



# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Washington, D.C. 20240



OCT 27 2015

In Reply Refer To:  
FWS/AES/DCC/061466

Memorandum

To: Regional Directors, 1-8

From: **ACTING** Director

Subject: Streamlining 90-day and 12-month Petition Findings

To improve implementation of the Endangered Species Act (Act) and reach our goal of making petition findings within the statutory time frames, we have developed new processes to streamline petition findings while ensuring we conduct an adequate review of petitions. This streamlining will occur through batching of these findings.

## 90-Day Findings

Consistent with my November 9, 2012, memorandum regarding batching notifications of substantial 90-day petition findings, this interim guidance expands to batch not-substantial findings and provides a consistent review form for making such findings.

This guidance, when finalized, will rescind and replace the Director's memoranda dated July 19, 1995, and November 30, 1995, regarding how the Service evaluates petitions at the 90-day stage and the Director's memoranda dated November 9, 2012, regarding procedures for developing substantial 90-day petition findings and publication of notification of findings in the *Federal Register*. As you are aware, we recently proposed to change our petition regulations; we anticipate finalizing this interim guidance shortly after we finalize the revised petition regulations, in order to accommodate any changes in process that might occur after public notice and comment on the regulations.

## 12-Month Findings

We will also batch notification in the Federal Register of our 12-month findings by implementing a process similar to the Candidate Notice of Review (CNOR), except that batches are anticipated to be published biannually. The Federal Register shall contain short summaries of our determinations (see 80 FR 60834 for an example), which will be documented in more detail through status assessment forms posted to the appropriate docket at [www.regulations.gov](http://www.regulations.gov). Over time, we anticipate developing a new standard form for all status assessments as we implement the Species Status Assessment (SSA) framework. However, for the interim until this new form is developed, we will continue to use our existing forms to document our determinations (*i.e.*, the candidate assessment form for listing petitions and the 5-year review form for downlisting and

delisting findings). These existing forms may be used to summarize analyses in SSAs and to document our application of policies and standards in making our determination.

We anticipate that the majority of the 12-month findings in each batch would be not warranted findings, because warranted findings would be published simultaneously with a proposed rule in most cases. However, in the rare cases where circumstances call for a warranted but precluded finding, these findings will be included in the batched findings as well. We recognize that there may be some exceptions for particularly complex determinations in which we continue to use stand-alone Federal Register notices.

Please ensure that this memorandum is distributed to all offices that prepare and review petition findings. The interim guidance and additional attachments have been uploaded into the Document Tracking System at DCN 061466.

Thank you for your commitment to efficient and effective implementation of the Endangered Species Act. If you have questions, please contact Ms. Bridget Fahey, Chief, Division of Conservation and Classification at (703) 358-2163.