

**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service**

[FWS–HQ–IA–2016–N174;  
FXIA1671090000–177–FF09A10000]

**Threatened Species; Exemption From Threatened Species Permits for a Qualifying Beluga Sturgeon Aquaculture Facility**

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

**ACTION:** Notice.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), provide notice of an exemption to threatened species permit requirements granted under our Endangered Species Act (Act) regulations for beluga sturgeon (*Huso huso*). The exemption is for beluga sturgeon reared in an aquaculture facility in Florida that the Service found meets the criteria under our regulations. The exemption authorizes the facility to take beluga sturgeon from its aquacultured stock for the purpose of harvesting aquacultured beluga sturgeon meat and also authorizes the facility to engage in interstate commerce and export of beluga sturgeon meat, which it harvests from its aquacultured stock without a threatened species permit.

**ADDRESSES:** Documents and other information submitted with the application are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to: U.S. Fish and Wildlife Service, Division of Scientific Authority, MS: IA, 5275 Leesburg Pike, Falls Church, VA 22041; fax (703) 358–2276.

**FOR FURTHER INFORMATION CONTACT:** Dr. Rosemarie Gnam, (703) 358–1708 (telephone); (703) 358–2276 (fax); [Rosemarie\\_Gnam@fws.gov](mailto:Rosemarie_Gnam@fws.gov) (email).

**SUPPLEMENTARY INFORMATION:****Background**

Under section 4(d) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), the Service has discretion to issue regulations that we find necessary and advisable to provide for the conservation of threatened wildlife. We may also prohibit by regulation, with respect to threatened wildlife, any act that is prohibited by section 9(a)(1) of the Act for endangered wildlife. In exercising this discretion, the Service enforces general prohibitions that are appropriate for most threatened species. These prohibitions are codified in title 50 of the Code of Federal Regulations at 50

CFR 17.31; threatened species permit requirements are at 50 CFR 17.32. In 2005, the Service promulgated regulations under section 4(d) of the Act for the beluga sturgeon, a threatened species (70 FR 10493, March 4, 2005); these regulations are codified at 50 CFR 17.44(y).

In accordance with 50 CFR 17.44(y)(5), we consider applications for exemptions from threatened species permits for beluga sturgeon caviar and meat obtained from aquaculture facilities located outside the littoral States of Azerbaijan, Bulgaria, Georgia, Islamic Republic of Iran, Kazakhstan, Romania, Russian Federation, Serbia and Montenegro, Turkey, Turkmenistan, and Ukraine. These exemptions are for individual facilities. Through an exemption, the Service may authorize aquacultured beluga sturgeon caviar and meat originating from the facility to be imported, exported, re-exported, or traded in interstate and foreign commerce without threatened species permits issued under 50 CFR 17.32. Additionally, the Service may authorize an exemption for aquaculture facilities within the United States from prohibitions against take for purposes of harvesting caviar or meat or for conducting activities involving research to enhance the survival or propagation of the species.

Under the 4(d) rule, the Service may issue such exemptions only after a facility has satisfactorily demonstrated to us that criteria in § 17.44(y)(5)(i) through (iii) have been met, including: (1) The relevant regulatory authority has certified that the facility implements sufficient controls to prevent the escape of live animals and disease pathogens into local ecosystems; (2) the facility does not rely on wild beluga sturgeon for broodstock; and (3) the facility has entered into a formal agreement with one or more littoral states to study, protect, or otherwise enhance the survival of wild populations of beluga sturgeon. Exemptions granted under § 17.44(y)(5) shall not apply to trade (import, export, re-export, or interstate and foreign commerce) in live beluga sturgeon. Exemptions may be revoked at any time if the Service determines that any of the criteria shown in paragraphs (y)(5)(i) through (iii) are not met by the facility, and applicants are required to submit biennial reports on their compliance. In addition to meeting all requirements of the 4(d) rule, all applicable provisions in 50 CFR parts 13, 14, and 23 remain in effect and must also be met.

On March 6, 2013, we received an application from Sturgeon AquaFarms that requested an exemption from

threatened species permits in accordance with 50 CFR 17.44(y)(5) for Sturgeon AquaFarms' aquaculture facility in Bascom, Florida. In evaluating the application, the Service sought additional information from the applicant, the State of Florida, and the littoral states with which the applicant has entered into formal agreements (the Russian Federation and the Republic of Azerbaijan). We also conducted a site visit at the Sturgeon AquaFarms' aquaculture facility in Bascom, Florida. On June 15, 2016, the Service approved, under certain conditions, the requested exemption from threatened species permitting requirements to allow the take of beluga sturgeon from Sturgeon AquaFarms' aquacultured stock, located at its facility in Bascom, Florida, for the purpose of harvesting beluga meat and to allow for the interstate commerce and export of beluga meat the facility harvests from its aquacultured stock. This exemption applies to aquacultured beluga meat only; it does not apply to trade in beluga caviar or live beluga sturgeon.

**Authority:** We issue this notice under the authority of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and in accordance with 50 CFR 17.44(y)(5)(iv).

**Brenda Tapia,**

*Program Analyst, Division of Management Authority.*

[FR Doc. 2017–13232 Filed 6–23–17; 8:45 am]

**BILLING CODE 4333–15–P**

**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service**

[FWS–R2–ES–2016–N203;  
FXES1113020000–167–FF02ENEH00]

**Endangered and Threatened Wildlife and Plants; Pima Pineapple Cactus (*Coryphantha scheeri* var. *robustispina*) Draft Recovery Plan**

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

**ACTION:** Notice of availability; request for comment.

**SUMMARY:** We, the Fish and Wildlife Service (Service), announce that of our Pima pineapple cactus (*Coryphantha scheeri* var. *robustispina*) draft recovery plan is available. The cactus is listed as endangered under the Endangered Species Act of 1973, as amended (Act). This plant species is currently found in southern Arizona and in northern Sonora, Mexico. The draft recovery plan includes specific recovery objectives and criteria to be met in order to enable us to remove this species from the list of endangered and threatened wildlife

and plants. We request that local, State, and Federal agencies; Tribes; and the public review and comment. We will also accept any new species status information throughout its range to assist with recovery plan finalization.

**DATES:** To ensure consideration, we must receive written comments on or before August 25, 2017. However, we will accept information about any species at any time.

**ADDRESSES:** *Obtaining Documents:* If you wish to review the draft recovery plan, you may obtain a copy by any one of the following methods:

*Internet:* Download the file at [www.fws.gov/southwest/es/Documents/R2ES/](http://www.fws.gov/southwest/es/Documents/R2ES/)

*CoryphanthaScheeriRobustispina\_DraftRecoveryPlan\_Final\_February2015.pdf;*

*U.S. mail:* Request a copy by writing to the Arizona Ecological Services Field Office, Fish and Wildlife Service, 9828 N 31st Ave. #C3, Phoenix, AZ 85051–2517; or

*Telephone:* Request a copy by calling (602) 242–0210.

*Submitting Comments:* If you wish to comment on the draft recovery plan, you may submit your comments in writing by any one of the following methods:

*U.S. mail:* Field Supervisor, at the above address;

*Hand-delivery:* Arizona Ecological Services Field Office, at the above address;

*Fax:* (602) 242–2513; or

*Email:* [julie\\_crawford@fws.gov](mailto:julie_crawford@fws.gov).

For additional information about submitting comments, see Request for Public Comments.

**FOR FURTHER INFORMATION CONTACT:**

Steve Spangle, Field Supervisor, Arizona Ecological Services Field Office, at the above address and phone number, or by email at [Steve\\_Spangle@fws.gov](mailto:Steve_Spangle@fws.gov).

**SUPPLEMENTARY INFORMATION:**

**Background**

A primary goal of our endangered species program and the Act (16 U.S.C. 1531 *et seq.*) is endangered or threatened animals and plants recovery to the point that they are again secure, self-sustaining ecosystem members. Recovery means improving the listed species' status to the point that listing is no longer appropriate under the Act's section 4(a)(1) criteria. The Act requires recovery plans for listed species, unless such a plan would not promote conserving a particular species.

**Species History**

*Coryphantha scheeri* var. *robustispina* (Pima pineapple cactus) is found in

lower Sonoran desert-scrubland, desert-grassland, or the ecotone between desert-scrubland and desert-grassland in southeastern Arizona and northern Sonora, Mexico. It was federally listed as endangered on September 23, 1993; critical habitat was not designated. The taxon has been found historically in Pima and Santa Cruz Counties, Arizona, and northern Sonora, Mexico, where it occupies a small area proximal to the U.S. border. *Coryphantha scheeri* var. *robustispina* is not listed under Mexican protected species regulations by the Secretaría de Medio Ambiente y Recursos Naturales. The recovery priority number for *Coryphantha scheeri* var. *robustispina* is 3C, meaning that the listed entity is a subspecies, the level of threat is high, the potential for recovery is high, and there is a conflict with some form of economic activity (urbanization). The first 5-year status review for *Coryphantha scheeri* var. *robustispina* was signed on February 8, 2007. Based on the static or declining status of the species across its range and continued threats, it was recommended in the 5-year review that the taxon remain listed as endangered.

*Coryphantha scheeri* var. *robustispina* is a small, hemispheric-to-cylindrical stem succulent perennial of the Cactaceae (cactus family). Its stems reach 5 to 46 centimeters (cm) (1.9 to 18.1 inches (in)) in height and 5 to 21 cm (1.9 to 8.3 in) in diameter, are comprised primarily of tough, fleshy pulp, and are protected by a leathery outer skin. Stems may be singular or form clumps. The surface of the stems are covered in 2 to 3 cm (0.8 to 1.2 in) long rounded projections called tubercles, each of which is grooved along the upper surface and contains one to several extra floral nectaries (places that secrete nectar to attract pollinators) along each groove. The flowers of *C. scheeri* var. *robustispina* average 6.5 cm (2.6 in) long with pale yellow tepals (petals and sepals) that are variously tinged with red pigments. Flowers generally open early to mid-July following summer rains.

*Coryphantha scheeri* var. *robustispina* occurs within two subbasins of the Santa Cruz Watershed: Brawley Wash and the Upper Santa Cruz. These subbasins face largely differing threats and stressors and are managed in differing ways. The major threats within Brawley Wash, which is managed primarily for livestock grazing, include the spread of invasive, non-native grasses and the resultant altered fire regimes and increased competition. A major threat within Upper Santa Cruz, which includes Tucson, Nogales, and the urban areas between, is

urbanization. Throughout the entire range, *C. scheeri* var. *robustispina* is stressed by drought and climate change impacts, as well as predation by mammals and insects.

Plants are found on lands owned or managed by the Federal government (approximately 12 percent), State government (approximately 46 percent), Tribal government (approximately 2 percent), and private entities (approximately 40 percent). *Coryphantha scheeri* var. *robustispina* is typically found widely spaced in the landscape. A total of 6,712 individuals have been documented in our files from surveys of 43,072 hectares (106,433 acres) of suitable habitat. Similarly, as of the summer of 2015, the Arizona Natural Heritage Program database of locations for this taxon consisted of 7,558 records, of which 1,837 were known to no longer exist, primarily due to development and not natural causes.

The principal *C. scheeri* var. *robustispina* recovery strategy is to preserve and restore quality habitat to protect individuals and their seedbanks within two recovery units representing the range of the taxon. Providing conservation and restoration of the taxon and its habitat will allow a stable, self-sustaining population to persist with some level of connectivity and opportunities for expansion and dispersal.

**Recovery Plan Goals**

The objective of a recovery plan is to provide a framework for the recovery of a species so that protection under the Act is no longer necessary. A recovery plan includes scientific information about the species and provides criteria and actions necessary for us to be able to reclassify the species to threatened status or remove it from the List of Endangered and Threatened Plants (List) at 50 CFR 17.12(h). Recovery plans help guide our recovery efforts by describing actions we consider necessary for the species' conservation, and by estimating time and costs for implementing needed recovery measures. To achieve its goals, this draft recovery plan identifies the following objectives:

1. *Threat-based objective:* Reduce or mitigate habitat loss and degradation, non-native species spread and the resultant altered fire regimes and increased competition, and other stressors, to enhance the continued survival of *C. scheeri* var. *robustispina* and its pollinators.

2. *Habitat-based objective:* Conserve, restore, and properly manage the quantity and quality of habitat needed

for the continued survival of *C. scheeri* var. *robustispina* and its pollinators.

### 3. Population-based objective:

Conserve, protect, and restore existing and newly discovered *C. scheeri* var. *robustispina* individuals and their associated seedbanks needed for the continued survival of the taxon. The population must be self-sustaining, of sufficient number to endure climatic variation, stochastic events, and catastrophic losses, and must represent the full range of the species' geographic and genetic variability.

The draft recovery plan focuses on conserving and enhancing habitat quality, protecting the population, managing threats, monitoring progress, and building partnerships to facilitate recovery. When the recovery of *C. scheeri* var. *robustispina* approaches these criteria, we will review the species' status and consider downlisting, and, ultimately, removal from the List.

### Request for Public Comments

Section 4(f) of the Act requires us to provide public notice and an opportunity for public review and comment during recovery plan development. It is also our policy to request peer review of recovery plans (July 1, 1994; 59 FR 34270). In an appendix to the approved recovery plan, we will summarize and respond to the issues raised by the public and peer reviewers. Substantive comments may or may not result in changes to the recovery plan; comments regarding recovery plan implementation will be forwarded as appropriate to Federal or other entities so that they can be taken into account during the course of implementing recovery actions. Responses to individual commenters will not be provided, but we will provide a summary of how we addressed substantive comments in an appendix to the approved recovery plan.

We invite written comments on the draft recovery plan. In particular, we are interested in additional information regarding the current threats to the species and the costs associated with implementing the recommended recovery actions.

Before we approve our final recovery plan, we will consider all comments we receive by the date specified in **DATES**. Methods of submitting comments are in **ADDRESSES**.

### Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your

personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Comments and materials we receive will be available, by appointment, for public inspection during normal business hours at our office (see **ADDRESSES**).

### References Cited

A complete list of all references cited herein is available upon request from the Arizona Ecological Services Office (see **FOR FURTHER INFORMATION CONTACT**).

### Authority

We developed our draft recovery plan under the authority of section 4(f) of the Act, 16 U.S.C. 1533(f). We publish this notice under section 4(f) Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: December 15, 2016.

### Benjamin N. Tuggle,

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

**Editorial Note:** The Office of the Federal Register received this document on June 21, 2017.

[FR Doc. 2017-13309 Filed 6-23-17; 8:45 am]

**BILLING CODE 4333-15-P**

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### United States v. General Electric Co., et al., Proposed Final Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h), that a proposed Final Judgment, Stipulation and Competitive Impact Statement have been filed with the United States District Court for the District of Columbia in *United States of America v. General Electric Co., et al.*, Civil Action No. 1:17-cv-1146. On June 12, 2017, the United States filed a Complaint alleging that the proposed acquisition by General Electric Co. of Baker Hughes Incorporated, would violate Section 7 of the Clayton Act, 15 U.S.C. 18. The proposed Final Judgment, filed the same time as the Complaint, requires General Electric Co. to sell its GE Water & Process Technologies business, including certain tangible and intangible assets, to one or more acquirers approved by the United States.

Copies of the Complaint, proposed Final Judgment, and Competitive Impact

Statement are available for inspection at the Department of Justice's Web site at <http://www.justice.gov/atr> and at the Office of the Clerk of the United States District Court for the District of Columbia. Copies of these materials may be obtained from the Antitrust Division upon request and payment of the copying fee set by Department of Justice regulations.

Public comment is invited within 60 days of the date of this notice. Such comments, including the name of the submitter, and responses thereto, will be posted on the Antitrust Division's Web site, filed with the Court, and, under certain circumstances, published in the **Federal Register**. Comments should be directed to Kathleen S. O'Neill, Chief, Transportation, Energy & Agriculture Section, Antitrust Division, Department of Justice, 450 Fifth Street NW., Suite 8000, Washington, DC 20530.

### Patricia A. Brink,

Director of Civil Enforcement.

### United States District Court for the District of Columbia

*United States of America, U.S. Department of Justice, Antitrust Division, 450 5th Street NW., Suite 8000, Washington DC 20001, Plaintiff, v. General Electric Co., 41 Farnsworth Street, Boston MA 02210, and Baker Hughes Incorporated, 2929 Allen Parkway, Suite 2100, Houston TX 77019, Defendants.*

Case No.: 1:17-cv-01146

Judge: Beryl A. Howell

### COMPLAINT

The United States of America, acting under the direction of the Attorney General of the United States, brings this civil action to enjoin the acquisition of Baker Hughes Incorporated (“Baker Hughes”) by General Electric Co. (“GE”) and to obtain other equitable relief. The United States alleges as follows:

#### I. NATURE OF THE ACTION

1. GE's acquisition of Baker Hughes would combine two of the leading providers of refinery process chemicals and services in the United States. Refineries process crude oil and natural gas extracted from wells (“hydrocarbons”) into finished products like gasoline. To perform this process, refineries rely on a variety of special chemicals, collectively known as refinery process chemicals, to remove salts, solids, metals, and other impurities from the hydrocarbons and to prevent corrosion and damage to refinery equipment. Refineries rely on process chemical and service providers to evaluate the specific hydrocarbons flowing into their refineries and to formulate and apply customized