Appendix P.

Policy Regarding Controlled Propagation of Species Listed Under the Endangered Species Act

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: Comments Due Date: October 20, 2000.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval number and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, Q, Department of Housing and Urban Development, 451 Seventh Street, Southwest, Washington, DC 20410; e-mail Wayne__Eddins@HUD.gov; telephone (202) 708–2374. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35). The Notice lists the following information: (1) the title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the name and telephone number of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

This Notice also lists the following information:

Title of Proposal: HUD 2020 Partners.

OMB Approval Number: 2528–XXXX.

Form Numbers: None.

Description of the Need for the Information and its Proposed Use: The purpose is to survey the perceptions of HUD partner groups about HUD performance and changes in that HUD 2020 Management reforms.

Respondents: Business or other for-profit, Not-for-profit institutions, State, Local or Tribal Government.

Frequency of Submission: Biannually.

Reporting Burden:

Number of respondents	×	Frequency of response	×	Hours per response	Burden hours
2,418		1		0.25	605

Total Estimated Burden Hours: 605.

Status: New.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: September 13, 2000.

Wayne Eddins,

Departmental Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 00–24103 Filed 9–19–00; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 1018–AG25

Policy Regarding Controlled Propagation of Species Listed Under the Endangered Species Act

AGENCIES: Fish and Wildlife Service, Interior; National Marine Fisheries Service, Commerce.

ACTION: Notice of policy.

SUMMARY: This policy, published jointly by the Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS), jointly referred to as the Services, addresses the role of controlled propagation in the conservation and recovery of species listed as endangered or threatened under the Endangered Species Act of 1973 (as amended) (Act). The policy provides guidance and establishes consistency for use of controlled propagation as a component of a listed species recovery strategy. This policy will help to ensure smooth transitions between various phases of conservation efforts such as propagation, reintroduction and monitoring, and foster efficient use of available funds. The policy supports the controlled propagation of listed species when recommended in an approved recovery plan or when necessary to prevent extinction of a species. Appropriate uses of controlled propagation include supporting recovery related research, maintaining refugia populations, providing plants or animals for reintroduction or augmentation of existing populations, and conserving species or populations at risk of imminent extinction or extirpation.

DATES: The final policy on controlled propagation is effective October 20, 2000.

ADDRESSES: You may view comments and materials received during the public comment period for the draft policy document by appointment during normal business hours in Room 420, 4401 North Fairfax Drive, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: David Harrelson, Division of Endangered Species, U.S. Fish and Wildlife Service at the above address (703/358–2171) or by e-mail at David_Harrelson@fws.gov; or Marta Nammack, Office of Protected Resources, National Marine Fisheries Service (301/713–1401) or by e-mail at Marta.Nammack@noaa.gov.

SUPPLEMENTARY INFORMATION: The Endangered Species Act specifically charges us with the responsibility for identification, protection, management, and recovery of species of plants and animals in danger of extinction. Fulfilling this responsibility requires the protection and conservation of not only individual organisms and populations, but also the genetic and ecological resources that listed species represent. Long-term viability depends on maintaining genetic adaptability within each species. Species, as defined in section 3(15) of the Act, includes ''any subspecies of fish or wildlife or plants, and any distinct population segment of any species of vertebrate fish or wildlife which interbreeds when mature.'' Though the Act emphasizes the restoration of listed species in their

natural habitats, section 3(3) of the Act recognizes propagation as a tool available to us to achieve this end. The controlled propagation of animals and plants in certain situations is an essential tool for the conservation and recovery of listed species. In the past, we have used controlled propagation to reverse population declines and to successfully return listed species to suitable habitat in the wild. To support the goal of restoring endangered and threatened animals and plants, we are obligated to develop sound policies based on the best available scientific and commercial information.

Summary of Comments and Recommendations

A draft policy on this subject was published on February 7, 1996 (61 FR 4716), and invited public comment. We received 47 comments. Twenty-four were from zoos, aquariums, botanical gardens, and conservation organizations, 3 from academic institutions, 6 from private individuals and business organizations, 2 from government organizations, and 12 from State natural resource agencies. Nearly all comments received were supportive of the policy and its goals. Comments that expressed concerns or criticisms were limited, though quite specific. We reviewed all comments received, and suggestions or clarifications have been incorporated into the final policy text. The following describes the major issues identified and our responses.

Issue: The draft policy, as published, would have a significant impact in terms of increased workload on the Services, zoological parks and aquariums, private organizations, and individual citizens.

Response: We acknowledge this concern and have modified the policy to reduce impacts to the zoo and aquarium community, botanical facilities, Federal fish hatcheries, and others who may be involved in propagation of listed species. As amended, this final policy is not expected to have a significant impact on organizations or individuals involved in propagation of listed species. The majority of zoological parks and aquaria that are involved in programs assisting the recovery of endangered and threatened animal species native to the United States are members of the American Zoo and Aquarium Association (AZA). The AZA has developed numerous strategies, protocols, and standards that address concerns associated with captive animal populations involved in conservation-based breeding programs. This final policy encourages the Services, and others, to follow as may be practical, the protocols and standards of the AZA, and other appropriate organizations, for the controlled propagation of animal species. The Center for Plant Conservation (CPC) is similar to the AZA in that this organization consists of member botanical gardens and arboreta that are involved in preventing the extinction of native plants, including those federally listed as endangered or threatened. When practical, the Services and others are encouraged to use the protocols and standards of the CPC, and other appropriate organizations, when propagating listed plant species.

Those individuals or organizations that currently have permits to keep listed species are exempt from this policy for the duration of the permit unless the Regional Director (FWS) or Assistant Administrator (NMFS) determines otherwise. For example, a permit holder implementing activities recommended in an approved recovery plan is exempt and would not need to reapply for a new permit. We have made substantial efforts to avoid adverse impacts, economic or otherwise, in order that cooperative recovery partnership opportunities may be maintained or increased with qualified organizations and individuals.

Issue: The policy would apply to research activities identified in recovery plans in which controlled propagation or unintentional propagation may occur.

Response: Research identified in recovery plans, including research that may lead to development of a controlled propagation capacity, is not covered by this policy because the intent of such research is not the production of individuals for introduction into the wild. Should offspring that are the product of research efforts be proposed for introduction into the wild, such offspring and any proposed reintroductions will be subject to this policy.

Should circumstances arise in the course of implementing recovery activities, including research, in which application of this policy is deemed necessary for the benefit of the listed species, the decision to apply the policy will rest with the Regional Director or Assistant Administrator.

Research on species with short lifespans (*e.g.*, 1 to 2 years) that requires maintenance of a captive population not intended for release to the wild is exempt from this policy. However, all activities involving reproduction of a listed U.S. species must meet the requirements of the Act, as well as any other legal and administrative obligations. All persons or institutions conducting approved activities involving controlled propagation of listed species for purposes other than release in the wild will still be required to develop appropriate measures to address concerns identified under section E. 5. of this policy.

Issue: The policy would apply to foreign species being maintained and propagated in U.S. zoological and aquarium facilities or by private individuals.

Response: This policy only applies to species indigenous to the United States and its territories for which we have, or intend to prepare, recovery plans. We have exempted foreign species that are listed under the Act and being propagated or maintained in the United States for conservation purposes.

Issue: Requirements to develop genetics and reintroduction guidance documents for species being propagated for augmentation of existing populations or for the establishment of new populations in the wild are not practical.

Response: We recognize this concern and have modified the policy accordingly. In many instances there is insufficient biological knowledge of the listed species to develop detailed genetic management documents, and the requirement for these documents may unnecessarily burden conservation and recovery efforts. However, we strongly recommend development of these documents if adequate information is available. Furthermore, we reemphasize the recommendation in the draft policy that controlled propagation activities follow accepted standards, which include appropriate genetics management.

Issue: There are too many reporting requirements.

Response: We have reduced reporting requirements. However, we need to identify those listed species involved in controlled propagation programs, the level of production in these programs, and efforts to secure appropriate habitat for population augmentation, reintroduction, and recovery.

Issue: The requirement that controlled propagation be permitted only if indicated in an approved final recovery plan would place an unnecessary burden on Federal programs to revise existing recovery plans to meet this requirement.

Response: We do not agree. The recovery plans for most species for which controlled propagation is occurring have identified this action as a specific recovery task. Where controlled propagation is not identified as a task in the recovery plan, but has been subsequently determined to be necessary to the recovery of the species,

the plan would need to be amended or revised.

Required Determinations

1. Regulatory Planning and Review

In accordance with Executive Order 12866, this policy was submitted for review by the Office of Management and Budget. In accordance with the criteria set forth in Executive Order 12866, this policy is not a significant regulatory action. Under current and anticipated levels of activity, this policy will not result in an annual economic effect of $100 million or more. Moreover, this policy will not adversely affect an economic sector, productivity, jobs, the environment, or other units of government. The controlled propagation policy does not pertain to commercial products or activities or anything traded in the marketplace.

2. Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*)

We certify that this policy will not have a significant economic effect on a substantial number of small entities. This policy does not apply to all species listed under the Act but only to those species native to the United States and its territories for which recovery plans exist or are expected to be developed. Furthermore, controlled propagation is restricted to those species for which such propagation is specifically recommended in an approved final recovery plan. Programs involving the controlled propagation of federally listed species are typically restricted to institutions such as the FWS's National Fish Hatcheries and Fish Technology Centers. Nongovernmental entities that may be involved in the controlled propagation of listed species are typically organizations with a high level of technical skill in the captive maintenance and breeding of plants and animals, such as zoos, aquaria, and botanical gardens. Rarely are academic institutions and even more infrequently, private individuals, involved in the controlled propagation of listed species for conservation and recovery purposes.

3. Small Business Regulatory Fairness Act (5 U.S.C. 804(2))

This is not a major rule under 5 U.S.C. 804(2). This policy will not have an annual effect on the economy of $100 million or more, produce increases in costs or prices for consumers, individual industries or Federal, State or local government agencies, affect economic competitiveness, or economically impact geographic regions in the United States or its territories.

4. Unfunded Mandates Reform Act (2 U.S.C. 1501 et seq.)

This policy does not impose an unfunded mandate on any State, Tribal, or local government or the private sector of $100 million or more per year.

5. Takings

In accordance with Executive Order 12630, this policy does not pose significant takings implications, and a takings implication assessment is not required. Implementation of this policy will not result in ''take'' of private property and will not alter the value of private property. Many reintroductions of propagated species occur exclusively on FWS, other Federal, or State lands, but reintroductions on private lands are not unknown. In such cases, the private entities work with the Services as willing partners to ensure the success of the reintroduction effort.

6. Federalism

In accordance with Executive Order 13132, this policy does not have sufficient federalism implications to warrant the preparation of a federalism assessment. It does not affect the structure or role of States, and will not have direct, substantial, or significant effects on States. Releases of propagated species typically occur on Federal or State lands. The States work with the Services as willing partners to ensure the success of reintroduction efforts.

7. Civil Justice Reform

In accordance with Executive Order 12988, the Department of the Interior's Office of the Solicitor has determined that this policy does not unduly burden the judicial system. The final policy provides clear standards, simplifies procedures, reduces burden, and is clearly written such that litigation risk is minimized.

8. Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.)

This policy does not contain any new information collection requirements for which Office of Management and Budget approval under the Paperwork Reduction Act is required. The OMB control number for the FWS is 1018–0094 and for NMFS is 0648–0230 and 0648–0402.

9. National Environmental Policy Act

We have analyzed this policy under the criteria of the National Environmental Policy Act of 1969 as amended, and have determined that the issuance of this policy is categorically excluded by the Department of the Interior in 516 DM 2, Appendix 1.10. The NMFS concurs with the Department of the Interior's determination that the issuance of this policy qualifies for a categorical exclusion and satisfies the categorical exclusion criteria in the National Oceanic and Atmospheric Administration 216–6 Administrative Order, Environmental Review Procedure. No further NEPA documentation is required.

10. Government-to-Government Relationship With Tribes

Though no reintroductions of captively propagated federally endangered or threatened species have been undertaken, in accordance with the President's memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments'' (59 FR 22951) and 512 DM 2, we recognize the potential for such actions in the future and the obligation to relate to federally recognized Tribes on a government-to-government basis.

References Cited

A complete list of all references cited in this final policy is available on request from the Washington Office of the Division of Endangered Species (see **ADDRESSES** section).

Authors. The primary authors of this policy are David Harrelson of the Fish and Wildlife Service's Division of Endangered Species, Mail Stop 420 ARLSQ, 1849 C Street, NW, Washington, DC 20240 (703/358–2171), and Marta Nammack of the National Marine Fisheries Service's Protected Species Management Division, 1335 East-West Highway, Silver Spring, Maryland 20910 (301/713–1401).

Policy Statement

A. *What is the purpose of this policy?* This policy provides guidance and establishes consistency with respect to Fish and Wildlife Service (FWS) and National Marine Fisheries Service (NMFS), jointly called the Services, activities in which the controlled propagation of a listed species, as the term ''species'' is defined in section 3(15) of the Act, is implemented as a component of the recovery strategy for a listed species. It supports and promotes coordination between various phases of controlled propagation efforts such as propagation technology development, propagation for release, population augmentation, reintroduction, and monitoring. This policy will also contribute to the efficient use of funding resources.

Guidance is provided regarding the use of controlled propagation for:

• Preventing the extinction of listed species, subspecies, or populations;

• Recovery-oriented scientific research, including, but not restricted to, developing propagation methods and technology, and other actions that are expected to result in a net benefit to the listed taxon. Use of surrogates, while applicable to the recovery of listed species, is exempt from the requirements of this policy;
• Maintaining genetic vigor and demographic diversity of listed species, subspecies, or populations;
• Maintaining refugia populations for nearly extinct animals or plants on a temporary basis until threats to a listed species' habitat are alleviated, or necessary habitat modifications are completed, or when potentially catastrophic events occur (*e.g.*, chemical spills, severe storms, fires, flooding);
• Providing individuals for establishing new, self-sustaining populations necessary for recovery of the listed species; and
• Supplementing or enhancing extant populations to facilitate recovery of the listed species.

B. *What is the scope of this policy?* This policy applies to all pertinent organizational elements of both Services, notwithstanding those differences in administrative procedures and policies as noted. Exceptions to this policy appear in section F. This policy pertains to all efforts requiring permits under 50 CFR 17 subparts C and D, funded, authorized, or carried out by us that are conducted to propagate threatened or endangered species by:
• Establishing or maintaining refugia populations;
• Producing individuals for research and technology development needs;
• Producing individuals for supplementing extant populations; and
• Producing individuals for reintroduction to suitable habitat within the species' historic range.

C. *Why is this policy necessary?* The controlled propagation of animals and plants in certain situations is an essential tool for the conservation and recovery of listed species. In the past, we have used controlled propagation to reverse population declines and to successfully return listed species to suitable habitat in the wild.

Though controlled propagation has a supportive role in the recovery of some listed species, the intent of the Act is ''to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved.'' Controlled propagation is not a substitute for addressing factors responsible for an endangered or threatened species' decline. Therefore, our first priority is to recover wild populations in their natural habitat wherever possible, without resorting to the use of controlled propagation. This position is fully consistent with the Act.

We recognize that genetic and ecological risks may be associated with introducing to the wild, animals and plants bred and reared in a controlled environment. When considering controlled propagation as a recovery option, the potential benefits and risks must be assessed and alternatives requiring less intervention objectively evaluated. If controlled propagation is identified as an appropriate strategy for the recovery of a listed species, it must be conducted in a manner that will, to the maximum extent possible, preserve the genetic and ecological distinctiveness of the listed species and minimize risks to existing wild populations.

We recognize that for many species, information available for detailed genetics conservation management or assessment of risks associated with reintroduction may be insufficient. Therefore, this policy does not specifically require written genetic management plans and ecological risk assessments to initiate or support controlled propagation programs. Additionally, acute conservation needs may legitimately outweigh delays that would be incurred by such a requirement. However, where sufficient biological and environmental information exists, and where conservation activities would not be unduly constrained, a formal assessment of ecological and genetic risks is strongly encouraged. Risks that must be evaluated in the planning of controlled propagation programs include the following specific examples:
• Removal of natural parental stock that may result in an increased risk of extinction by reducing the abundance of wild individuals and reducing genetic variability within naturally occurring populations;
• Equipment failures, human error, disease, and other potential catastrophic events that may cause the loss of some or all of the population being held or maintained in captivity or cultivation;
• The potential for an increased level of inbreeding or other adverse genetic effects within populations that may result from the enhancement of only a portion of the gene pool;
• Potential erosion of genetic differences between populations as a result of mixed stock transfers or supplementation;
• Exposure to novel selection regimes in controlled environments that may diminish a listed species' natural capacity to survive and reproduce in the wild;
• Genetic introgression, which may diminish local adaptations of the naturally occurring population;
• Increased predation, competition for food, space, mates, or other factors that may displace naturally occurring individuals, or interfere with foraging, migratory, reproductive, or other essential behaviors; and
• Disease transmission.

Controlled propagation programs must be undertaken in a manner that minimizes potentially adverse impacts to existing wild populations of listed species, and we must conduct controlled propagation programs in a manner that avoids additional listing actions.

D. *What are the definitions for terms used in this policy?* The following definitions apply:

Controlled environment—A controlled environment is one manipulated for the purpose of producing or rearing progeny of the species in question, and of a design intended to prevent unplanned escape or entry of plants, animals, or gametes, embryos, seeds, propagules, or other potential reproductive products.

Controlled propagation—Among animals, it includes natural or artificial matings, fertilization of sex cells, transfer of embryos, development of offspring, and grow-out of individuals of a species when the species is intentionally confined or the mating is directly intended by human intervention.

The term also includes the human-induced propagation of plants from seeds, spores, callus tissue, divisions, cuttings, or other plant tissue, or through pollination in a controlled environment.

• Defined in the context of this policy, controlled propagation refers to the production of individuals, generally within a managed environment, for the purpose of supplementing or augmenting a wild population(s), or reintroduction to the wild to establish new populations.

Intercross—Any instance of interbreeding or genetic exchange between individuals of different species, subspecies, or distinct population segments of a vertebrate species.

Phenotype—The expression of the genetic makeup of an organism through physical characteristics that make up its appearance.

Recovery priority system—The system used for assigning recovery priorities to listed species and to recovery tasks. Recovery priority is based on the degree of threat, recovery potential, taxonomic

distinctness, and presence of an actual or imminent conflict between the species' conservation, adverse human activities, and other threats.

Rescue and salvage—These terms refer to extreme conditions wherein a species or population segment at risk of extinction is brought into a controlled environment (i.e., refugia) on a temporary or permanent basis.

Taxon—A formal group of organisms of any rank or formal scientific classification.

E. *What is our Policy?* This policy is intended to address candidate, proposed, and listed species indigenous to the United States and its territories for which the Services, have, or intend to prepare, recovery plans. This policy focuses primarily on those activities involving gamete transfer and subsequent development and grow-out of offspring in a laboratory, botanical facility, zoo, hatchery, aquarium, or similarly controlled environment. This policy also addresses activities related to or preceding controlled propagation activities such as:

- Obtaining and rearing offspring for research;
- Procuring broodstock for future controlled propagation and augmentation efforts; or
- Holding offspring for a substantial portion of their development or through a life-stage that experiences poor survival in the wild.

The goals of this policy include coordinating recovery actions specific to controlled propagation activities; maximizing benefits to the listed species from controlled propagation efforts; assuring that appropriate recovery measures other than controlled propagation and that other existing recovery priorities are considered in making controlled propagation decisions; and ensuring prudent use of funds.

Our policy is that the controlled propagation of threatened and endangered species will be:

1. Used as a recovery strategy only when other measures employed to maintain or improve a listed species' status in the wild have failed, are determined to be likely to fail, are shown to be ineffective in overcoming extant factors limiting recovery, or would be insufficient to achieve full recovery. All reasonable effort should be made to accomplish conservation measures that enable a listed species to recover in the wild, with or without intervention (*e.g.*, artificial cavity provisioning), prior to implementing controlled propagation for reintroduction or supplementation.

2. Coordinated with conservation actions and other recovery measures, as appropriate or specified in recovery plans, that will contribute to, or otherwise support, the provision of secure and suitable habitat. Controlled propagation programs intended for reintroduction or augmentation must be coordinated with habitat management, restoration, and other species' recovery efforts.

3. Based on the specific recommendations of recovery strategies identified in approved recovery plans or supplements to approved recovery plans whenever practical. The recovery plan, in addressing controlled propagation, should clearly identify the necessity and role of this activity as a recovery strategy.

4. Based on specific consideration of the potential ecological and genetic effects of the removal of individuals for controlled propagation purposes on wild populations and the potential effects of introductions of artificially bred animals or plants on the receiving population and other resident species. Assessments of potential risks and benefits will be addressed, as required, through sections 7 and 10 of the Act and the National Environmental Policy Act (NEPA, 42 U.S.C. 4332) for proposed controlled propagation actions.

5. Based on sound scientific principles to conserve genetic variation and species integrity. Intercrossing will not be considered for use in controlled propagation programs unless recommended in an approved recovery plan; supported in an approved genetic management plan (if information is available to develop such a plan, and which may or may not be part of an approved recovery plan); implemented in a scientifically controlled and approved manner; and undertaken to compensate for a loss of genetic viability in listed taxa that have been genetically isolated in the wild as a result of human activity. Use of intercross individuals for species conservation will require the approval of the FWS Director or that of the NMFS Assistant Administrator, in accordance with all applicable policies.

6. Preceded, when practical, by the development of a genetics management plan based on accepted scientific principles and procedures. Controlled propagation protocols will follow accepted standards such as those employed by the American Zoo and Aquarium Association (AZA), the Center for Plant Conservation (CPC), and Federal agency protocols such as fish management guidelines to the extent practical. All efforts will be made by us and our cooperators to ensure that the genetic makeup of propagated individuals is representative of that in free-ranging populations and that propagated individuals are behaviorally and physiologically suitable for introduction. Determination of biological ''suitability'' may include, but should not necessarily be limited to, analysis of geomorphological similarities of habitat, genetic similarity, phenotypic characteristics, stock histories, habitat use, and other ecological, biological, and behavioral indicators. All controlled propagation programs will address the issue of disposition of individuals found to be:

(a) Unfit for introduction to the wild;
(b) Unfit to serve as broodstock;
(c) Surplus to program needs; or
(d) Surplus to the recovery needs for the species (*e.g.,* to preclude genetic and ecological swamping).

Controlled propagation activities should not be initiated without including consideration of these issues and obtaining required permits and other authorizations as necessary. Disposition of individuals surplus to program needs may include use for research or other appropriate purposes.

Programs involving the controlled propagation of listed species for research purposes identified in final recovery plans and in which progeny will not be reintroduced to the wild are exempt from this policy. Examples of exempt actions include research involving the determination of germination rates in plants and spawning success rates in fish. This exemption does not extend to the need for these activities to comply with any other applicable Federal or State permitting or regulatory requirements.

7. Conducted in a manner that takes all known precautions to prohibit the potential introduction or spread of diseases and parasites into controlled environments or suitable habitat.

8. Conducted in a manner that will prevent the escape or accidental introduction of individuals outside their historic range.

9. Conducted, when feasible, at more than one location in order to reduce the potential for catastrophic loss at a single facility when a substantial fraction of a species or important population segment is brought into captivity.

10. Coordinated, as appropriate, with organizations and qualified individuals both within and outside our agencies. We will cooperate with other Federal agencies and State, Tribal, and local governments.

11. Conducted in a manner that will meet our information needs and that will be in accordance with accepted protocols and standards. In the case of listed species for which traditional

studbooks or registrations are not practical, records of eggs, larvae, or other life-stages will be maintained.

12. With limited exceptions, implemented only after a commitment to funding is secured.

13. Prior to releases of propagated individuals, tied to development of a reintroduction plan, unless this information is already contained in an approved recovery plan, species survival plan, or equivalent document that has received the approval of the appropriate Service. Controlled propagation and reintroduction plans will identify measurable objectives and milestones for the proposed propagation and reintroduction effort. The controlled propagation and reintroduction plan should be based on strategies identified in the approved recovery plan. It should include protocols for health management, disease screening and disease-free certification, monitoring and evaluation of genetic, demographic, life-history, phenotypic, and behavioral characteristics, data collection, recordkeeping, and reporting as appropriate. On implementation, periodic evaluations must be made to assess project progress and consider new scientific information and the status of habitat conservation efforts.

14. Conducted in accordance with the regulations implementing the Endangered Species Act, Marine Mammal Protection Act, Animal Welfare Act, Lacey Act, Fish and Wildlife Act of 1956, and the Services' procedures relative to NEPA.

F. *Does this policy allow any exceptions?* Except as identified in this section, any exceptions to the above policy guidelines will require specific approval from the FWS Director or the NMFS Assistant Administrator on a case by case basis. The following circumstances have been anticipated and are exempted from this policy.

1. Pacific salmon are exempted from this policy. NMFS, as the lead Service for the recovery of listed Pacific salmon, has developed and will continue to use the interim policy (April 5, 1993, 58 FR 17573) addressing controlled propagation of these species. The NMFS interim artificial propagation policy more specifically addresses the biological needs of these species.

2. Cases where a listed species has an ephemeral reproductive stage or short (1–2 year) lifespan that necessitates controlled propagation to sustain the listed species in refugia, or to maintain a research population where there is no intent to release captive-bred individuals from that population into the wild, are exempt.

3. In the absence of an approved recovery plan, recommendations contained in recovery outlines, draft recovery plans, or made in writing by a recovery team may be used to justify controlled propagation as a necessary recovery measure for listed species in danger of imminent extinction or extirpation of critical populations. However, under such circumstances initiation of controlled propagation activities will require the Regional Director's or Assistant Administrator's approval.

4. Candidate and proposed species held in refugia, used in research, or used for the development of propagation technology that are subsequently listed as endangered or threatened are exempted from this policy. Any propagation program initiated with candidate or proposed species with the intent to produce individuals for release to the wild are not exempted and must comply with this policy.

5. Captive breeding of listed species that are not native to the United States or its territories or possessions, and producing individuals not addressed in an approved recovery plan and not intended for release within the United States or its territories or possessions, is exempt from this policy. However, such activities must comply with any other Federal and State laws, permit needs, or other requirements.

6. The temporary removal and holding of listed individuals, unless such actions intentionally involve reproduction other than for purposes of recovery-related research or as needed to maintain a refugia population is exempted.

7. The short-term holding or captive-rearing of wild-bred individuals obtained for later reintroduction, augmentation, or translocation efforts when controlled propagation does not take place or is not intended during the period of captive maintenance.

8. Actions involving cryopreservation or other methods of conserving biological materials, if not intended for near-term use in controlled propagation or the reintroduction into the wild of listed species, are exempt from this policy. When and if reintroduction to the wild requires the use of these materials, such activities would come under the scope of this policy.

9. Additional exceptions to this policy may be made on a case-by-case basis with the approval of the FWS Director or NMFS Assistant Administrator, as warranted.

Where conflicts may arise between this policy and programs carried out in furtherance of restoration goals or required by treaty, trust resources obligations, or other legal mandate, we will, to the extent practical, make every effort to achieve solutions that are consistent with the requirements of the Act and this policy.

G. *Who are our potential partners?* We recognize the need for partnerships with other Federal agencies, States, Tribes, local governments, and private entities in the recovery of listed species. We will seek to develop partnerships with qualified cooperators for the purpose of propagating listed, proposed, and candidate species (as authorized under sections 6 and 2(a)(5) of the Act). Guidance for this activity is as follows:

1. The FWS Regional Directors or the NMFS Regional Administrators may explore opportunities for accomplishing controlled propagation and any associated research tasks with other Federal cooperators, FWS/NMFS facilities, State agencies, Tribes, zoological parks, aquaria, botanical gardens, academia, and other qualified parties at their discretion. We will select cooperators on the basis of scientific merits; technical capability; willingness to adhere to our policies, guidance, and protocols; and cost-effectiveness.

2. Regional Directors or Regional Administrators, depending on which agency has lead for the species, will be responsible for ensuring appropriate staff oversight of programs conducted by all cooperators to ensure adherence to necessary protocols, guidance, and permit conditions, and to coordinate reporting requirements.

H. *What are the Federal agency responsibilities under this policy?* This policy shall be implemented in accordance with the following guidelines:

1. The Regional Directors and Regional Administrators will ensure compliance with this policy for those species for which they have responsibility.

2. Regional Directors and Regional Administrators are responsible for recovery of listed species under their jurisdiction. Recovery actions for which Regional Directors and Regional Administrators have authority include establishment of refugia, initiation of necessary research or technology development, implementation of controlled propagation programs, and propagation research for listed species. When determining species' priority for inclusion in controlled propagation programs, we will consider the following:

(a) Whether or not a listed species' recovery plan outline, draft recovery plan, or final recovery plan identifies controlled propagation as an appropriate recovery strategy and what

priority this task is assigned within the overall recovery strategy.

(b) The availability and willingness of cooperators to contribute to recovery activities, including cost sharing.

3. In the event that the current recovery plan fails to identify the establishment of refugia, initiation of propagation research, or controlled propagation as recovery tasks as necessary to the recovery of the species, the recovery plan will be updated, amended, or revised as appropriate. Recovery plans not yet finalized will be amended to reflect the changed recovery requirements of the listed species and provide justifications as necessary.

4. Within 6 months of the effective date of this policy, FWS Regional Directors will identify all listed species for which they have the lead recovery responsibility that are (1) being held in refugia; (2) involved in pre-propagation research; and (3) are involved in controlled propagation programs. For species involved in controlled propagation programs, the level of production and the recovery purpose (*e.g.*, augmentation of extant populations, establishment of new populations) will be identified. This information will be reported to the Assistant Director, Endangered Species, in the FWS Washington D.C. Office.

5. Continuation of those programs not in conformity with this policy 12 months following implementation of this policy will require the FWS Director's or NMFS Assistant Administrator's concurrence. The Regional Director and Regional Administrator will provide his or her recommendation to the Director or Assistant Administrator.

I. *Does the policy include annual reporting requirements?* For the FWS, annual reports based on fiscal years will be prepared by the responsible regional authority and submitted to the Director, through the Assistant Director, Endangered Species, not later than October 31st of each year. Reports will contain the following information for each species being maintained in refugia, in pre-propagation research, or under propagation:

- Recovery priority number;
- Policy criteria that are not met (if any);
- A brief description of the controlled propagation program, including objectives and status;
- List of cooperators, if any;
- Expenditures for the past fiscal year;
- Prospects for, or obstacles to, achieving research, controlled propagation, or reintroduction objectives, and,
- A brief description of the status of wild populations, if any.

J. *What authorities support this policy?* The Endangered Species Act of 1973, as amended; Marine Mammal Protection Act of 1972, as amended; Animal Welfare Act; Lacey Act; Fish and Wildlife Act of 1956; and National Environmental Policy Act.

K. *What are the information collection requirements?* The permit application required for participation in the controlled propagation of species listed under the Act is FWS form #3–200–55 Interstate Commerce and Recovery and form #3–200–56 for incidental take. Applicants for NMFS research/enhancement permits or incidental take permits must meet certain criteria in their applications but there are no specific forms. We use these forms or applications to permit recovery actions that may be undertaken for scientific purposes, enhancement of propagation or survival, or for incidental taking. Whenever we ask the public to submit information, we must have authorization from the Office of Management and Budget. As part of the permitting process, we often ask the public to provide information such as filling out permit applications or submitting reports.

Information collection requirements under this policy are included under the Office of Management and Budget collection approval number 1018–0094 (FWS) and 0648–0230 (NMFS), which includes information collection for permits granted for interstate commerce and recovery and incidental take. The expiration date of this approval is February 28, 2001(FWS), and October 31, 2001 (NMFS). The purpose of information collection is to identify performance of permitted tasks and make decisions, according to criteria established in various Federal wildlife and plant conservation statutes and described in 50 CFR 17.22(a)(1) and (3) and 17.32(a)(1) and (3) (FWS) and 50 CFR 222 (NMFS).

We have estimated that the time required by an applicant to complete FWS form 3–200–55 is 2 hours. Applications to NMFS for these permits are estimated to require 80 hours for completion. The information required is already known to the applicant and need only be entered on the application form. Summary information for endangered species permit applications will be published in the **Federal Register** as required by regulation. This notice is provided pursuant to section 10(c) of the Act and NEPA regulations (40 CFR 1506.6). The total burden hours for completing reporting requirements is also estimated at 2 hours for the FWS and 80 hours for NMFS. No costs to applicants beyond the cost of hour burden described above are anticipated. Annual reports are generally required for permits for scientific research.

For organizations, businesses, or individuals operating as a business (*i.e.*, permittee not covered by the Privacy Act), we request that such entities identify any information that should be considered privileged and confidential business information to allow us to meet our responsibilities under the Freedom of Information Act. Confidential business information must be clearly marked ''Business Confidential'' at the top of the first page and each succeeding page, and must be accompanied by a nonconfidential summary of the confidential information. Documents may be made available to the public under Department of the Interior Freedom of Information Act (FOIA) regulations in 43 CFR 2.13(c)(4), 43 CFR 2.15(d)(1)(I) and Department of Commerce 15 CFR 4. Documents and other information submitted with these applications are made available for public review, subject to the requirements of the Privacy Act and FOIA, by any party who submits a written request for a copy of such documents to the appropriate Service within 30 days of the date of publication of the notice.

Signed: August 4, 2000.

Jamie Rappaport Clark,

Director, U.S. Fish and Wildlife Service, Department of the Interior.

Dated: August 18, 2000.

Penelope D. Dalton,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 00–23957 Filed 9–19–00; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM–020–1040–HV; NMNM–102554]

A Direct Sale of Public Land to Richard Montoya of Santa Fe, NM

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of realty action.

SUMMARY: The following public land has been found suitable for direct sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713) and at no less than the estimated fair market value. The land will not be offered for sale until at least 60 days after the date of this notice.

Appendix Q.

Example Implementation Schedule

Hibiscadelphus distans

Recovery Plan Implementation Schedule for *Hibiscadelphus distans*

April, 1996

PRIOR-ITY #	TASK #	TASK DESCRIPTION	TASK DURA-TION (YRS)	RESPONSIBLE PARTY	TOTAL COST	FY 1996	FY 1997	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY2003	FY 2004	FY2005	FY2006	FY2007
1	1111	Maintain exclosures.	O	DOFAW*	110	5	5	5	10	5	5	5	5	5	5	5	10
				FWES	56	2	2	2	10	2	2	2	2	2	2	2	10
1	1112	Improve methods and control feral goats.	O	DOFAW*	165	6	15	15	15	15	15	6	6	6	6	6	6
				FWES	135	4	15	15	15	15	15	4	4	4	4	4	4
1	112	Control erosion and landslides.	O	DOFAW*	46	5	5	2	2	2	2	2	2	2	2	2	2
				FWES	40	2	2	2	2	2	2	2	2	2	2	2	2
1	113	Improve methods and control alien plants.	O	DOFAW*	152	5	12	11	11	11	11	11	11	11	11	11	4
				FWES	134	5	12	10	10	10	10	10	10	10	10	10	3
				NBS	100	0	10	10	10	10	10	10	10	10	10	10	0
1	114	Improve methods and control insect predators.	C	DOFAW*	81	1.5	7.5	7.5	7.5	7.5	7.5	7.5	7.5	7.5	7.5	7.5	0.5
				FWES	80.5	1	7.5	7.5	7.5	7.5	7.5	7.5	7.5	7.5	7.5	7.5	0.5
				NBS	100	0	10	10	10	10	10	10	10	10	10	10	0
1	115	Develop and implement disease monitoring protocol.	C	DOFAW*	10	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5
				FWES	10	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5
				NBS	50	0	5	5	5	5	5	5	5	5	5	5	0
1	116	Control and minimize human disturbance.	C	DOFAW*	40	2	2	2	2	2	2	2	2	2	2	2	2
				FWES	40	2	2	2	2	2	2	2	2	2	2	2	2
1	12	Conduct surveys.	2	DOFAW*	20		10	10									
				FWES	20		10	10									
				NTBG	4		2	2									
1	13	Protect and manage new populations.	C	DOFAW*	208			51.5	31.5	30	10	10	10	10	5	5	5
				FWES	134			40.5	20.5	20	5	5	5	5	3	3	3
	NEED 1 (Protect and stabilize)				1735.5	41.5	135	221	172	157	122	102	102	102	95	95	55

Recovery Plan Implementation Schedule for *Hibiscadelphus distans*

April, 1996

PRIOR-ITY #	TASK #	TASK DESCRIPTION	TASK DURA-TION (YRS)	RESPONSIBLE PARTY	TOTAL COST	FY 1996	FY 1997	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY2003	FY 2004	FY2005	FY2006	FY2007
1	21	Evaluate genetic diversity and select stock for augmenting/establishing.	5	DOFAW*	43	13	13	13	2	2							
				FWES	23	7	7	7	1	1							
				NTBG	23	7	7	7	1	1							
1	22	Determine appropriate introduction techniques.	5	DOFAW*	14	3	3	3	3	2							
				FWES	9	2	2	2	2	1							
				NTBG	9	2	2	2	2	1							
1	23	Propagate seedlings for outplanting.	15	DOFAW*	45	3	3	3	3	3	3	3	3	3	3	3	3
				FWES	30	2	2	2	2	2	2	2	2	2	2	2	2
				NTBG	30	2	2	2	2	2	2	2	2	2	2	2	2
1	24	Augment existing populations.	10	DOFAW*	5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5		
				FWES	5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5		
				NTBG	2.5	0.5	0.5	0.5	0.5	0.5							
1	25	Locate habitat for two additional populations.	2	DOFAW*	6			3	3								
				FWES	6			3	3								
				NTBG	1			0.5	0.5								
1	26	Protect and manage new sites.	3	DOFAW*	33					11.5	11.5	10					
				FWES	33					11.5	11.5	10					
1	27	Establish new populations through outplanting.	10	DOFAW*	0					TBD							
				FWES	0					TBD							
				NTBG	0					TBD							
1	28	Control threats to the new populations.	C	DOFAW*	0						TBD						
				FWES	0						TBD						
		NEED 2 (Increase and diversify populations)			317.5	42.5	42.5	49	26	39.5	31	28	8	8	8	7	7

Recovery Plan Implementation Schedule for *Hibiscadelphus distans*

April, 1996

PRIOR-ITY #	TASK #	TASK DESCRIPTION	TASK DURA-TION (YRS)	RESPONSIBLE PARTY	TOTAL COST	FY 1996	FY 1997	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY2003	FY 2004	FY2005	FY2006	FY2007
2	31	Investigate the ecology of *Hibiscadelphus distans.*	10	NBS*	100		10	10	10	10	10	10	10	10	10	10	
				FWES	70		7	7	7	7	7	7	7	7	7	7	
				DOFAW	70		7	7	7	7	7	7	7	7	7	7	
2	32	Determine the effects of introduced birds.	10	NBS*	100		10	10	10	10	10	10	10	10	10	10	
				FWES	50		5	5	5	5	5	5	5	5	5	5	
				DOFAW	50		5	5	5	5	5	5	5	5	5	5	
2	41	Map, tag, and monitor all wild plants.	C	DOFAW*	40	2	2	2	2	2	2	2	2	2	2	2	2
				FWES	10	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5
2	42	Map, tag, and monitor all transplants.	C	DOFAW*	40	2	2	2	2	2	2	2	2	2	2	2	2
				FWES	10	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5
		NEED 3 (Conduct research and monitor)			540	5	49	49	49	49	49	49	49	49	49	49	5
3	51	Determine number of populations and individuals needed for survival.	3	FWES*	60										20	20	20
				NBS	30										10	10	10
				DOFAW	30										10	10	10
3	52	Revise recovery objectives, if necessary.	1	FWES*	0												
				DOFAW	0												
		Need 4 (Validate recovery objectives)			120												
		TOTAL COST			2713	89	226.5	319	247	245.5	202	179	159	159	152	151	67

Appendix R.

Peer Review Documents

Sample Peer Review Letter
Notes on Peer Reviews
Peer Review Checklist

SAMPLE PEER REVIEW LETTER -

In Reply Refer To:
FWS/Region 5/ES-TE

Dr. Ted Bradley
George Mason University
Department of Biology
Fairfax, Virginia 22030-4444

Dear Dr. Bradley:

Enclosed is a Sensitive Joint-Vetch (*Aeschynomene virginica*) Draft Recovery Plan. The U.S. Fish and Wildlife Service seeks your scientific review of this document, to assist us in making recovery decisions based upon the best scientific and commercial data available in accordance with the Endangered Species Act of 1973. We request that you direct your review to two key aspects of the plan: (1) issues and assumptions relating to the biological information in the plan's Introduction, and (2) scientific data regarding the proposed recovery activities in the plan's Recovery section.

In addition to seeking independent scientific review, we are distributing this draft recovery plan to Federal and State agencies and the interested public for their review. The review period will end on December 2, 1994, at which time we will incorporate comments we have received into a final plan, which is anticipated for approval in mid-1995.

We appreciate any time you can give to reviewing the plan, and we will be most interested in any comments you provide. Please forward your comments to Ms. Cindy Schulz of our Virginia Field Office, Mid-County Center, U.S. Route 17, P.O. Box 480, White Marsh, Virginia 23183. If you have any questions, you may contact her at 804-693-6694.

Sincerely,

Endangered Species Coordinator

Enclosure

Broad scope of review: Meffe et al. (1998) identify "demonstrated competence in the subject" as an important qualification of an "independent reviewer." Recovery plans, however, commonly integrate analyses ranging from assessment of specific threats to a species, to the role of demographic factors on population viability, to reserve design. Given this array of scientific questions, it is often a formidable challenge to find individual scientists who can respond to all salient issues in a recovery plan. Multiple-species plans compound the complexities of review.

Along this same line, a challenge to peer review of some recovery plans is their length: recovery plans may exceed 100 pages, and some are much longer. In addition, many plans include a great deal of nonscientific legal and policy language.

In seeking more focused reviews, a number of considerations come into play. Any perception that the FWS & NMFS' are compromising reviewer independence must be avoided; separate reviews for a multiplicity of issues require close coordination; and identifying separate reviewers for specific issues may intensify the fundamental challenge of recruiting independent reviewers when many experts are already engaged in recovery planning activities.

Maintaining high information standards in the face of scientific uncertainties: Although recovery actions involve principles common to a wider range of scientific work, an awareness of the legal and administrative requirements that circumscribe recovery planning is critical to providing useful reviews. Peer review in this context not only requires careful evaluation of existing data, it also entails consideration of major scientific uncertainties (NRC 1995).

Most scientists appreciate the implications of Type I versus Type II errors in evaluation of scientific data but may not be as well versed in the legal imperative of making decisions and taking actions that often involve large uncertainties. This may lead scientists and other experts to the cautious conclusion that, for instance, not enough information is available to either support or oppose a recovery recommendation. The ESA, however, does not give agencies the latitude to delay such determinations nor does it relieve them from fully justifying a decision based on the best available information; for instance, the ESA requires that recovery plans include objective, measurable recovery criteria regardless of the level of available scientific information.

Those experts who work directly with Service biologists (e.g., on recovery teams) are afforded opportunities to understand the intricacies of the law and its application to a particular species. Independent reviewers, by definition, lack this interaction, although some may have ESA experience through involvement with other species. Lack of familiarity with ESA requirements may give rise to otherwise perceptive comments that are "outside the scope of agency discretion"-- a counterproductive effort for both the reviewer and the agency.

One aspect of this problem deserves special consideration. Reviewers, particularly active researchers, are often predisposed to offer recommendations regarding study needs for the subject

species. Although these insights are often highly germane to species conservation, it is important that they be clearly distinguished from any evaluation as to whether the best available data have been appropriately considered in the listing or planning process.

Time and funding constraints: Policy requirements constrain the allotted time and other logistics of independent reviews. Recovery planning does not have legally mandated deadlines, but Departmental policy (FWS-NMFS 1994b) requires completion of most recovery plans within 2.5 years following listing.

Within this time, independent peer review must be conducted concurrently with the public comment period mandated by the ESA, with a minimum comment period of 30 days for draft recovery plans. Although comment periods can be extended and/or short review periods can be ameliorated somewhat by narrowing the topics for review, the problem is intractable to the extent that knowledgeable reviewers often bear heavy time commitments. On the other hand, it is inherently illogical to provide a leisurely schedule for review of documents pertaining to the protection of imperiled species.

Monetary compensation has been suggested as a means to assure timely and responsive independent peer review (e.g., Meffe et al.1998); however, agency funding for peer review could further strap endangered species budgets. Furthermore, monetary compensation to reviewers may create perceived conflicts of interest.

Use of interim reviews: Meffe et al. (1998) make the point that peer review is most constructive when it is fully integrated into the decision making process. This typically takes the form of early, informal reviews conducted "before positions become set and considerable time and effort are invested in elaborating plans;" Departmental policy supports this approach under the rubric of "special reviews" (FWS-NMFS 1994a). Intermediate reviews are especially valuable when decisions build upon each other. A population viability analysis, for example, may underpin recovery targets that, in turn, become fundamental to reserve design.

Interim peer reviews are a challenge to implement, however, in the time frame set out by policy for recovery planning. It may also be problematic to impose on busy scientists for repeated reviews, and lack of timely response to past requests for independent review of draft plans may pose a disincentive to expand the number of reviews.

PEER REVIEW CHECKLIST FOR CONDUCTING A PEER REVIEW

Instructions: This checklist is based on the Agency's Peer Review Handbook and the October 2000 Region 5 Order "U.S. EPA Region 5 Improved Policies and Procedures: Peer Review, Records Management, and Work Product Authorization of Scientific and Technical Work Products" which constitute Region 5's standard operating procedures for peer review. If you have any questions about peer review or need clarification when completing this checklist, please refer to the Handbook, available via the internet at http://www.epa.gov/ord/spc/2peerrev.htm. Pages 2-4 of the Handbook contain useful flowcharts and cross references to specific sections of the Handbook that are applicable to this checklist. You are also encouraged to consult with your Division or Office Peer Review Coordinator. The Division/Office Peer Review Coordinators will periodically request information from this checklist in order to update the National Peer Review Database.

1. **Title of Work Product:**_____

2. **Product Description:**_____

3. **Project Manager:** _____
   Name, Organization and Phone Number

4. **Up-front Considerations for Planning the Peer Review:**_____ *Check the box when item is completed*
   a) The Div/Office Director has chosen a peer review leader for the project. ☐
      (Note: The project manager and peer review leader can be the same person.)
      Name of Peer Review Leader:_____
      Phone Number:_____
      Organization: _____
   b) The peer review leader has obtained appropriate peer review training before conducting the peer review. ☐
   c) Key questions and issues have been identified to include in the charge to the peer reviewers. ☐
   d) The Div/Office Records Coordinator has been consulted to insure that all the files, including electronic records, will be created, maintained, retained, and disposed of appropriately and in accordance with Div/Office and Agency procedures. ☐
   e) A formal peer review record or file has been established, and provisions have been made to store any electronic records associated with the work product and peer review. ☐
      Location of Record/File: _____
      Provisions for Electronic Records: _____
      _____

Check the box when item is completed or circle the appropriate answer (NA = not applicable)

f) There is a source of adequate funding to pay for external peer review if external peer review is necessary and funding is needed. *(Note: Contracts can be used for peer review services. However, special management controls are required to ensure proper use of these contracts. See Section 3.6 of the Handbook for details.)* ☐ NA

Source of Funding: _____

g) Resource limitations may restrict the peer review. *(If "yes" was selected, a limited peer review might be considered. However, only in very rare circumstances should resource limitations restrict peer review. Peer review must be planned for as part of a project's budget.)* Yes No

h) Amount of time needed for peer review(s) has been allotted given existing constraints of potential peer reviewers, deadline for the final work product, logistics for the peer review, etc. ☐

Length of Time Needed: _____

5. Develop the Charge to the Peer Reviewers:

a) A clear, focused charge has been formulated that identifies recognized issues, asks specific questions, and invites comments or assistance. ☐

b) The charge has been included in the peer review record. ☐

6. Select the Peer Review Mechanism:

a) The work product is novel, complex, controversial, or has great cost implications. *(If the answer is "yes" to any of the above, serious thought should be given to conducting an external peer review. If the answer is "no" to all of the above, internal peer review is probably sufficient.)* Yes No

b) A determination has been made regarding which components or stages of the work product will be peer reviewed. *(Note: Generally, peer review is recommended for each stage of a product's development.)* ☐

Components to be peer reviewed: _____

_____

c) A peer review mechanism (e.g., internal, external or a combination of both) has been chosen for the work product or stages of the work product. Mechanism: _____ ☐

d) The work product either: 1) has been, or is being, generated as part of administrative or civil enforcement activities by U.S. EPA, or 2) likely will be used in the future to support administrative or civil enforcement activities by U.S. EPA. *(If the answer is "yes" to either item above, then the Office of Regional Council (ORC) must be consulted if the Peer Review Leader believes an external peer review is needed or is preferable. ORC concurrence should be obtained.)* Yes No

Check the box when item is completed, or circle yes or no

e) The work product is going to be peer reviewed via a refereed, scientific journal. *(If the answer is "yes," the work product still should be considered for peer review because journal peer review may not cover issues and concerns that the Agency would want peer reviewed in order to support an Agency action.)* Yes No

f) Logistics for conducting the peer review (e.g., written comments will be received by mail, or will be collected at a meeting) have been included in the peer review record. ☐

g) The Div/Off Director has concurred with the recommended method of peer review. ☐
Date of Div/Off Director Concurrence: _____

h) The concurrence of the Div/Off Director has been included in the peer review record. ☐

7. **Determine the Specific Time Line for the Peer Review:**

a) A start date for the peer review has been selected. ☐
Start Date:_____

b) The amount of time the peer reviewers will be given to conduct the peer review has been determined. ☐
Number of Days for Review: _____

c) A due date for comments from the reviewers has been selected. ☐
Due Date: _____

d) The amount of time necessary to incorporate comments from the peer reviewers into the work product has been determined. ☐
Number of Days for Revision: _____

e) A deadline for final completion of the work product has been determined. ☐
Due Date:_____

8. **Select the Peer Reviewers:**

a) Advice was sought in developing a list of potential peer reviewer candidates who are independent of the work product and have appropriate scientific and technical expertise. ☐

b) The expertise required for the peer review has been determined. ☐

c) In reviewing the candidates, a balance and a broad enough spectrum of expertise were considered. ☐

d) In reviewing the candidates, any potential conflicts of interest were considered. ☐

Check the box when item is completed

e) The peer reviewers have been selected and the process for selecting the reviewers, including inquiries and resolution of potential conflicts of interest, has been documented and included in the peer review record/file. *(Note: Conflict of Interest Inquiry Forms are available from the Regional and Div/Off Peer Review Coordinators.)* ☐

9. Obtain and Transmit Materials for Peer Review:

a) Instructions have been given to the peer reviewers which ask for written comments in a specified format by the specified deadline that are responsive to the charge. ☐

b) The peer reviewers have been provided with the essential documents, data, and information to conduct their review. ☐

Date Peer Reviewers Given Charge/Materials:_____

c) The peer reviewers have been instructed not to disclose draft work products to the public. ☐

d) The peer review record/file contains all the materials given to the peer reviewers. ☐

10. Conduct the Peer Review:

a) Written comments have been received from all peer reviewers. ☐

Date all comments were received: _____

b) All clarification or additional information necessary from the peer reviewers is received. ☐

c) The validity and objectivity of the comments have been evaluated. ☐

d) Appropriate experts/staff/managers have been consulted on the potential impacts of the comments on the final work product, the project schedule, and budget. ☐

e) The peer review comments have been included in the peer review record/file. ☐

11. Consider the Peer Review Comments:

a) Decisions have been made regarding which comments are accepted and will be incorporated into the final work product, and which comments will not be incorporated. ☐

b) A memo or other written record has been prepared which responds to the peer review comments and specifies acceptance or, where thought appropriate, rebuttal and non-acceptance. ☐

c) The Div/Off Director has concurred with the decisions and written record on how to incorporate the peer reviewers comments in the work product and on which comments will not be incorporated. ☐

Date of Div/Off Director concurrence: _____

Check the box when item is completed, or circle yes or no

d) The concurrence of the Div/Off Director has been included in the peer review record/file. ☐

e) The memo or written record documenting how comments were handled and how the work product was revised has been included in the peer review record/file. ☐

f) The work product has been revised to incorporate the acceptable comments. ☐

g) The peer review performed during the process of developing the work product has been summarized and included in the work product. ☐

h) It is necessary to send the revised work product back to the peer reviewers. *(If the answer is "yes," proceed to item #11i. If the answer is no, proceed to item #12.)* Yes No

i) Additional comments are received, evaluated, and incorporated into the work product, and placed in the peer review record. ☐

12. Consider Other Comments:

a) Prior to finalization, the document needs additional intemal and/or external programmatic review. *(If the answer is "yes," go to #12b. If the answer is "no," proceed to #13.)* Yes No

b) Written comments by programmatic reviewers have been received. ☐

c) Final decisions have been made regarding which comments are accepted and will be incorporated into the final work product, and which ones will not be incorporated. ☐

d) A memo or other written record has been prepared which responds to the programmatic review comments and specifies acceptance or, where thought appropriate, rebuttal and non-acceptance. ☐

e) Div/Off Director has concurred with the decisions and written record on how to incorporate the programmatic comments. ☐
Date of Div/Off Director concurrence: _____

f) The memo or written record has been included in the peer review record/file. ☐

g) The work product has been revised to incorporate the acceptable programmatic comments. ☐

13. Finalize Work Product and Close Out Peer Review:

a) The work product has been completed. ☐

b) The Div/Off Director has approved the work product. ☐
Date of Div/Off Director Approval: _____

c) The Div/Off Director approval has been included in the peer review record/file. ☐

Check the box when item is completed, or circle yes or no

d) The Div/Off Director has judged the work product to be sufficiently controversial, of significant enough interest to outside parties, or of wide enough distribution, such that it should also be authorized by the Regional Administrator (RA), or the Deputy RA (DRA). *(If the answer is "yes," proceed to #13e. If the answer is "no," proceed to #13f.)* Yes No

e) The RA or DRA has authorized the work product. ☐
Date of RA or DRA Authorization: _____

f) The final work product has been included in the peer review record/file. ☐

14. Publication and Release of Reports:

a) The Div/Off Director has approved publication or release of the work product. ☐

b) The written approval by the Div/Off Director has been included in the peer review record/file. ☐

c) The Div/Off Director has judged the work product to be sufficiently controversial, of significant enough interest to outside parties or of wide enough distribution, such that its distribution or release should also be authorized by the RA or DRA. *If the answer is "yes," proceed to #14d. If the answer is "no," proceed to #15. (Note: The Div/Off Director's decision to elevate to the RA or DRA can be made concurrently with item #13d.)* Yes No

d) The RA or DRA has authorized distribution or release of the work product. ☐
Date of RA or DRA Authorization: _____

15. Retention of Peer Review Files and Records:

a) The Div/Off official procedures for administrative records and the Agency's record retention schedules have been examined to determine how long the peer review record/file, including electronic records, should be retained. *(Note: The required time of retention for final reports and supporting data varies depending upon the nature of the report, however, final reports which are mission related or have an EPA number and receive external distribution are generally permanent federal records.)* ☐

b) The Div/Off Records Officer or the Regional Records Officer has been consulted to help determine how long the peer review record/file, including electronic records, should be retained. ☐

Check the box when item is completed

c) A location for the completed peer review record/file has been identified, and provisions have been made to retain electronic records associated with the work product and peer review. ☐
(Note: This can be the same location and provisions as identified in #4e.)
Location of Record/File: _____
Provisions for Electronic Records: _____
_____

d) Someone has been assigned the responsibility for maintaining the record/file and electronic records, and ensuring that they are either archived or destroyed appropriately. *(Note: This can be the same person as identified in #4a.)* ☐
Contact Name and Phone No: _____
Organization: _____

16. Closeout of Checklist:

a) Items #1-15 of checklist have been completed. ☐

_____
Signature of Peer Review Leader and Date Signed

b) A copy of the completed checklist has been given to the Div/Off Peer Review Coordinator. ☐

_____
Signature of Div/Off Peer Review Coordinator and Date Signed

c) The completed checklist has been included in official peer review record/file. ☐

d) The work product has been moved from Peer Review Work Product List B to List A in the National Peer Review Database. ☐
Date Product moved to List A: _____

Appendix S.

NMFS and FWS Listing Priority Guidelines

6/15/90

National Oceanic and Atmospheric Administration

[Docket No. 71015-0067]

Endangered and Threatened Species; Listing and Recovery Priority Guidelines

AGENCY: National Marine Fisheries Service (NOAA Fisheries), NOAA, Commerce.

ACTION: Notice.

SUMMARY: NOAA Fisheries issues guidelines for assigning priorities to species for listing, delisting, and reclassification as endangered and threatened under the Endangered Species Act of 1973 (Act) and for developing and implementing recovery plans for species that are listed under the Act.

FOR FURTHER INFORMATION CONTACT: Patricia Montanio, Protected Species Management Division, Office of Protected Resources and Habitat Programs, National Marine Fisheries Service, 1335 East West Highway, Silver Spring, MD 20910, (301/427-2322).

SUPPLEMENTARY INFORMATION:

Background

For those species under the jurisdiction of the Secretary of Commerce, section 4(a) of the Act requires NOAA Fisheries to determine whether any species of wildlife or plant should be: (1) Listed as an endangered or threatened species (listing); (2) changed in status from threatened to endangered or changed in status from endangered to threatened (reclassification); or (3) removed from the list (delisting). Section 4(h) of the Act requires that NOAA Fisheries establish agency guidelines which include a priority ranking system for listing, reclassification, or delisting.

Section 4(f) of the Act requires NOAA Fisheries to develop and implement recovery plans for the conservation and survival of all endangered or threatened species, unless such a plan will not promote the conservation of the species. In general, listed species which occur entirely outside U.S. jurisdiction are not likely to benefit from recovery plans. Foreign species are more likely to benefit from bilateral or multilateral agreements under section 8 of the Act and other forms of international cooperative efforts. Section 4(f) of the Act also requires NOAA Fisheries to give priority to those endangered or threatened species (without regard to taxonomic classification) most likely to benefit from such plans, particularly those species that are, or may be, in conflict with construction or other developmental projects or other forms of economic activity. Section 4(h) of the Act requires that NOAA Fisheries establish a system for developing and implementing recovery plans on a priority basis.

The assignment of priorities to listing, reclassification, delisting, and recovery actions will allow NOAA Fisheries to use the limited resources available to implement the Act in the most effective way. On May 30, 1989, NOAA Fisheries published proposed guidelines in the **Federal Register** (54 FR 22925) and requested comments. No comments were received from the public. NOAA Fisheries issues these final guidelines with only slight modifications from the proposal based on internal reviews.

These guidelines are based primarily on guidelines published by the U.S. Fish and Wildlife Service (FWS) on September 21, 1983 (48 FR 43098). NOAA Fisheries believes that, to the extent practical, both agencies should follow similar priority guidelines for listing, reclassification, delisting and recovery. To the extent possible, NOAA Fisheries has adopted the priority guidelines in use by FWS. However, due to the smaller number of listed species and the anticipated smaller number of candidate species under NOAA Fisheries jurisdiction, NOAA Fisheries believes that fewer priority categories are necessary and the FWS guidelines have been modified accordingly.

These priority systems are guidelines and should not be interpreted as inflexible frameworks for making final decisions on funding or on performance of tasks. They will be given considerable weight by the agency in making decisions; however, the agency will also evaluate the cost-effectiveness of funding and tasks and take advantage of opportunities. For example, the agency may be able to conduct a relatively low priority item in conjunction with an ongoing activity at little cost.

A. Listing, Reclassification, and Delisting Priorities

1. Listing and Reclassification From Threatened to Endangered

In considering species to be listed or reclassified from threatened to

endangered, two criteria will be evaluated to establish four priority categories as shown in Table 1.

TABLE 1.—PRIORITIES FOR LISTING OR RECLASSIFICATION FROM THREATENED TO ENDANGERED

Magnitude of threat	Immediacy of threat	Priority
High	Imminent	1
	Non-Imminent	2
Low to Moderate	Imminent	3
	Non-Imminent	4

The first criterion, magnitude of threat, gives a higher listing priority to species facing the greatest threats to their continued existence. Species facing threats of low to moderate magnitude will be given a lower priority. The second criterion, immediacy of threat, gives a higher listing priority to species facing actual threats than to those species facing threats to which they are intrinsically vulnerable, but which are not currently active.

2. Delisting and Reclassification From Endangered to Threatened

NOAA Fisheries currently reviews listed species at least every five years in accordance with section 4(c)(2) of the Act to determine whether any listed species qualify for reclassification or removal from the list. When a species warrants reclassification or delisting, priority for developing regulations will be assigned according to the guidelines given in Table 2. Two criteria will be evaluated to establish six priority categories.

TABLE 2.—PRIORITIES FOR DELISTING AND RECLASSIFICATION FROM ENDANGERED TO THREATENED

Management impact	Petition status	Priority
High	Petitioned action	1
	Unpetitioned action.	2
Moderate	Petitioned action	3
	Unpetitioned action.	4
Low	Petitioned action	5
	Unpetitioned action.	6

The priorities established in Table 2 are not intended to direct or mandate decisions regarding a species' reclassification or removal from the list. The priority system is intended only to set priorities for developing rules for species that no longer satisfy the listing criteria for their particular designation under the Act. The decision regarding whether a species will be retained on the list, and in which category, will be based on the factors contained in section 4(a)(1) of the Act and 50 CFR 424.11.

The first consideration of the system outlined in Table 2 accounts for the management impact entailed by a species' inclusion on the list. Management impact is the extent of protective actions, including restrictions on human activities, which must be taken to protect and recover a listed species. If the current listing is no longer accurate, continuing protective management actions could divert resources from species more in need of conservation and recovery efforts, or impose an unnecessary restriction on the public. Because the Act mandates timely response to petitions, the system also considers whether NOAA Fisheries has been petitioned to remove a species from the list or to reclassify a species from endangered to threatened. Higher priority will be given to petitioned actions than to unpetitioned actions that are classified at the same level of management impact.

There is no direct relationship between the systems outlined in Tables 1 and 2. Although the same statutory criteria apply in making listing and delisting determinations, the considerations for setting listing and delisting priorities are quite different. Candidate species facing immediate, critical threats will be given a higher priority for listing than species being considered for delisting. Likewise, a delisting proposal for a recovered species that would eliminate unwarranted utilization of limited resources may, in appropriate instances, take precedence over listing proposals for species not facing immediate, critical threats.

B. Recovery Plan Preparation and Implementation Priorities

The recovery priority system will be used as a guide for recovery plan development, recovery task implementation and resource allocation. It consists of two parts—species recovery priority and recovery task priority. Species recovery priority will be used for recovery plan development. Recovery task priority, together with species recovery priority, will be used to set priorities for funding and performance of individual recovery tasks as explained below.

1. Species Recovery Priority

Species recovery priority is based on three criteria—magnitude of threat, recovery potential and conflict. These criteria are arranged in a matrix yielding twelve species recovery priority numbers (Table 3).

TABLE 3.—SPECIES RECOVERY PRIORITY

Magnitude of threat	Recovery potential	Conflict	Priority
High	High	Conflict	1
		No conflict	2
	Low to moderate.	Conflict	3
		No conflict	4
Moderate	~~Low to moderate~~ High	Conflict	5
		No conflict	6
	Low to moderate.	Conflict	7
		No conflict	8
Low	High	Conflict	9
		No conflict	10
	Low to moderate.	Conflict	11
		No conflict	12

The first criterion, magnitude of threat, is divided into three categories: High, moderate, and low. The high category means extinction is almost certain in the immediate future because of a rapid population decline or habitat destruction. Moderate means the species will not face extinction if recovery is temporarily held off, although there is a continuing population decline or threat to its habitat. Taxa in the low category are rare, or are facing a population decline which may be a short-term, self-correcting fluctuation, or the impacts of threats to the species' habitat are not fully known.

The second criterion, recovery potential, assures that resources are used in the most cost effective manner within each magnitude of threat ranking. Priority for preparing and implementing recovery plans would go to species with the greatest potential for success. Recovery potential is based on how well biological and ecological limiting factors and threats to the species' existence are understood, and the extent of management actions needed. A species has a high recovery potential if the limiting factors and threats to the species are well understood and the needed management actions are known and have a high probability of success. A species has a low to moderate recovery potential if the limiting factors or threats to the species are poorly understood or if the needed management actions are not known, are cost-prohibitive or are experimental with an uncertain probability of success.

The third criterion, conflict, reflects the Act's requirement that recovery priority be given to those species that are, or may be, in conflict with construction or other developmental projects or other forms of economic

activity. Thus, species judged as being in conflict with such activities will be given higher priority for recovery plan development and implementation than non-conflict species within the same magnitude of threat/recovery potential ranking. Species in conflict with construction or other developmental projects or other forms of economic activity would be identified in large part through consultations conducted with Federal agencies under section 7 of the Act.

2. Recovery Task Priority

Recovery plans will identify specific tasks that are needed for the recovery of a listed species. NOAA Fisheries will assign tasks priorities of 1 to 3 based on the criteria set forth in Table 4.

TABLE 4.—RECOVERY TASK PRIORITY.

Priority	Type of task
1	An action that must be taken to prevent extinction or to identify those actions necessary to prevent extinction.
2	An action that must be taken to prevent a significant decline in population numbers, habitat quality, or other significant negative impacts short of extinction.
3	All other actions necessary to provide for full recovery of the species.

It should be noted that even the highest priority tasks within a plan are not given a Priority 1 ranking unless they are actions necessary to prevent a species from becoming extinct or to identify those actions necessary to prevent extinction. Therefore, some plans will not have any Priority 1 tasks. In general, Priority 1 tasks only apply to a species facing a high magnitude of threat (species recovery priority 1–4).

When the task priorities (Table 4) are combined with the species recovery priority (Table 3), the most critical activities for each listed species can be identified and evaluated against other species recovery actions. This system recognizes the need to work toward the recovery of all listed species, not simply those facing the highest magnitude of threat. In general, NOAA Fisheries intends that Priority 1 tasks will be addressed before Priority 2 tasks and Priority 2 tasks before Priority 3 tasks. Within each task priority, species recovery priority will be used to further rank tasks. For example, a Priority 1 task for a species with a recovery priority of 4 would rank higher than a priority 2 task for a species with a recovery priority of 1; and, a Priority 1 task for a species with a recovery priority of 2 would rank higher than a Priority 1 task for a species with a recovery priority of 4. For tasks with the same priority ranking, the Assistant Administrator will determine the appropriate allocation of available resources.

C. Recovery Plans

As recovery plans are developed for each species, specific recovery tasks are identified and prioritized according to the criteria discussed above. As new information warrants, these plans, including tasks and priorities, will be reviewed and revised. In addition, funding and implementation of the tasks identified in recovery plans will be tracked in order to aid in effective management of the recovery program.

NOAA Fisheries believes that periodic review and updating of plans and tracking of recovery efforts are important elements of a successful recovery program. Information from tracking and implementing recovery actions and other sources will be used to review plans and revise them as necessary. These and other elements of NOAA's recovery planning process will be discussed in more detail in Recovery Planning Guidelines that the agency is developing.

Classification

The General Counsel of the Department of Commerce certified to the Small Business Administration that these guidelines would not have a significant economic impact on a substantial number of small entities because they do not direct or mandate decisions on a species' listing, reclassification or delisting. Rather, they set up priorities for later decisions as to agency review of species, recovery plan development and recovery task implementation. As a result, a regulatory flexibility analysis was not prepared.

Dated: June 8, 1990.

William W. Fox, Jr.,

Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration.

[FR Doc. 90-13895 Filed 6-14-90; 8:45 am]

BILLING CODE 3510-22-M

Appendix T.

Notices of Availability of Draft Recovery Plans for Review and Comment

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability of the Draft Recovery Plan for the Star Cactus (Astrophytum asterias)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces the availability for public review of the Draft Recovery Plan for the Star Cactus (*Astrophytum asterias*). The star cactus is known to occur on one private land site in Starr County, Texas. Additional populations may be found in Tamaulipas, Mexico. The Service solicits review and comment from the public on this draft plan.

DATES: The comment period for this Draft Recovery Plan closes November 18, 2002. Comments on the Draft Recovery Plan must be received by the closing date.

ADDRESSES: Persons wishing to review the Draft Recovery Plan can obtain a copy from the U.S. Fish and Wildlife Service, Corpus Christi Ecological Services Field Office, c/o TAMUCC, 6300 Ocean Drive, Box 338, Corpus Christi, Texas, 78412. Comments and materials concerning this Draft Recovery Plan may be sent to ``Field Supervisor'' at the address above.

FOR FURTHER INFORMATION CONTACT: Loretta Pressly, Corpus Christi Ecological Services Field Office, at the above address; telephone (361) 994-9005, facsimile (361) 994-8262.

SUPPLEMENTARY INFORMATION:

Background

The star cactus (Astrophytum asterias) was listed as endangered on October 18, 1993, under authority of the Endangered Species Act of 1973, as amended. The threats facing the survival and recovery of this species include: habitat destruction through conversion of native habitat to agricultural land and increased urbanization; competition with exotic invasive species; genetic vulnerability due to low population numbers; and collecting pressures for cactus trade. The Draft

Recovery Plan includes information about the species and provides objectives and actions needed to downlist, then delist the species. Recovery activities designed to achieve these objectives include; protecting known populations; searching for additional populations; performing outreach activities to educate the general public on the need for protection; establishing additional populations through reintroduction in the known range of the plant. Restoring an endangered or threatened animal or plant to the point where it is again a secure, self-sustaining member of its ecosystem is a primary goal of the Service's endangered species program. To help guide the recovery effort, the Service is working to prepare recovery plans for most of the listed species native to the United States. Recovery plans describe actions considered necessary for conservation of species, establish criteria for downlisting or delisting them, and estimate time and cost for implementing the recovery measures needed. The Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 et seq.) requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act, as amended in 1988, requires that public notice and an opportunity for public review and comment be provided during recovery plan development. The Service will consider all information presented during a public comment period prior to approval of each new or revised recovery plan. The Service and other Federal agencies will also take these comments into account in the course of implementing recovery plans. The Star Cactus Draft Recovery Plan is being submitted for technical and agency review. After consideration of comments received during the review period, the recovery plan will be submitted for final approval.

Public Comments Solicited

The Service solicits written comments on the recovery plan described. All comments received by the date specified above will be considered prior to approval of the recovery plan.

Authority

The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: September 10, 2002.
Bryan Arroyo,
Acting Regional Director, Region 2.

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of Draft Recovery Plan for Coastal Plants of the Northern San Francisco Peninsula for Review and Comment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces the availability for public review of the Draft Recovery Plan for Coastal Plants of the Northern San Francisco Peninsula. This recovery plan includes the endangered San Francisco lessingia (Lessingia germanorum) and Raven's manzanita (Arctostaphylos hookeri ssp. ravenii). The portion of the plan dealing with Raven's manzanita is a revision of the 1984 Raven's Manzanita Recovery Plan. Additional species of concern that will benefit from recovery actions taken for these plants are also discussed in the draft recovery plan. The draft plan includes recovery criteria and measures for San Francisco lessingia and Raven's manzanita.

DATES: Comments on the draft recovery plan must be received on or before March 4, 2002.

ADDRESSES: Copies of the draft recovery plan are available for inspection, by appointment, during normal business hours at the following location: U.S. Fish and Wildlife Service, Sacramento Fish and Wildlife Office, 2800 Cottage Way, W-2605, Sacramento, California (telephone (916) 414-6600). Requests for copies of the draft recovery plan and written comments and materials regarding this plan should be addressed to Wayne S. White, Field Supervisor, Ecological Services, at the above Sacramento address. The draft recovery plan is also available on the World Wide Web at http://www.r1.fws.gov/es/endsp.htm.

FOR FURTHER INFORMATION CONTACT: Carmen Thomas, Fish and Wildlife Biologist, at the above Sacramento address.

SUPPLEMENTARY INFORMATION:

Background

Restoring endangered or threatened animals and plants to the point where they are again secure, self-sustaining members of their ecosystems is a primary goal of the Service's endangered species program. To help guide the recovery effort, the Service is working to prepare recovery plans for most of the listed species native to the United States. Recovery plans describe actions considered necessary for the conservation of the species, establish criteria for downlisting

or delisting listed species, and estimate time and cost for implementing the recovery measures needed.

The Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) (Act), requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act as amended in 1988 requires that public notice and an opportunity for public review and comment be provided during recovery plan development. The Service will consider all information presented during the public comment period prior to approval of each new or revised recovery plan. Substantive technical comments will result in changes to the plan. Substantive comments regarding recovery plan implementation may not necessarily result in changes to the recovery plan, but will be forwarded to appropriate Federal or other entities so that they can take these comments into account during the course of implementing recovery actions. Individual responses to comments will not be provided.

San Francisco lessingia and Raven's manzanita are restricted to the San Francisco peninsula in San Francisco County, California. San Francisco lessingia, an annual herb in the aster family, is restricted to coastal sand deposits. Raven's manzanita is a rare evergreen creeping shrub in the heath family which was historically restricted to few scattered serpentine outcrops. Habitat loss, adverse alteration of ecological processes, and invasion of non-native plant species threaten San Francisco lessingia. Raven's manzanita has also been threatened by habitat loss; at present it is threatened primarily by invasion of non-native vegetation and secondarily by disease organisms and poor reproductive success. The draft plan also makes reference to several other federally listed species which are ecologically associated with San Francisco lessingia and Raven's manzanita, but which are treated comprehensively in other recovery plans. These species are beach layia (Layia carnosa), Presidio clarkia (Clarkia franciscana), Marin dwarf-flax (Hesperolinon congestum), Myrtle's silverspot butterfly (Speyere zerene myrtleae), and bay checkerspot butterfly (Euphydryas editha bayensis). In addition, 16 plant species of concern and 17 plant species of local or regional conservation significance are considered in this recovery plan.

The draft recovery plan stresses re-establishing dynamic, persistent populations of San Francisco lessingia and Raven's manzanita within plant communities which have been restored to be as ``self-sustaining'' as possible within urban wildland reserves. Specific recovery actions for San Francisco lessingia focus on the restoration and management of large, dynamic mosaics of coastal dune areas supporting shifting populations within the species' narrow historic range. Recovery of Raven's manzanita will include, but will not be limited to, the strategy of the 1984 Raven's Manzanita Recovery Plan, which emphasized the stabilization of the single remaining genetic individual. The draft plan also seeks to re-establish multiple sexually reproducing populations of Raven's manzanita in association with its historically associated species of local serpentine outcrops. The objectives of this recovery plan are to delist San Francisco lessingia and to downlist Raven's manzanita through implementation of a variety of recovery measures including: (1) Protection and restoration of a series of ecological reserves (often with mixed recreational and conservation park land uses); (2) promotion of population increases of San Francisco lessingia and Raven's manzanita within these sites, or reintroduction of them to restored sites; (3) management of protected sites, especially the extensive eradication or suppression of invasive dominant non-native vegetation; (4) research; and (5) public participation, outreach, and education.

Public Comments Solicited

The Service solicits written comments on the recovery plan described. All comments received by the date specified above will be considered prior to approval of this plan.

Authority

The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: November 20, 2001.
Steve Thompson,
Acting California/Nevada Operations Manager, U.S. Fish and Wildlife Service, Sacramento, California.

United States Department of the Interior

F1SH AND WILDLIFE SERVICE
Bishop Henry Whipple Federal Building
1 Federal Drive
Fort Snelling. MN 55111-4056

IN R£rLY R£FER TO:

FWS/AES/ESO

Notice of Availability of the Technical/Agency Draft Hine's Emerald Dragonfly *(Somatochlora hineana)* Recovery Plan for Review and Comment

The U.S. Fish and Wildlife Service (Service) invites your review of the enclosed draft of the recovery plan for the Hine's emerald dragonfly *(Somatochlora hineana)*. The Service solicits any corrections or suggestions you or your agency or group may offer and will carefully consider your comments. Your review is important to the Service and must be received by September 13, 1999, as indicated in the enclosed *Federal Register* notice dated July 13, 1999. Please send your comments to the Field Supervisor, Chicago, Ilinois, Field Office, U.S. Fish and Wildlife Service, 1000 Hart Road, Suite 180, Barrington, Ilinois 60010.

The Service seeks to ensure that the best biological and commercial data, scientifically accurate ana]yses of those data, and re~ews of recognized experts are used in its recovery plans. It seeks to demonstrate to the public, other agencies and interests, conservation organizations, and to units within the Service that the best data, scientific ana]yses, and ~ews of affected or involved parties were considered in developing the document.

If you have questions or wish to discuss this draft, please contact John Rogner, Field Supervisor (847/381-2253, extension 212), or Louise Clemency, Endangered Species Coordinator (extension 215), located at the Chicago, lllinois, Field Office.

Charles M. Wooley
Assistant Regional Director
Ecological Services

Thank you for your time and effort in providing your valuable assistance.

Enclosures

DRAFT

Press Release

Contact: Paul McKenzie 573-876-1911, ext. 206
E- mail: Paul_McKenzie@mail.fws.gov

Indiana Bat Agency Draft Revised Recovery Plan
Available for Review

The U.S. Fish and Wildlife Service (Service) announces the availability of the agency draft revised recovery plan for the endangered Indiana bat (*Myotis sodalis*). The Service is seeking comments on the draft plan from all interested parties. Comments will be accepted through [***ESO-TE will provide the date, once received from the Office of the Federal Register***].

"The agency draft revised plan identifies research needs that will help pinpoint the causes of decline for the Indiana bat, allowing development of strategies to help restore its populations," said William Hartwig, Regional Director for the Service.

The Indiana bat was listed as endangered in 1967 under the precursor to the Federal Endangered Species Act. Major threats to the bat are believed to be human disturbance of hibernating bats, as well as lack of access by bats to hibernation caves. Other threats are under study.

The Service approved the Indiana Bat Recovery Plan in 1983. Biologists have noted a 60 percent decline in Indiana bat numbers from the 1960s through the mid-1990s. The Indiana Bat Recovery Team, comprised of Federal and state biologists and other bat experts, has developed a draft revised plan based on the bat's current status. The agency draft plan incorporates comments solicited by the Recovery Team from bat experts and state agency personnel.

Recovery plans are developed for federally endangered or threatened species and are used as a blueprint for agencies to guide them toward restoring and recovering a species. The goal is to bring populations to a point that protection of the Endangered Species Act is no longer necessary.

Indiana bats are currently found in 26 states in the eastern U.S. They feed exclusively on flying insects, hibernate in caves or mines in the winter, and maintain maternity colonies in trees during the summer. Known bat numbers in the mid-1990s were estimated at 353,000, which is thought to be a decline of 60 percent from 1960s numbers.

Copies of the Indiana Bat Agency Draft Revised Recovery Plan may be purchased from the Fish and Wildlife Reference Service, 5430 Grosvenor Lane, Suite 110, Bethesda, Maryland 20814 (telephone: 301-492-6403 or 800-582-3421), or may be obtained from the Service's website at www.fws.gov/r3pao/bat.pdf. Comments on the draft plan must be received by [***ESO-TE will insert date***] and should be addressed to: Field Supervisor, U.S. Fish and Wildlife Service, 608

East Cherry Street, Room 200, Columbia, Missouri 65201. Access to the Service's Region 3 HomePage at www.fws.gov/r3pao/eco_serv/endangrd/index.html will provide facts and a photo of the Indiana bat. The revised Indiana bat recovery plan will be prepared once the Service has considered the comments received on the agency draft revised plan.

The U.S. Fish and Wildlife Service is the principal Federal agency responsible for conserving, protecting, and enhancing fish and wildlife and their habitats for the continuing benefit of the American people. The Service manages the 93-million-acre National Wildlife Refuge System comprised of more than 500 national wildlife refuges, thousands of small wetlands, and other special management areas. It also operates 66 national fish hatcheries and 78 ecological services field stations.

The agency enforces Federal wildlife laws, administers the Endangered Species Act, manages migratory bird populations, restores nationally significant fisheries, conserves and restores wildlife habitat such as wetlands, and helps foreign governments with their conservation efforts. It also oversees the Federal Aid program that distributes hundreds of millions of dollars in excise taxes on fishing and hunting equipment to state wildlife agencies.

For further information about the programs and activities of the U.S. Fish and Wildlife Service in the Great Lakes-Big Rivers Region, please visit our HomePage at: http://www.fws.gov/r3pao/.

Appendix U.

Notice of Availability of a Final Recovery Plan

that the participant suffers from a physical or mental disability resulting in the permanent inability of the participant to perform the service or other activities which would be necessary to comply with the obligation.

(d) In determining whether to waive or suspend any or all of the service or payment obligations of a participant as imposing an undue hardship and being against equity and good conscience, the Secretary, on the basis of information and documentation as may be required, will consider:

(1) The participant's present financial resources and obligations;

(2) The participant's estimated future financial resources and obligations; and

(3) The extent to which the participant has problems of a personal nature, such as a physical or mental disability or terminal illness in the immediate family, which so intrude on the participant's present and future ability to perform as to raise a presumption that the individual will be unable to perform the obligation incurred.

§ 68d.14 When can a GR–LRP payment obligation be discharged in bankruptcy?

Any payment obligation incurred under § 68d.12 may be discharged in bankruptcy under Title 11 of the United States Code only if such discharge is granted after the expiration of the five-year period beginning on the first date that payment is required and only if the bankruptcy court finds that a non-discharge of the obligation would be unconscionable.

§ 68d.15 Additional conditions.

When a shortage of funds exists, participants may be funded only partially, as determined by the Secretary. However, once a GR–LRP contract has been signed by both parties, the Secretary will obligate such funds as necessary to ensure that sufficient funds will be available to pay benefits for the duration of the period of obligated service unless, by mutual written agreement between the Secretary and the participant, specified otherwise. Benefits will be paid on a quarterly basis after each service period unless specified otherwise by mutual written agreement between the Secretary and the participant. The Secretary may impose additional conditions as deemed necessary.

§ 68d.16 What other regulations and statutes apply?

Several other regulations and statutes apply to this part. These include, but are not necessarily limited to:

(a) Debt Collection Act of 1982, Public Law 97–365, as amended (5 U.S.C. 5514);

(b) Fair Credit Reporting Act (15 U.S.C. 1681 *et seq.*);

(c) Federal Debt Collection Procedures Act of 1990, Public Law 101–647 (28 U.S.C. 1); and

(d) Privacy Act of 1974 (5 U.S.C. 552a).

[FR Doc. 02–19610 Filed 8–2–02; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Notice of Availability of a Final Recovery Plan for the Howell's Spectacular Thelypody (*Thelypodium howellii* ssp. *spectabilis*)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability.

SUMMARY: We, the U.S. Fish and Wildlife Service, announce the availability of a final recovery plan for the Howell's spectacular thelypody (*Thelypodium howellii* ssp. *spectabilis*; thelypody). This threatened plant, a member of the mustard family, occurs on fewer than 12 small sites located within 100 acres of private lands near North Powder and Haines in eastern Oregon (Baker and Union Counties). The thelypody occurs in mesic, alkaline meadow habitats and all remaining populations occur within or directly adjacent to agricultural fields or urban areas. Actions needed for recovery include permanent protection of remaining populations and habitat, and management to provide for naturally reproducing populations that have stable or increasing trends.

ADDRESSES: Recovery plans that have been approved by the U.S. Fish and Wildlife Service are available on the World Wide Web at *http://www.r1.fws.gov/ecoservices/endangered/recovery/default.htm.* Recovery plans may also be obtained from: Fish and Wildlife Reference Service, 5430 Grosvenor Lane, Suite 110, Bethesda, Maryland 20814, (301) 429–6403 or 1–800–582–3421. The fee for the plan varies depending on the number of pages of the plan.

FOR FURTHER INFORMATION CONTACT: Johnna Roy, Wildlife Biologist, U.S. Fish and Wildlife Service, Snake River Fish and Wildlife Office, 1387 South Vinnell Way, Boise, ID 83709; phone (208) 378–5243.

SUPPLEMENTARY INFORMATION:

Background

Recovery of endangered or threatened animals and plants is a primary goal of the our endangered species program. A species is considered recovered when the species' ecosystem is restored and/or threats to the species are removed so that self-sustaining and self-regulating populations of the species can be supported as persistent members of native biotic communities. Recovery plans describe actions considered necessary for the conservation of the species, establish criteria for downlisting or delisting listed species, and estimate time and cost for implementing the measures needed for recovery.

The Endangered Species Act of 1973, as amended in 1988 (Act) (16 U.S.C. 1531 *et seq.*), requires that recovery plans be developed for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act requires that during recovery plan development, we provide public notice and an opportunity for public review and comment. Information presented during the comment period has been considered in the preparation of the final recovery plan, and is summarized in an appendix to the recovery plan. We will forward substantive comments regarding recovery plan implementation to appropriate Federal or other entities so that they can take these comments into account during the course of implementing recovery actions.

The thelypody was listed as a threatened species on June 25, 1999. This taxon is endemic to the Baker-Powder River Valley in eastern Oregon. It is currently found in five populations in Baker and Union Counties, Oregon. It formerly also occurred in the Willow Creek Valley in Malheur County. The species grows in alkaline meadows in valley bottoms, usually in and around shrubs such as greasewood or rabbitbrush. The plants are threatened by habitat modification such as grazing during spring and early summer, trampling, urban development, and competition from non-native plants.

The objective of this plan is to provide a framework for the recovery of the thelypody so that protection by the Act is no longer necessary. As recovery criteria are met, the status of the species will be reviewed and it will be considered for removal from the List of Endangered and Threatened Wildlife (50 CFR part 17). The Howell's spectacular thelypody will be considered for delisting when: (1) At least five stable or increasing thelypody

populations are distributed throughout its extant or historic range and populations must be naturally reproducing with stable or increasing trends for 10 years; (2) all five populations are located on permanently protected sites; (3) management plans have been developed and implemented for each site that specifically provide for the protection of thelypody and its habitat; and (4) a post-delisting monitoring plan is in place that will monitor the status of thelypody for at least 5 years at each site once it has been delisted.

Authority: The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533 (f).

Dated: June 3, 2002.

Rowand W. Gould,

Regional Director, Region 1, U.S. Fish and Wildlife Service.

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Appendix V. Linking Threats to Recovery Actions (Table and Tip sheet).

LISTING FACTOR	THREAT	RECOVERY CRITERIA	TASK NUMBERS
A	Agricultural development and associated hydrologic alterations	1, 3	Identify and control threats, discourage conversion of habitat, protect and restore floodplain hydrology, conduct research, secure funding for recovery actions (see Tasks 1.6, 1.6.4, 1.6.5, 3, 6)
A	Road construction and maintenance	1,3	Identify and control threats, manage herbicide use, conduct research (see Tasks 1.6, 1.6.6, 3)
C	Livestock grazing	1,3	Manage livestock grazing , fence livestock areas, conduct research, secure funding for recovery actions (see Tasks 1.6.1, 1.6.2, 3)
D	State ESA does not provide protection for plants on private lands and all thelypody populations are found on private lands	2, 3, 4	Survey and prioritize sites for protection, protect sites in the interim, and secure permanent protection through easements and acquisition, identify and protect unoccupied habitat sites, conduct research, secure funding for recovery actions (see Tasks 1.1, 1.2, 1.3, 1.4, 1.5, 2, 3, 3.1, 3.3, 4, 5, 6)
E	Herbicide use	1,3	Identify and control threats, manage herbicide use conduct research, secure funding for recovery actions (see Tasks 1.6, 1.6.6, 3)
E	Competition form non-native plants species	1,3,4	Identify and control threats, control non-native species invasion, conduct research, secure funding for recovery actions (see Tasks 1.6, 1.6.3, 3, 3.4, 6)
E	Naturally occurring events (drought/fire)	1,4	Conduct research, see Task 3

Listing Factors:
A. The Present or Threatened Destruction, Modification, or Curtailment Of Its Habitat or Range
B. Overutilization for Commercial, Recreational, Scientific, Educational Purposes (not a factor)
C. Disease or Predation
D. The Inadequacy of Existing Regulatory Mechanisms
E. Other Natural or Manmade Factors Affecting Its Continued Existence

Recovery Criteria:
1. At least five stable or increasing thelypody populations are distributed throughout its extant or historic range. Populations must be naturally reproducing with stable or increasing trends for 10 years. **2**. All five populations are located on permanently protected sites. Permanently protected sites are either owned by a State or Federal agency or a private conservation organization, or protected by a permanent conservation easement that commits present and future landowners to the conservation of the species.

3. Management plans have been developed and implemented for each site that specifically provide for the protection of the thelypody and its habitat.. A post-delisting monitorii plan is in place that will monitor the status of the thelypody for at least 5 years at each site.