propagation for research and reintroduction.	Capture with hand-nets, mark, collect eggs and larvae, take wing fragments, and release.	Renewal/Amendment.
PER 0012943 ...	Texas A&M Natural Resources Institute, San Antonio, TX.	Silver rice rat ( <i>Oryzomys palustris natator</i> ).	Naval Air Station Key West, Florida.	Population status survey	Capture and release .....	New.
PER 0013650 ...	Bureau of Land Management—Jupiter Inlet Lighthouse ONA, Jupiter, FL.	Florida perforate cladonia ( <i>Cladonia perforata</i> ).	Jupiter Inlet Lighthouse Outstanding Natural Area, Palm Beach County, Florida.	Genetic research .....	Collect thalli .....	New.

Permit application No.	Applicant	Species	Location	Activity	Type of take	Permit action
TE 091705-4 ...	North Carolina Botanical Garden, Chapel Hill, NC.	<i>Aeschynomene virginica</i> , <i>Amaranthus pumilus</i> , <i>Arabis serotina</i> , <i>Betula uber</i> , <i>Carex lutea</i> , <i>Echinacea laevigata</i> , <i>Geum radiatum</i> , <i>Gymnoderma lineare</i> , <i>Hedyotis purpurea</i> var. <i>montana</i> , <i>Heli-anthus schweinitzii</i> , <i>Helonias bullata</i> , <i>Hexastylis naniflora</i> , <i>Hudsonia montana</i> , <i>Liatris helleri</i> , <i>Lysimachia asperulifolia</i> , <i>Oxypolis canbyi</i> , <i>Pityopsis ruthii</i> , <i>Ptilimnium nodosum</i> , <i>Rhus michauxii</i> , <i>Sagittaria fasciculata</i> , <i>Sagittaria secundifolia</i> , <i>Sarracenia jonesii</i> , <i>Sarracenia oreophila</i> , <i>Schwalbea americana</i> , <i>Scutellaria montana</i> , <i>Sisyrinchium dichotomum</i> , <i>Solidago spithamea</i> , <i>Spiraea virginiana</i> , <i>Thalictrum cooleyi</i> , and <i>Trifolium stoloniferum</i> .	Federal lands in Alabama, Connecticut, Delaware, Florida, Georgia, Maryland, Massachusetts, New Jersey, New York, North Carolina, Rhode Island, South Carolina, Tennessee, Virginia, and West Virginia.	Ex situ seed banking, artificial propagation, conservation research, educational display, and genetic analyses.	Collection of seeds, sporocarps, and cuttings.	Renewal.
PER 0013669 ...	Alyssa Jones, Huntington, WV.	Mussels: Clubshell ( <i>Pleurobema clava</i> ), cracking pearl mussel ( <i>Hemistena lata</i> ), Cumberland combshell ( <i>Epioblasma brevidens</i> ), dromedary pearl mussel ( <i>Dromas dromas</i> ), fanshell ( <i>Cyprogenia stegaria</i> ), fat pocketbook ( <i>Potamilus capax</i> ), James spin mussel ( <i>Pleurobema collina</i> ), northern riffleshell ( <i>Epioblasma rangiana</i> ), oyster mussel ( <i>Epioblasma capsaeformis</i> ), pink mucket ( <i>Lampsilis abrupta</i> ), rabbitsfoot ( <i>Quadrula cylindrica cylindrica</i> ), rayed bean ( <i>Villosa fabalis</i> ), ring pink ( <i>Obovaria retusa</i> ), rough pigtoe ( <i>Pleurobema plenum</i> ), sheepnose ( <i>Plethobasus cyphus</i> ), snuffbox ( <i>Epioblasma triquetra</i> ), and spectaclecase ( <i>Cumberlandia monodonta</i> ); rusty patched bumble bee ( <i>Bombus affinis</i> ); and Roanoke logperch ( <i>Percina rex</i> ).	Mussels: Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin; Rusty patch bumble bee: Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin; Roanoke logperch: North Carolina and Virginia.	Presence/absence surveys.	Capture, handle, and release.	New.

Permit application No.	Applicant	Species	Location	Activity	Type of take	Permit action
TE 83013B-1 ....	Kathleen McDaniel, Syracuse, NY.	Indiana bat ( <i>Myotis sodalis</i> ) and northern long-eared bat ( <i>Myotis septentrionalis</i> ).	Alabama, Arkansas, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.	Presence/absence surveys, population monitoring, and studies to document habitat use.	Enter hibernacula or maternity roost caves, capture with mist nets or harp traps, handle, identify, band, radio-tag, and collect hair samples.	Renewal.
TE 02166C-2 ....	Zoe Bryant, Medford, NJ	Indiana bat ( <i>Myotis sodalis</i> ), northern long-eared bat ( <i>Myotis septentrionalis</i> ), and gray bat ( <i>Myotis grisescens</i> ).	Alabama, Arkansas, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.	Presence/absence surveys.	Capture with mist nets or harp traps, handle, identify, band, and radio-tag.	Renewal.
TE 007748-6 ....	USDA Forest Service, Kisatchie National Forest, Pineville, LA.	Red-cockaded woodpecker ( <i>Picoides borealis</i> ), Louisiana pinesnake ( <i>Pituophis ruthveni</i> ), and Louisiana pearlshell ( <i>Margaritifera hembeli</i> ).	Red-cockaded woodpecker: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee; Louisiana pinesnake: Louisiana and Texas; Louisiana pearlshell: Louisiana.	Population management and monitoring; presence/absence surveys; captive propagation and reintroduction; disease surveillance; research on range, habitat, behavior, and management requirements; and genetic analyses.	Red-cockaded woodpecker: Capture, band, monitor nest cavities, construct and monitor artificial nest cavities and restrictors, translocate, and recapture; Louisiana pinesnake: Capture, handle, measure, weigh, sex via cloacal probe or everting hemipenes, PIT-tag, scale-clip, cauterize, swab, gastric wash, and hold temporarily in captivity to collect samples (blood, fecal, and shed skin); Louisiana pearlshell: Capture, handle, and release.	Renewal/Amendment.
TE 136808-4 ....	Loggerhead Marinelife Center, Juno Beach, FL.	Olive ridley sea turtle ( <i>Lepidochelys olivacea</i> ), green sea turtle ( <i>Chelonia mydas</i> ), hawksbill sea turtle ( <i>Eretmochelys imbricata</i> ), loggerhead sea turtle ( <i>Caretta caretta</i> ), leatherback sea turtle ( <i>Dermochelys coriacea</i> ), Kemp's ridley sea turtle ( <i>Lepidochelys kempii</i> ).	Florida .....	Research on survival of rehabilitated turtles and on microbial changes as a result of treatment.	Collect blood, cloacal specimens, colonic specimens, and mesenchymal stem cells; PIT-tag; flipper tag; and attach satellite transmitter prior to release.	Renewal/Amendment.

Permit application No.	Applicant	Species	Location	Activity	Type of take	Permit action
TE 125557-3 ...	Barbara Allen, Mobile, AL.	Alabama beach mouse ( <i>Peromyscus polionotus ammobates</i> ) and Perdido Key beach mouse ( <i>Peromyscus polionotus trissyllepsis</i> ).	Alabama .....	Presence/absence surveys.	Capture, mark, examine, and release.	Renewal.
PER 0018443 ...	US Army Engineer Research & Development Center, Vicksburg, MS.	Fish: Pallid sturgeon ( <i>Scaphirhynchus albus</i> ); Mussels: Fat threeridge ( <i>Amblema neisleri</i> ), Chipola slabshell ( <i>Elliptio chipolaensis</i> ), purple bankclimber ( <i>Elliptioideus sloatianus</i> ), shinyrayed pocketbook ( <i>Hamiota subangulata</i> ), pink mucket ( <i>Lampsilis abrupta</i> ), orangefoot pimpleback ( <i>Plethobasus cooperianus</i> ), sheepnose ( <i>Plethobasus cyphus</i> ), oval pigtoe ( <i>Pleurobema pyriforme</i> ), fat pocketbook ( <i>Potamilus capax</i> ), Alabama heelsplitter (=inflated) ( <i>Potamilus inflatus</i> ), and rabbitsfoot ( <i>Quadrula cylindrica cylindrica</i> ).	Arkansas, Florida, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, Ohio, Tennessee, and West Virginia.	Presence/absence surveys and population monitoring.	Pallid sturgeon: Capture, handle, PIT-tag, insert internal or external telemetry tag, and release; Mussels: Capture, handle, and release.	New.
PER 0018626 ...	Timothy Black, Wake Forest, NC.	Florida bonneted bat ( <i>Eumops floridanus</i> ), Indiana bat ( <i>Myotis sodalis</i> ), northern long-eared bat ( <i>Myotis septentrionalis</i> ), gray bat ( <i>Myotis grisescens</i> ), and Virginia big-eared bat ( <i>Corynorhinus townsendii virginianus</i> ).	Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.	Presence/absence surveys and counts.	Use of unmanned aircraft systems to assist survey efforts.	New.
TE 56588D-2 ....	Martin Melville, Marietta, GA.	Reptiles: Eastern indigo snake ( <i>Drymarchon corais couperi</i> ); Amphibians: reticulated flatwoods salamander ( <i>Ambystoma bishopi</i> ) and frosted flatwoods salamander ( <i>Ambystoma cingulatum</i> ); Fish: Carolina madtom ( <i>Noturus furiosus</i> ), Cape Fear shiner ( <i>Notropis mekistocholas</i> ), Roanoke logperch ( <i>Percina rex</i> ), and Waccamaw silverside ( <i>Menidia extensa</i> ); and Mussels: James spinymussel ( <i>Pleurobema collina</i> ).	Georgia and North Carolina.	Presence/absence surveys.	Capture, handle, identify, and release.	Amendment.

Permit application No.	Applicant	Species	Location	Activity	Type of take	Permit action
TE 061005-3 ....	International Carnivorous Plant Society, Inc., Walnut Creek, CA.	Godfrey's butterwort ( <i>Pinguicula ionantha</i> ), Alabama cane break pitcher ( <i>Sarracenia rubra</i> ssp. <i>alabamensis</i> ), green pitcher-plant ( <i>Sarracenia oreophila</i> ), and Mountain sweet pitcher-plant ( <i>Sarracenia rubra</i> ssp. <i>jonesii</i> ).	California .....	Interstate commerce .....	Sell in interstate commerce.	Renewal.
TE 156392-4 ....	Skybox Ecological Services, LLC, Berea, KY.	Gray bat ( <i>Myotis grisescens</i> ), Indiana bat ( <i>Myotis sodalis</i> ), northern long-eared bat ( <i>Myotis septentrionalis</i> ), and Virginia big-eared bat ( <i>Corynorhinus townsendii virginianus</i> ).	Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.	Presence/absence surveys and population monitoring.	Enter hibernacula and maternity roost caves, capture with mist nets or harp traps, handle, identify, band, radio-tag, and collect hair.	Renewal.
TE 60238B-1 ....	Georgia Museum of Natural History, Athens, GA.	Blue shiner ( <i>Cyprinella caerulea</i> ), Etowah darter ( <i>Etheostoma etowahae</i> ), Cherokee darter ( <i>Etheostoma scotti</i> ), trispot darter ( <i>Etheostoma trisella</i> ), amber darter ( <i>Percina antesella</i> ), goldline darter ( <i>Percina aurolineata</i> ), and Conasauga logperch ( <i>Percina jenkinsi</i> ).	Georgia and Tennessee	Presence/absence surveys.	Capture, handle, fin-clip, and release.	Renewal/Amendment.
TE 178815-1 ....	Kentucky Department of Fish and Wildlife Resources, Frankfort, KY.	Spectaclecase (mussel) ( <i>Cumberlandia monodonta</i> ), oyster mussel ( <i>Epioblasma capsaeformis</i> ), tan riffleshell ( <i>Epioblasma florentina walkeri</i> (= <i>E. walkeri</i> )) snuffbox mussel ( <i>Epioblasma triquetra</i> ), birdwing pearlymussel ( <i>Lemiox rimosus</i> ), slabside pearlymussel ( <i>Pleuroaia dolabelloides</i> ), fluted kidneyshell ( <i>Ptychobranchus subtentus</i> ), rough rabbitsfoot ( <i>Quadrula cylindrica strigillata</i> ), Appalachian monkeyface (pearlymussel) ( <i>Quadrula sparsa</i> ), rayed bean ( <i>Villosa fabalis</i> ), and Cumberland bean (pearlymussel) ( <i>Villosa trabalis</i> ).	Alabama, Georgia, Illinois, Indiana, Kentucky, Maryland, Mississippi, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia.	Captive propagation, research, and reintroduction.	Capture, handle, transport, propagate, tag, release, and salvage relict shells.	Renewal/Amendment.

**Authority**

We publish this notice under section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

**John Tirpak,**

*Deputy Assistant Regional Director,  
Ecological Services.*

[FR Doc. 2021-23958 Filed 11-2-21; 8:45 am]

**BILLING CODE 4333-15-P**

**DEPARTMENT OF THE INTERIOR****Office of the Secretary**

[DOI-2021-0012; 223D0102DM,  
DLSN00000.000000, DS64600000, DX.64601]

**Privacy Act of 1974; System of Records**

**AGENCY:** Office of the Secretary, Interior.

**ACTION:** Notice of a new system of records.

**SUMMARY:** Pursuant to the provisions of the Privacy Act of 1974, as amended, the Department of the Interior (DOI or Department) is issuing a public notice of its intent to create a Privacy Act system of records titled, "INTERIOR/DOI-93, Reasonable Accommodation Request Records." This system of records notice (SORN) describes DOI's collection, maintenance, and use of records related to requests for reasonable accommodation under Title VII of the Civil Rights Act of 1964 or the applicable provisions of the Americans with Disabilities Act as applied to the Federal Government through the Rehabilitation Act. This newly established system will be included in DOI's inventory of record systems.

**DATES:** This new system will be effective upon publication. New routine uses will be effective December 3, 2021. Submit comments on or before December 3, 2021.

**ADDRESSES:** You may send comments identified by docket number [DOI-2021-0012] by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for sending comments.

- *Email:* [DOI\\_Privacy@ios.doi.gov](mailto:DOI_Privacy@ios.doi.gov). Include docket number [DOI-2021-0012] in the subject line of the message.

- *U.S. mail or hand-delivery:* Teri Barnett, Departmental Privacy Officer, U.S. Department of the Interior, 1849 C Street NW, Room 7112, Washington, DC 20240.

*Instructions:* All submissions received must include the agency name and docket number [DOI-2021-0012]. All comments received will be posted

without change to <http://www.regulations.gov>, including any personal information provided.

*Docket:* For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Teri Barnett, Departmental Privacy Officer, U.S. Department of the Interior, 1849 C Street NW, Washington, DC 20240, [DOI\\_Privacy@ios.doi.gov](mailto:DOI_Privacy@ios.doi.gov) or 202-208-1605.

**SUPPLEMENTARY INFORMATION:****I. Background**

The DOI Office of Human Capital is establishing a new Department-wide system of records, INTERIOR/DOI-93, Reasonable Accommodation Request Records. This system helps DOI manage records related to the processing of requests from employees and applicants for employment who are seeking a reasonable accommodation based on religious belief, disability, or other condition as required by Federal laws, regulations, and policies to ensure these individuals are provided an accommodation to the greatest extent possible as provided for in Federal law.

During a review of processes established for reasonable accommodation requests related to the Federal government's response to the COVID-19 disease, the Department identified a need for a focused SORN under the Privacy Act for records related to requests for reasonable accommodation. These records have been previously maintained under government-wide SORNs published by the Office of Personnel Management (OPM), however, it was determined to be appropriate for each agency to establish and maintain its own system of records for employee requests for reasonable accommodation. This notice covers all records and information related to requests for reasonable accommodation under Title VII of the Civil Rights Act of 1964 or the applicable provisions of the Americans with Disabilities Act as applied to the Federal Government through the Rehabilitation Act that are submitted by, or on behalf of, Federal employees and applicants for employment, and the agency decisions and actions taken on those requests.

Under Section 501 of the Rehabilitation Act of 1973 (the Rehabilitation Act), as amended, DOI must provide reasonable accommodation upon request from a qualified employee with a disability that would enable the employee to perform the essential functions of the employee's position unless no accommodation can

be provided that does not impose an undue hardship on the Department. A reasonable accommodation is an adjustment or alteration that enables a qualified person with a disability to apply for a job, perform job duties, or enjoy benefits and privileges of employment. A "disability" means a physical or mental impairment that substantially limits one or more major life activities. An impairment that is episodic may constitute a disability if it substantially limits one or more major life activities when active. A qualified employee is an employee who satisfies the requisite skills, experience, education, and other job-related requirements as defined by applicable law. In other words, an employee is qualified if the employee can perform the essential functions of the employee's position with or without a reasonable accommodation.

Title VII of the Civil Rights Act of 1964 requires agencies to reasonably accommodate the sincerely held religious beliefs, observances, and practices of an employee unless doing so would impose an undue hardship to the agency. An accommodation for a sincerely held religious belief is any adjustment to the work environment that will resolve, or reduce to a reasonable level, the conflict between an employee's sincerely held religious belief, observance, or practice and an employment requirement.

**II. Privacy Act**

The Privacy Act of 1974, as amended, embodies fair information practice principles in a statutory framework governing the means by which Federal agencies collect, maintain, use, and disseminate individuals' records. The Privacy Act applies to records about individuals that are maintained in a "system of records." A "system of records" is a group of any records under the control of an agency from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. The Privacy Act defines an individual as a United States citizen or lawful permanent resident. Individuals may request access to their own records that are maintained in a system of records in the possession or under the control of DOI by complying with DOI Privacy Act regulations at 43 CFR part 2, subpart K, and following the procedures outlined in the Records Access, Contesting Record, and Notification Procedures sections of this notice.

The Privacy Act requires each agency to publish in the **Federal Register** a description denoting the existence and