

Proposed rules to list the Florida leafwing (*Anaea troglodyta floridalis*) and Bartram's scrub-hairstreak (*Strymon acis bartrami*) butterflies as endangered and to designate critical habitat

About the Document

Title: Proposed rules to list the Florida leafwing and Bartram's scrub-hairstreak butterflies as endangered and to designate critical habitat.

Purpose: The U.S. Fish and Wildlife Service (Service) is preparing a proposal to list the Florida leafwing (*Anaea troglodyta floridalis*) and Bartram's scrub-hairstreak (*Strymon acis bartrami*), two butterfly subspecies endemic to South Florida and the Florida Keys, under the Endangered Species Act. In addition, the Service is preparing a proposal to designate 3,351 hectares (8,285 acres) and 3,748 hectares (9,261 acres) of land in Miami-Dade and Monroe Counties, Florida as critical habitat for the Florida leafwing and Bartram's scrub-hairstreak, respectively. A proposed regulation was published in the Federal Register on August 15, 2013, for review and comments.

Proposed rules:

(1) *Electronically:* Go to the Federal eRulemaking Portal: <http://www.regulations.gov>. In the Search box, enter FWS-R4-ES-2013-0084, which is the docket number for the proposed listing, or enter FWS-R4-ES-2013-0031, which is the docket number for the proposed critical habitat designation. You may submit a comment by clicking on "Comment Now!"

(2) *By hard copy:* Submit by U.S. mail or hand-delivery to: Public Comments Processing, Attn: FWS-R4-ES-2013-0031; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, MS 2042-PDM; Arlington, VA 22203.

If you would prefer that we send you digital copies of the rules please contact Mark Salvato at Mark_Salvato@fws.gov.

About the Peer Review Process

Type of Review: Influential

Date of Peer Review: Peer review will occur between August 15, 2013, and October 15, 2013.

Estimated Dissemination Date of the Final Rulemaking Document: August 15, 2013

Process: The Service solicited written comments from eight independent scientific reviewers. Formal request for peer review was made by individual letters to experts from various backgrounds at several universities, institutions, and agencies. Reviewers have been selected by the Service for their recognized expertise with butterflies, particularly nymphalids and lycaenids, as well as general expertise with butterfly ecology and conservation. We are following our national policy on peer review and our regional approach for peer review for rulemakings. In selecting peer reviewers, we considered four key factors – expertise, balance, independence, and avoidance of conflict of interest.

This review is occurring concurrently with the public comment period for the proposed action. The public comment period is now open and will close on October 15, 2013. The Service will use the information received from the peer review process, as appropriate, to develop the final listing rules for the species indicated above.

The Service has provided each peer reviewer with information necessary to complete the peer review. We have requested that reviewers use the Southeast Region’s guidance to ensure that reviews comply with the 1994 policy statement for listing and critical habitat designation under the Act. Peer reviewers are expected to: review all material provided; identify, review, and provide other relevant data; and, provide written comments on relevance and soundness of data, analysis or assumptions of data, and whether we have used the best available science in making the proposed determinations. Peer review comments will be public documents.

About Public Participation

Public comments on the proposed listing and critical habitat designation will be sought with proposed rules published in the Federal Register and by mail to interested parties, a press release of the availability of the proposals to interested parties, and a public hearing if requested. The Service will consider all comments received prior to publishing a final determination.

The Service published a notice in the Federal Register for the proposed listing of the Florida leafwing (*Anaea troglodyta floridalis*) and Bartram’s scrub-hairstreak (*Strymon acis bartrami*) as endangered and designation of critical habitat for the Florida leafwing (*Anaea troglodyta floridalis*) and Bartram’s scrub-hairstreak (*Strymon acis bartrami*). A summary of the results of the peer review will also be published with the final rule determinations in the Federal Register.

This peer review plan is made available on this website to allow the public to monitor our compliance with the Office of Management and Budget’s Final Information Quality Bulletin for Peer Review.

Contact: Mark Salvato, U.S. Fish and Wildlife Service, South Florida Ecological Services Office, 772-469-4340 or Mark_Salvato@fws.gov.