

Guidance on Batching 90-day Findings for Publication in the Federal Register.

Procedure for Batching 90-day Petitions

All 90-day petition findings, including domestic/transboundary species and foreign species, will be batched into a single *Federal Register* notice each quarter. Regional Offices are responsible for sending Petition Review Forms, signed (substantial findings) or surnamed (not-substantial findings) by the Regional Director, to the appropriate branches in Headquarters following the schedule summarized in the table below. Petitions to list or reclassify species as endangered should go to the Branch of Listing; petitions to delist or reclassify species as threatened should go to the Branch of Recovery and State Grants).

FY Quarter	Petitions Received In	Petition Review Forms Due to HQ	Notice Delivered to OFR
1	Oct, Nov, Dec	Jan 1	February
2	Jan, Feb, Mar	Apr 1	May
3	Apr, May, Jun	Jul 1	August
4	Jul, Aug, Sep	Oct 1	November

Once submitted to the appropriate branch in Headquarters, not-substantial findings will be reviewed and surnamed by the appropriate Branch staff and Branch Chief; substantial findings may be reviewed for formatting consistency. Each branch will then submit the Petition Review Forms to the branch responsible for batching findings that quarter. Responsibility for batching all petition findings will rotate each quarter between Branch of Foreign Species, Branch of Listing, and Branch of Recovery and State Grants.

The staff person responsible for batching the Petition Review Forms should:

- Organize all Petition Review Forms in alphabetical order.
- Use the template located in Appendix J to draft the *Federal Register* notice.
 - Complete the template using information from the Species and Range, Petition History, and Finding sections in the Petition Review Forms (see Appendix E for examples).
- Use the template located in Appendix K to draft a briefing paper.

- Assemble the package for surname.
 - Table of Contents: (Print Appendix L)
 - Tab 1: Briefing Paper
 - Tab 2: Substantial Findings with RD signature
 - Tab 3: Substantial Findings with AES signature
 - Tab 4: Not-substantial Findings
 - Tab 5: FR notice
- Enter the package in PackTrack following the Standard Operating Procedure and update entry over time as appropriate.

Surname Process

See **Review Process for Batched *Federal Register* Notice and Petition Review Forms** flow chart at the end of this document.

- Chief of the responsible Branch reviews and surnames the *Federal Register* notice
- The following information should be submitted to the Office of Policy Performance, and Management Programs (PPMP) for surname:
 - Document Review Request Form (Appendix M) for each petition
 - If the Region and contact information is the same for multiple petitions, fill out one document Review Request Form for those petitions. In the “Document Title” box, state that the request is for multiple 90-day findings and include a list of the species names.
 - Request that each Docket title contain the name of the species (e.g., Endangered and Threatened Wildlife and Plants: 90-Day Finding on a Petition to List the Northern Spotted Owl).
 - Email the Document Review Request Forms to marcia_cash@fws.gov. In the email, provide the full docket title for each petition that is being batched.
 - *Federal Register* Notice.
- PPMP will send back the Docket numbers that correspond to each petition.
 - Insert the correct Docket numbers, as appropriate, in both the FR notice and the Petition Review Forms
- Brief Division Chiefs in Headquarters on the quarterly batch of petition findings.

- Solicitor will review and surname not-substantial findings completed in Headquarters and the *Federal Register* notice.
 - Substantial comments or edits should be sent to the lead Regional Office or lead Branch in Headquarters to address.
 - Include the Solicitor's Legal Review in the package
- Assistant Director of Ecological Services signs substantial findings completed in Headquarters and reviews and surnames not-substantial findings and the *Federal Register* notice.
- Director reviews and signs the not-substantial findings and the *Federal Register* notice.
- The package goes to Exec Secretary for Clearance
- Once the package has cleared, it can be sent to the Office of the Federal Register.
 - Publication date should be coordinated with Regions to ensure staff is available to conduct outreach efforts.

Posting Petition Review Forms on *Regulations.gov*

Each Petition Review Form should be saved as a pdf and include the signature of the signing official (Regional Director, Assistant Director for Ecological Services, or Director). Send these documents to marcia_cash@fws.gov for posting to www.regulations.gov.

Review Process for Batched *Federal Register* Notice and Petition Review Forms

