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**Billing Code 4310-55-P**

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 17**

[Docket No (s). FWS-RX-ES-XXXX-XXXX; FWS-RX-ES-XXXX-XXXX; FWS-RX-ES-XXXX-XXXX; etc.]

[COST CODE/ABC STRUCTURE]

**Endangered and Threatened Wildlife and Plants; 90-Day Findings on [# of petitions] Petitions**

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

**ACTION:** Notice of petition findings [*if applicable* and initiation of status reviews].

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce 90-day findings on various petitions to [list, reclassify, or delist fish, wildlife, or plants] under the Endangered Species Act of 1973, as amended (Act). *As appropriate:* Based on our

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review, we find that [number of petitions] petition(s) [does/do not present substantial scientific or commercial information indicating that the petitioned action(s) may be warranted,] *or* [we find that the petitioned entity(ies) presented in [number of petitions] is/are not a listable entity(ies) under the Act,] and we are not initiating a status review(s) in response to this/these petition(s). We refer to this/these as a “not-substantial petition finding(s).” We also find that [number of petition(s)] petition(s) present substantial scientific or commercial information indicating that the petitioned action(s) may be warranted. Therefore, with the publication of this notice, we are initiating a review of the status of these species to determine if the petitioned action(s) is/are warranted. *If applicable:* The status review(s) for [number of species] will also serve as 5-year reviews for these species. To ensure that these status reviews are comprehensive, we are requesting scientific and commercial data and other information regarding these species. Based on the status reviews, we will issue 12-month findings on the petitions, which will address whether the petitioned action is warranted, as provided in section 4(b)(3)(B) of the Act.

**DATES:** To allow us adequate time to conduct the status review(s), we request that we receive information no later than [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]. Information submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES**, below) must be received by 11:59 p.m. Eastern Time on the closing date.

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**ADDRESSES:** *Not-substantial petition finding(s)*: The not-substantial petition finding(s) announced in this document is/are available on <http://www.regulations.gov> under the appropriate docket number (see table, below). Supporting information in preparing this/these finding(s) is available for public inspection, by appointment, during normal business hours by contacting the appropriate person, as specified under **FOR FURTHER INFORMATION CONTACT**.

TABLE 1 – NOT-SUBSTANTIAL PETITION FINDINGS

Species	Docket Number	Docket Link
Petition species or title #1	FWS-RX-ES-XXXX-XXXX	<a href="http://www.regulations.gov/#!docketDetail;D=FWS-RX-ES-XXXX-XXXX">http://www.regulations.gov/#!docketDetail;D=FWS-RX-ES-XXXX-XXXX</a>
Petition species or title #2	FWS-RX-ES-XXXX-XXXX	<a href="http://www.regulations.gov/#!docketDetail;D=FWS-RX-ES-XXXX-XXXX">http://www.regulations.gov/#!docketDetail;D=FWS-RX-ES-XXXX-XXXX</a>

*Status review(s)*: You may submit information on species for which a status review is being initiated by one of the following methods:

(1) *Electronically*: Go to the Federal eRulemaking Portal:

<http://www.regulations.gov>. In the Search box, enter the appropriate docket number (see table below). You may submit information by clicking on “Comment Now!” If your information will fit in the provided comment box, please use this feature of <http://www.regulations.gov>, as it is most compatible with our information review procedures. If you attach your information as a separate document, our preferred file

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format is Microsoft Word. If you attach multiple comments (such as form letters), our preferred format is a spreadsheet in Microsoft Excel.

(2) *By hard copy*: Submit by U.S. mail or hand-delivery to: Public Comments Processing, Attn: [Insert appropriate docket number; see table below]; U.S. Fish and Wildlife Service Headquarters, MS: BPHC, 5275 Leesburg Pike; Falls Church, VA 22041-3803.

We request that you send information only by the methods described above. We will post all information received on <http://www.regulations.gov>. This generally means that we will post any personal information you provide us (see the **Request for Information** section below for more details).

TABLE 2 – SUBSTANTIAL FINDINGS FOR WHICH A STATUS REVIEW IS BEING INITIATED

Species	Docket Number	Docket Link
Petition species or title #1	FWS-RX-ES-XXXX-XXXX	<a href="http://www.regulations.gov/#!docketDetail;D=FWS-RX-ES-XXXX-XXXX">http://www.regulations.gov/#!docketDetail;D=FWS-RX-ES-XXXX-XXXX</a>
Petition species or title #2	FWS-RX-ES-XXXX-XXXX	<a href="http://www.regulations.gov/#!docketDetail;D=FWS-RX-ES-XXXX-XXXX">http://www.regulations.gov/#!docketDetail;D=FWS-RX-ES-XXXX-XXXX</a>

**FOR FURTHER INFORMATION CONTACT:**

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Species	Contact Information
Petition species or title #1	[Name], telephone (xxx-xxx-xxxx)
Petition species or title #2	[Name], telephone (xxx-xxx-xxxx)

If you use a telecommunications device for the deaf (TDD), please call the Federal Information Relay Service (FIRS) at 800–877–8339.

## **SUPPLEMENTARY INFORMATION:**

### **Request for Information**

When we make a finding that a petition presents substantial information indicating that listing, reclassification, or delisting a species may be warranted, we are required to promptly review the status of the species (status review). For the status review to be complete and based on the best available scientific and commercial information, we request information on these species from governmental agencies, Native American Tribes, the scientific community, industry, and any other interested parties. We seek information on:

(1) The species' biology, range, and population trends, including:

- (a) Habitat requirements;
- (b) Genetics and taxonomy;
- (c) Historical and current range, including distribution patterns;
- (d) Historical and current population levels, and current and projected trends; and

(e) Past and ongoing conservation measures for the species, its habitat, or both.

(2) The factors that are the basis for making a listing, reclassification, or delisting determination for a species under section 4(a) of the Act (16 U.S.C. 1531 *et seq.*), which are:

- (a) The present or threatened destruction, modification, or curtailment of its habitat or range;
- (b) Overutilization for commercial, recreational, scientific, or educational purposes;
- (c) Disease or predation;
- (d) The inadequacy of existing regulatory mechanisms; or
- (e) Other natural or manmade factors affecting its continued existence.

(3) The potential effects of climate change on this species and its habitat.

[(4) Information specific to a species (e.g., information about its status in a particular area or information that may be used in a potential 4(d) rule).]

*If petitions request listing a domestic species, insert the following:*

If, after the status review, we determine that listing is warranted, we will propose critical habitat (see definition in section 3(5)(A) of the Act) for domestic (U.S.) species under section 4 of the Act, to the maximum extent prudent and determinable at the time we propose to list the species. Therefore, we also request data and information for [appropriate domestic species] on:

- (1) What may constitute “physical or biological features essential to the conservation of the species,” within the geographical range occupied by the species;
- (2) Where these features are currently found;

- (3) Whether any of these features may require special management considerations or protection;
- (4) Specific areas outside the geographical area occupied by the species that are “essential for the conservation of the species”; and
- (5) What, if any, critical habitat you think we should propose for designation if the species is proposed for listing, and why such habitat meets the requirements of section 4 of the Act.

Please include sufficient information with your submission (such as scientific journal articles or other publications) to allow us to verify any scientific or commercial information you include.

Submissions merely stating support for or opposition to the actions under consideration without providing supporting information, although noted, will not be considered in making a determination. Section 4(b)(1)(A) of the Act directs that determinations as to whether any species is an endangered or threatened species must be made “solely on the basis of the best scientific and commercial data available.”

You may submit your information concerning **this/these** status review(s) by one of the methods listed in the **ADDRESSES** section. If you submit information via <http://www.regulations.gov>, your entire submission—including any personal identifying information—will be posted on the website. If you submit a hardcopy that includes personal identifying information, you may request at the top of your document that we

withhold this personal identifying information from public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy submissions on <http://www.regulations.gov>.

Information and supporting documentation that we received and used in preparing this finding will be available for you to review at <http://www.regulations.gov>, or you may make an appointment during normal business hours at the appropriate lead U.S. Fish and Wildlife Service Field Office (see **FOR FURTHER INFORMATION CONTACT**).

## **Background**

Section 4(b)(3)(A) of the Act requires that we make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information indicating that the petitioned action may be warranted. To the maximum extent practicable, we are to make this finding within 90 days of our receipt of the petition and publish our notice of the finding promptly in the **Federal Register**.

Our standard for substantial scientific or commercial information within the Code of Federal Regulations (CFR) with regard to a 90-day petition finding is “that amount of information that would lead a reasonable person to believe that the measure proposed in the petition may be warranted” (50 CFR 424.14(b)). If we find that substantial scientific or commercial information was presented, we are required to promptly commence a review of the status of the species, which will be subsequently summarized in our 12-



month finding.

Section 4 of the Act (16 U.S.C. 1533) and its implementing regulations at 50 CFR 424 set forth the procedures for adding a species to, or removing a species from, the Federal Lists of Endangered and Threatened Wildlife and Plants. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1) of the Act (see (2) under **Request For Information**).

*For petitions to delist* [We may delist a species according to 50 CFR 424.11(d) if the best available scientific and commercial data indicate that the species is neither endangered nor threatened for one or more of the following reasons:

- (1) The species is extinct;
- (2) The species has recovered and is no longer endangered or threatened; or
- (3) The original scientific or commercial data used at the time the species was classified, or the interpretation of such data, were in error. ]

In considering what factors might constitute threats, we must look beyond the exposure of the species to a factor to evaluate whether the species may respond to the factor in a way that causes actual impacts to the species. If there is exposure to a factor and the species responds negatively, the factor may be a threat. However, the identification of factors that could affect a species negatively may not be sufficient to compel a finding that the information in the petition is substantial information indicating that the petitioned action may be warranted. Therefore, during the subsequent status

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review, we attempt to determine how significant a threat it is. The threat is significant if it drives, or contributes to, the risk of extinction of the species such that the species may warrant listing as endangered or threatened as those terms are defined in the Act. The information presented in the petition must include evidence sufficient to suggest that these factors may be operative threats that act on the species to the point that the species may meet the definition of an endangered or threatened species under the Act.

#### **Evaluation of a Petition to [Heading from Petition Review Form]**

Additional information regarding our review of this petition can be found as an appendix at <http://www.regulations.gov> under Docket No. FWS-HQ-ES-20XX-XXXX under the Supporting Documents section.

*Species and Range Insert the species common and scientific names and range using the Petition Review Form*

species common name (*scientific name*); range

*Petition History Cut and paste this section from the Petition Review Form*

*Finding Cut and paste this section from the Petition Review Form*

*For not-substantial petitions:*

Because the petition does not present substantial information indicating [petitioned action] the [species] may be warranted, we are not initiating a status review in response to this petition. Our justification for this finding can be found as an appendix under the Docket Number indicated in Table 1, above, at <http://www.regulations.gov> under the “Supporting Documents” section. However, we ask that the public submit to us any new information that becomes available concerning the status of, or threats to, the [species] or its habitat at any time (see **FOR FURTHER INFORMATION CONTACT**).

*For substantial petitions:*

Thus, for [species], the Service requests information on the five listing factors under section 4(a)(1) of the Act, including the factors identified in this finding (see **Request for Information**).

*Continue with other petitions...*

## **Conclusion**

On the basis of our evaluation of the information presented under section 4(b)(3)(A) of the Act, we have determined that the petition(s) summarized above for [list of species] does not present substantial scientific or commercial information indicating that the requested action(s) may be warranted. Therefore, we are not initiating a status review(s) for [this/these] species. The petition(s) summarized above for [list of species]

present substantial scientific or commercial information indicating that the requested action(s) may be warranted. Because we have found that the petition(s) present(s) substantial information indicating that the petitioned action(s) may be warranted, we are initiating a status review(s) to determine whether this/these actions under the Act is/are warranted. At the conclusion of the status review(s), we will issue a 12-month finding in accordance with section 4(b)(3)(B) of the Act, as to whether or not the Service believes listing, reclassification, or delisting, as appropriate, is warranted.

It is important to note that the “substantial information” standard for a 90-day finding differs from the Act’s “best scientific and commercial data” standard that applies to a status review to determine whether a petitioned action is warranted. A 90-day finding does not constitute a status review under the Act. In a 12-month finding, we will determine whether a petitioned action is warranted after we have completed a thorough status review of the species, which is conducted following a substantial 90-day finding. Because the Act’s standards for 90-day and 12-month findings are different, as described above, a substantial 90-day finding does not mean that the 12-month finding will result in a warranted finding.

### **5-Year Review *if applicable***

The status review(s) of [list species] will also serve as 5-year reviews for these species. Section 4(c)(2)(A) of the Act requires that we conduct a review of listed species at least once every 5 years. Our regulations at 50 CFR 424.21 require that we publish a

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notice in the **Federal Register** announcing those species under active review. For additional information about 5-year reviews, go to <http://www.fws.gov/endangered/what-we-do/recovery-overview.html>, scroll down to “Learn More about 5-Year Reviews,” and click on our factsheet.

## References Cited

A complete list of references cited is available on the Internet at <http://www.regulations.gov> and upon request from the appropriate lead Field Offices (see **FOR FURTHER INFORMATION CONTACT**).

## Author(s)

The primary authors of this notice are the staff members of the [Appropriate Branch], Ecological Services Program, U.S. Fish and Wildlife Service.

## Authority

The authority for these actions is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: \_\_\_\_\_

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Director, U.S. Fish and Wildlife Service

~~[Endangered and Threatened Wildlife and Plants; 90-Day Findings on [INSERT #~~  
~~OF PETITIONS] Petitions]~~