

**DEPARTMENT OF HOMELAND SECURITY**

**Federal Emergency Management Agency**

**44 CFR Part 67**

[Docket No. FEMA-B-7701]

**Proposed Flood Elevation Determinations**

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Proposed rule.

**SUMMARY:** Technical information or comments are requested on the proposed Base (1% annual chance) Flood Elevations (BFEs) and proposed BFEs modifications for the communities listed below. The BFEs are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**DATES:** The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

**ADDRESSES:** The proposed BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

**FOR FURTHER INFORMATION CONTACT:** William R. Blanton, Jr., Engineering Management Section, Mitigation Division, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-3151.

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency (FEMA) proposes to make determinations of BFEs and modified BFEs for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed BFEs and modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

*National Environmental Policy Act.* This proposed rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental

impact assessment has not been prepared.

*Regulatory Flexibility Act.* As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601-612, a regulatory flexibility analysis is not required.

*Regulatory Classification.* This proposed rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

*Executive Order 13132, Federalism.* This proposed rule involves no policies that have federalism implications under Executive Order 13132.

*Executive Order 12988, Civil Justice Reform.* This proposed rule meets the applicable standards of Executive Order 12988.

**List of Subjects in 44 CFR Part 67**

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is proposed to be amended as follows:

**PART 67—[AMENDED]**

1. The authority citation for part 67 continues to read as follows:

**Authority:** 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

**§ 67.4 [Amended]**

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
<b>Bartow County, Georgia and Incorporated Areas</b>				
Raccoon Creek .....	Approximately 19,930 feet upstream of the confluence with Etowah River.	None	+705	Bartow County ((Unincorporated Areas).
	Approximately 22,900 feet upstream of the confluence with Etowah River.	None	+708	

\*National Geodetic Vertical Datum  
#Depth in feet above ground  
+North American Vertical Datum

**ADDRESSES**

**Bartow County (Unincorporated Areas)**

Maps are available for inspection at the Community Map Repository, 135 West Cherokee Avenue, Suite 124, Cartersville, Georgia 30120. Send comments to Mr. Clarence Brown, Presiding Commissioner, Bartow County, 135 West Cherokee Avenue, Suite 251, Cartersville, Georgia 30120.

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective <sup>1</sup>	Modified	
<b>Carroll County, Georgia and Incorporated Areas</b>				
Beulah Creek .....	At the confluence with Little Tallapoosa River .....	+986	+988	City of Carrollton.
	At Columbia Drive .....	+986	+988	
Buffalo Creek .....	At Strickland Road .....	+1042	+1043	City of Carrollton.
Tributary 1 .....	Approximately 900 feet upstream of Strickland Road	+1042	+1043	
Chandler's Spring Creek .....	At the confluence with Little Tallapoosa River .....	+989	+992	City of Carrollton.
	Just upstream of William Street .....	+989	+992	
Curtis Creek .....	At the confluence with Little Tallapoosa River .....	+991	+994	City of Carrollton.
	At Lake Carroll Dam .....	+991	+994	
Little Tallapoosa River .....	Approximately 2,275 feet upstream of confluence of Buck Creek.	+977	+978	City of Carrollton.
	Approximately 2,800 feet upstream of Northside Drive	+992	+995	
Little Tallapoosa River Tributary.	At the confluence with Little Tallapoosa River .....	+990	+993	City of Carrollton.
	Approximately 2,870 feet upstream of confluence with Little Tallapoosa River.	+992	+993	
Sweetwater Creek .....	At Carroll/Douglas County boundary .....	None	+979	Carroll County. (Unincorporated Areas).
	Approximately 1,510 feet upstream of the Carroll/Douglas county boundary.	None	+982	
Tanyard Branch .....	At confluence with Little Tallapoosa River .....	+989	+992	City of Carrollton.
	Approximately 135 feet upstream of River Drive .....	+991	+992	

\* National Geodetic Vertical Datum.

# Depth in feet above ground.

+ North American Vertical Datum.

<sup>1</sup> The existing elevation data included on the effective FIRM is printed in the elevation datum of the National Geodetic Vertical Datum of 1929 (NGVD29). In order to convert this printed elevation data from the NGVD29 datum to the NAVD88 datum, please add 0.2 feet.

**ADDRESSES**

**Carroll County (Unincorporated Areas)**

Maps are available for inspection at the Community Map Repository, Carroll County Engineering Department, 315 Bradley Street, Carrollton, Georgia 30117.

Send comments to The Honorable Robert Barr, Chairman, Carroll County Board of Commissioners, 315 Bradley Street, Georgia, 30117.

**City of Carrollton**

Maps are available for inspection at the Community Map Repository, Carroll County Engineering Department, 315 Bradley Street, Carrollton, Georgia 30117.

Send comments to The Honorable Weigh Garner, Mayor, City of Carrollton, 315 Bradley Street, Georgia, 30117.

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
<b>Forsyth County, Georgia and Incorporated Areas</b>				
Hurricane Creek .....	At the confluence with Settingdown Creek .....	+969	+970	Forsyth County (Unincorporated Areas).
	Approximately 1,010 feet upstream of the confluence with Settingdown Creek.	+969	+970	
James Creek .....	At the confluence with Chattahoochee River .....	+917	+918	Forsyth County (Unincorporated Areas).
	Approximately 2,400 feet upstream of the confluence with Chattahoochee River.	+917	+918	
Tributary G .....	At the confluence with Settingdown Creek .....	+1,141	+1,140	Forsyth County (Unincorporated Areas).
	Approximately 100 feet upstream of the confluence with Settingdown Creek.	+1,141	+1,140	
Tributary J .....	At the confluence with Settingdown Creek .....	+1,157	+1,156	Forsyth County (Unincorporated Areas).
	Approximately 60 feet upstream of the confluence with Settingdown Creek.	+1,157	+1,156	

\* National Geodetic Vertical Datum.

# Depth in feet above ground.

+ North American Vertical Datum.

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	

**ADDRESSES**

**Forsyth County (Unincorporated Areas)**

Maps are available for inspection at 110 East Main Street, Suite 100, Cumming, Georgia 30040.

Send comments to Mr. Jack Conway, Commission Chairman, Forsyth County, 110 East Main Street, Suite 210, Cumming, Georgia 30040.

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	

**Whitfield County, Georgia and Incorporated Areas**

Poplar Springs Creek .....	Approximately 660 feet downstream of Poplar Springs Road.	None	+747	Whitfield County (Incorporated Areas).
	Approximately 1,270 feet upstream of Reed Pond Road Northwest.	None	+771	

\* National Geodetic Vertical Datum.

# Depth in feet above ground.

+ North American Vertical Datum.

**ADDRESSES**

**Whitfield County (Unincorporated Areas)**

Maps are available for inspection at 1407 Burleyson Drive, Dalton, Georgia 30720.

Send comments to Brian D. Anderson, Sr., Commission Chairman, Board of Commissioners, Whitfield County, 301 West Crawford Street, Dalton, Georgia 30720.

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	

**Choctaw County, Mississippi, and Incorporated Areas**

Yockanookany River .....	At Highway 407 .....	None	+454	Town of Weir. Choctaw County (Unincorporated Areas).
	Approximately 400 feet upstream of South Union Road.	None	+513	
Yockanookany River Tributary 2.	At Kansas City Southern Railroad Bridge .....	None	+516	Town of Ackerman Choctaw County. (Unincorporated Areas).
	Approximately 120 feet upstream of McKnight Road ..	None	+534	
Yockanookany River Tributary 3.	At West Main Street .....	None	+510	Town of Ackerman Choctaw County (Unincorporated Areas).
	Approximately 90 feet upstream of State Highway 12	None	+538	
Yockanookany River Tributary 4.	Approximately 70 feet downstream of Commerce Street.	None	+521	Town of Ackerman.
	Approximately 320 feet upstream of College Street ....	None	+534	

\* National Geodetic Vertical Datum.

# Depth in feet above ground.

+ North American Vertical Datum.

**ADDRESSES**

**Town of Ackerman**

Maps are available for inspection at Town Hall, 45 East Main Street, Ackerman, MS 39735.

Send comments to The Honorable Bruce Burney, Mayor, 45 East Main Street, Ackerman, MS 39735.

**Choctaw County (Unincorporated Areas)**

Maps are available for inspection at County Courthouse, 22 East Quinn Street, Ackerman, MS 39735.

Send comments to Mr. Thomas Higgins, Board President, Choctaw County Board of Supervisors, 22 East Quinn Street, Ackerman, MS 39735.

**Town of Weir**

Maps are available for inspection at Town Hall, 217 Front Street, Weir, MS 39772.

Send comments to The Honorable Lee James, Mayor, Town Hall, 217 Front Street, Weir, MS 39772.

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
<b>Northumberland County, Pennsylvania, and Incorporated Areas</b>				
Boile Run .....	Approximately 690 feet upstream of State Road 147 ..	*433	+432	Township of Lower Augusta.
	Approximately 905 feet downstream of State Road 147.	*431	+432	
Dalmatia Creek .....	Approximately at 90 feet downstream of State Road 147.	*416	+416	Township of Lower Mahanoy.
	Approximately at 900 feet upstream of State Road 147.	*417	+416	
Limestone Run .....	Approximately at 1110 feet downstream of Filbert Street.	*468	+468	Borough of Milton, Township of Turbot.
	Approximately at 1600 feet upstream of Township Route 594.	*520	+519	
Mahanoy Creek .....	Approximately 2120 feet downstream of State Road 147.	*426	+427	Township of Jackson.
Mahantango Creek .....	Approximately 2900 feet upstream of State Road 147	*427	+427	Township of Lower Mahanoy.
	Approximately 1000 feet downstream of State Road 147.	*404	+400	
	Approximately at 3000 feet upstream of State Road 147.	*404	+404	
Muddy Run .....	Approximately at 3120 feet downstream of Legislative Route 49102.	*472	+472	Township of Turbot.
	Approximately at 50 feet downstream of Township Route 572.	*472	+472	
Shamokin Creek .....	Approximately 2500 feet downstream of State Road 61.	*587	+583	Township of Ralpho, Township of Shamokin.
	Approximately 2250 feet upstream of Irish Valley Road.	*617	+617	
Susquehanna River .....	Approximately 18.6 miles downstream of Route 61, at Northumberland/Dauphin County line.	*404	+400	Borough of Herndon, Borough of Northumberland, Borough of Riverside, City of Sunbury, Township of Lower Augusta, Township of Lower Mahanoy, Township of Point, Township of Rush, Township of Upper Augusta.
	Approximately 3.9 miles upstream of Route 54, at Northumberland/Montour County line.	*464	+468	
Tributary No. 1 to Limestone Run.	Approximately 2055 feet downstream of State Road 254.	*481	+476	Township of Turbot.
	Approximately 250 feet downstream of State Road 254.	*481	+476	

\* National Geodetic Vertical Datum.

# Depth in feet above ground.

+ North American Vertical Datum.

**ADDRESSES**

**Borough of Herndon**

Maps are available for inspection at Herndon Borough Municipal Building, P.O. Box 385, Herndon, PA 17830

Send comments to The Honorable Richard Sweppenhiser, Mayor, North Main Street, P.O. Box 385, Herndon, PA 17830

**Borough of Milton**

Maps are available for inspection at Milton Borough Office, 2nd Filbert Street, Milton, PA 17847.

Send comments to The Honorable Charles Beck, Jr, Borough Manager, 2nd Filbert Street, Milton, PA 17847.

**Borough of Northumberland**

Maps are available for inspection at Northumberland Borough Building, 221 Second Street, Northumberland, PA 17857.

Send comments to The Honorable Brian M. Wolf, Chairman of Borough Council, 221 Second Street, Northumberland, PA 17857.

**Borough of Riverside**

Maps are available for inspection at Riverside Borough Building, 301 Dewart Street, Riverside, PA 17868.

Send comments to The Honorable Peter T. Fleming, President of Borough Council, P.O. Box 307, Riverside, PA 17868.

**City of Sunbury**

Maps are available for inspection at Sunbury City Code Administration Office, 225 Market Street, Sunbury, PA 17801.

Send comments to The Honorable Jess Woodring, Mayor, 225 Market Street, Sunbury, PA 17801.

**Township of Jackson**

Maps are available for inspection at Jackson Township Municipal Building, RR 2 Box 605, Herndon, PA 17830.

Send comments to The Honorable LaVerne Forman, Chairman of Board of Supervisors, RR 2 Box 605, Herndon, PA 17830.

**Township of Lower Augusta**

Maps are available for inspection at Lower Augusta Township Building, Rd #3, Box 28, Sunbury, PA 17801.

Send comments to The Honorable Talmage Johnson, Chairman of Board of Supervisors, Rd #3, Box 28, Sunbury, PA 17801.

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	

**Township of Lower Mahanoy**

Maps are available for inspection at Lower Mahanoy Township Hall, Rd 1, Box 38, Dalmatia, PA 17017.

Send comments to The Honorable Larry L. Adams, Chairman of Board of Supervisors, Rd 1, Box 11, Dalmatia, PA 17017.

**Township of Point**

Maps are available for inspection at Point Township Municipal Building, 759 Ridge Road, Northumberland, PA 17857.

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	

**Roane County, Tennessee and Incorporated Areas**

Clinch River .....	At confluence with Tennessee River .....	None	+746	City of Kingston, Roane County (Unincorporated Areas)
	At confluence with Emory River .....	None	+746	
Clinch River .....	At confluence with Brashear Creek .....	None	+747	City of Oak Ridge, Roane County (Unincorporated Areas).
	At Roane County-Knox County Boundary .....	None	+796	

\* National Geodetic Vertical Datum.

# Depth in feet above ground.

+ North American Vertical Datum.

**ADDRESSES****Roane County (Unincorporated Areas)**

Maps are available for inspection at: Roane County Mayor's Office, 200 Race Street, Kingston, TN 37763.

Send comments to the Honorable Ken Yager, Mayor Roane County, 200 Race Street, Kingston, TN 37763.

**City of Kingston**

Maps are available for inspection at: City of Kingston Mayor's Office, 125 W. Cumberland Street, Kingston, TN 37763.

Send comments to the Honorable Diane McKeetham, Mayor City of Kingston, 125 W. Cumberland Street, Kingston, TN 37763.

**City of Oak Ridge**

Maps are available for inspection at: Community Development Department, 200 South Tulane Avenue, Oak Ridge, TN 37830.

Send comments to the Honorable David Bradshaw, Mayor City of Oak Ridge, 200 South Tulane Avenue, Oak Ridge, TN 37830.

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	

**White County, Tennessee and Incorporated Areas**

Calfkiller River .....	At Wagner Street .....	None	+867	City of Sparta.
	At West Bronson Street .....	None	+963	
Town Creek B .....	At Highway 111 .....	None	+896	White County (Unincorporated Areas).
	At Highway 70/North .....	None	+906	

\* National Geodetic Vertical Datum.

# Depth in feet above ground.

+ North American Vertical Datum.

**ADDRESSES****White County (Unincorporated Areas)**

Maps are available for inspection at White County Executive Office, Room 205, Courthouse, 1 West Bockmen Way, Sparta, TN 38583.

Send comments to: The Honorable Herd Sullivan, Mayor White County, White County Courthouse, Room 205, Sparta, TN 38583.

**City of Sparta**

Maps are available for inspection at White County Executive Office, Room 205, Courthouse, 1 West Bockmen Way, Sparta, TN 38583.

Send comments to: The Honorable Tommy Pedigo, Mayor City of Sparta, 6 Liberty Square, Sparta, TN 38583.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Dated: December 11, 2006.

**David I. Maurstad,**

Director, Mitigation Division, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. E6-21577 Filed 12-18-06; 8:45 am]

BILLING CODE 9110-12-P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

RIN 1018-AT37

#### Endangered and Threatened Wildlife and Plants; Proposed Rule to Remove the Virginia Northern Flying Squirrel (*Glaucomys sabrinus fuscus*) From the Federal List of Endangered and Threatened Wildlife

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

**ACTION:** Proposed rule.

**SUMMARY:** Under the authority of the Endangered Species Act of 1973 (Act), as amended, we, the U.S. Fish and Wildlife Service (Service, us, our, or we), propose to remove the West Virginia northern flying squirrel (WVNFS) (*Glaucomys sabrinus fuscus*) from the Federal List of Endangered and Threatened Wildlife, due to recovery. This action is based on a review of the best available scientific and commercial data, which indicates that the subspecies is no longer endangered or threatened with extinction, or likely to become so within the foreseeable future. Recovery actions have resulted in a reduction in the threats which has led to: (1) A significant increase in the number of known WVNFS capture sites; (2) an increase in the number of individual squirrels; (3) multiple generation reproduction; (4) the proven resiliency of the squirrels; and (5) the vast improvement and continued expansion of suitable habitat.

**DATES:** We will consider comments on this proposed delisting if they are received by February 20, 2007. Public hearing requests must be received by February 2, 2007.

**ADDRESSES:** If you wish to comment on this proposed delisting, you may submit your comments and materials concerning this proposal by any one of several methods:

1. You may submit written comments and information to the Assistant Chief, Division of Endangered and Threatened Species, U.S. Fish and Wildlife Service,

Northeast Regional Office, 300 Westgate Center Drive, Hadley, MA 01035.

2. You may hand-deliver written comments to our Northeast Regional Office, at the above address.

3. You may fax your comments to 413-253-8482.

4. You may use the Federal Rulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

#### FOR FURTHER INFORMATION CONTACT:

Diane Lynch at the above address (telephone: 413-253-8628) or the Field Office Supervisor, West Virginia Field Office, 694 Beverly Pike, Elkins, WV 26241 (telephone: 304-636-6586, extension 15).

#### Public Comments Solicited

We intend for any final action resulting from this proposal to be as accurate as possible. Therefore, we solicit data, comments, or suggestions from the public, other concerned government agencies, the scientific community, industry, Tribes, or any other interested party concerning this proposed rule. We particularly seek comments concerning: (1) Biological, commercial, trade, or other relevant data concerning any threat (or lack thereof) to the WVNFS; (2) additional information on the range, distribution, and population size of the WVNFS and its habitat; (3) the location of any additional populations of the WVNFS; and (4) data on population trends. Please note that comments merely stating support or opposition to the actions under consideration without providing supporting information, although noted, will not be considered in making a determination, as section 4(b)(1)(A) of the Act (16 U.S.C. 1531 *et seq.*) directs that determinations as to whether any species is a threatened or endangered species shall be made "solely on the basis of the best scientific and commercial data available."

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their name and/or home address, etc., but if you wish us to consider withholding this information, you must state this prominently at the beginning of your comments. In addition, you must present rationale for withholding this information. This rationale must demonstrate that disclosure would constitute a clearly unwarranted invasion of privacy.

Unsupported assertions will not meet this burden. In the absence of exceptional, documentable circumstances, this information will be released. We will always make submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety. Comments and other information received, as well as supporting documentation used to write this rule, will be available for public inspection, by appointment, during normal business hours at our Northeast Regional Office (see **ADDRESSES**). In making a final decision on this proposal, we will take into consideration the comments and any additional information we receive. Such communications may lead to a final rule that differs from this proposal.

#### SUPPLEMENTARY INFORMATION:

##### Background

The northern flying squirrel, *Glaucomys sabrinus*, is comprised of 25 subspecies, including the Virginia northern flying squirrel, *G. s. fuscus*. Miller (1936, p. 143) first described *G. s. fuscus*, based on specimens collected in the Appalachian Mountains of eastern West Virginia. The Virginia northern flying squirrel was listed as endangered under the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*) on July 1, 1985 (Service 1985 (50 FR 26999, p. 27002)). However, it was subsequently determined that a more suitable common name for *G. s. fuscus* is the West Virginia northern flying squirrel (WVNFS), due to the majority of the range of the subspecies occurring in West Virginia, and will be referred to as such throughout the rest of this document. Information about the WVNFS' life history can be found in the final listing rule (50 FR 26999), the Appalachian Northern Flying Squirrels Recovery Plan (Service 1990, pp. 1-11), and the recent 5-year review (Service 2006b, pp. 6-10).

##### Previous Federal Actions

Additional information regarding previous Federal action for the WVNFS can be obtained by consulting the subspecies' regulatory profile found at: [http://ecos.fws.gov/species\\_profile/servlet/gov.doi.species\\_profile.servlets.SpeciesProfile?spcode=A09R](http://ecos.fws.gov/species_profile/servlet/gov.doi.species_profile.servlets.SpeciesProfile?spcode=A09R).

##### Recovery Planning

Recovery plans are not regulatory documents and are instead intended to provide guidance to the Service, States,