

**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service**

[FWS–R2–ES–2021–0114;  
FXES1113020000–212–FF02ENEH00]

**Endangered and Threatened Wildlife and Plants; Draft Recovery Plan for the Diamond Y Invertebrates**

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

**ACTION:** Notice of availability; request for comment.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, announce the availability of our draft recovery plan for the Diamond Y invertebrates, including Diamond tryonia (*Pseudotryonia adamantina*), Gonzales tryonia (*Tryonia circumstriata*), and Pecos amphipod (*Gammarus pecos*). These endangered aquatic invertebrates occur in the Diamond Y Spring system of the Chihuahuan Desert of western Texas. We request review and comment on this draft recovery plan from local, State, and Federal agencies; nongovernmental organizations; and the public.

**DATES:** We must receive any comments on or before January 3, 2022. Comments submitted online at <http://www.regulations.gov> (see **ADDRESSES**) must be received by 11:59 p.m. Eastern Time on January 3, 2022.

**ADDRESSES:** *Obtaining Documents:* You may obtain a copy of the draft recovery plan, recovery implementation strategy, and species status assessment for review at <http://www.regulations.gov> in Docket No. FWS–R2–ES–2021–0114.

*Submitting Comments:* Submit your comments in writing by one of the following methods:

- *Internet:* <http://www.regulations.gov>. Search for and submit comments on Docket No. FWS–R2–ES–2021–0114.

- *U.S. mail:* Public Comments Processing, Attn: Docket No. FWS–R2–ES–2021–0114, U.S. Fish and Wildlife Service Headquarters, MS: PRB/3W, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

For additional information about submitting comments, see Request for Public Comments and Public Availability of Comments under **SUPPLEMENTARY INFORMATION**.

**FOR FURTHER INFORMATION CONTACT:** Adam Zerrenner, Field Supervisor, by phone at 512–490–0057, or by email at [adam\\_zerrenner@fws.gov](mailto:adam_zerrenner@fws.gov). Individuals who are hearing or speech impaired may call the Federal Relay Service at 1–800–877–8339 for TTY assistance.

**SUPPLEMENTARY INFORMATION:** We, the U.S. Fish and Wildlife Service (USFWS), announce the availability of our draft recovery plan for the Diamond Y invertebrates, including Diamond tryonia (*Pseudotryonia adamantina*), Gonzales tryonia (*Tryonia circumstriata*), and Pecos amphipod (*Gammarus pecos*), which we listed as endangered in 2013 (see 78 FR 41228; July 9, 2013) under the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*). These aquatic invertebrates are restricted to the small, isolated Diamond Y Spring system and ciénega (desert wetland) in the Chihuahuan Desert of Pecos County, Texas. The draft recovery plan includes specific goals, objectives, and criteria that may help to inform our consideration of whether to reclassify the species as threatened (*i.e.*, “downlist”) or remove the species from the Federal List of Endangered and Threatened Wildlife (*i.e.*, “delist”). We request review of and comment on the draft recovery plan from local, State, and Federal agencies; nongovernmental organizations; and the public.

**Recovery Planning and Implementation**

Section 4(f) of the ESA requires the development of recovery plans for listed species, unless such a plan would not promote the conservation of a particular species. Also pursuant to section 4(f) of the ESA, a recovery plan must, to the maximum extent practicable, include:

- (1) A description of site-specific management actions as may be necessary to achieve the plan’s goals for the conservation and survival of the species;

- (2) Objective, measurable criteria that, when met, would support a determination under the ESA’s section 4(a)(1) that the species should be delisted; and

- (3) Estimates of the time and costs required to carry out those measures needed to achieve the plan’s goal and to achieve intermediate steps toward that goal.

In 2016, the USFWS revised its approach to recovery planning, and is now using a process termed recovery planning and implementation (RPI) (see <https://www.fws.gov/endangered/esa-library/pdf/RPI.pdf>). The RPI approach is intended to reduce the time needed to develop and implement recovery plans, increase recovery plan relevance over a longer timeframe, and add flexibility to recovery plans so they can be adjusted to new information or circumstances. Under RPI, a recovery plan addresses the statutorily required elements under section 4(f) of the ESA, including site-specific management

actions, objective and measurable recovery criteria, and the estimated time and cost to recovery. The RPI recovery plan is supported by two supplementary documents: A species status assessment (SSA), which describes the best available scientific information related to the biological needs of the species and assessment of threats; and a recovery implementation strategy, which details the particular near-term activities needed to implement the recovery actions identified in the recovery plan. Under this approach, we can more nimbly incorporate new information on species biology or details of recovery implementation by updating these supplementary documents without concurrent revision of the entire recovery plan, unless changes to statutorily required elements are necessary.

**Species Background**

On July 9, 2013, we published a final rule (78 FR 41228) to list the Diamond tryonia, Gonzales tryonia, and Pecos amphipod as endangered species. Also on July 9, 2013, we published a final rule (78 FR 40970) designating critical habitat for the three species. A single critical habitat unit, encompassing 178.6 hectares (441.4 acres), is designated as critical habitat for these species at the Diamond Y Spring system.

These species are only known to inhabit the Diamond Y Spring system, a small complex of isolated desert springs, seeps, and associated ciénegas (desert wetlands), in the Chihuahuan Basin and Playas ecoregion of western Texas. The spring system is located approximately 12 kilometers (8 miles) north of the City of Fort Stockton in Pecos County. The Nature Conservancy owns and manages the Diamond Y Spring Preserve, which encompasses the spring and ciénega system.

The primary ongoing threats to the Diamond Y invertebrates include habitat loss and degradation as a result of decreasing groundwater quantity and quality and habitat modification; predation; the inadequacy of existing regulatory mechanisms; competition; and climate change.

**Recovery Criteria**

The draft recovery criteria are summarized below. For a complete description of the rationale behind the criteria, the recovery strategy, management actions, and estimated time and costs associated with recovery, refer to the draft recovery plan for the Diamond Y invertebrates (see **ADDRESSES**, above, for document availability).

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.*

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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.