

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

#### 7 CFR Subtitles A and B

#### 9 CFR Chapters I, II, and III

#### Withdrawal of Certain Proposed Rules and Other Proposed Actions

**AGENCY:** Office of the Secretary, USDA.

**ACTION:** Notice of withdrawal.

**SUMMARY:** The United States Department of Agriculture (USDA) is announcing that it has withdrawn certain advance notice of proposed rulemakings

(ANPRM) and proposed rules that were either published in the **Federal Register** more than 4 years ago without subsequent action or determined to no longer be candidates for final action. USDA is taking this action to reduce its regulatory backlog and focus its resources on higher priority actions. The Department's actions are part of an overall regulatory reform strategy to reduce regulatory burden on the public and to ensure the Spring and Fall 2017 Unified Agendas of Regulatory and Deregulatory Actions provided the public accurate information about rulemakings the Department intends to undertake.

**DATES:** The advance notice of proposed rulemakings and proposed rules are withdrawn on January 4, 2018.

**FOR FURTHER INFORMATION CONTACT:** Michael Poe, Telephone Number: (202) 720-3323. Email: [Michael.poe@obpa.usda.gov](mailto:Michael.poe@obpa.usda.gov).

**SUPPLEMENTARY INFORMATION:**

### Background

USDA reviewed its pending proposed rules and other notices that published in the **Federal Register** more than 4 years ago, and for which no final rule or notice of withdrawal has been issued. The agency identified 14 such regulatory proposals for withdrawal. Additionally, USDA identified two proposed rules for withdrawal because they are not considered candidates for final action at this time.

Although not required to do so by the Administrative Procedure Act or by regulations of the Office of the Federal Register, the agency believes the public interest is best served by announcing in the **Federal Register** that it has withdrawn these 16 items. Therefore, for the reasons set forth above, USDA announces that it has withdrawn the following documents, published in the **Federal Register** on the dates indicated in the table below.

Agency	RIN	Title	Published action	Date	FR cite
FAS .....	0551-AA68	Quality Samples Program .....	NPRM	8/03/2006	71 FR 43992
FAS .....	0551-AA81	Export Sales Reporting Program .....	NPRM	3/19/2013	78 FR 16819
RUS .....	0572-AC21	Project Financing—Renewable Energy Loans .....	ANPRM	6/5/2013	78 FR 33755
RUS .....	0572-AC32	Rural Determination and Financing Percentage .....	NPRM	6/5/2013	78 FR 33757
APHIS .....	0579-AC28	Viruses, Serums, Toxins, and Analogous Products; Detection of Avian Lymphoid Leukosis Virus.	NPRM	1/31/2007	72 FR 4467
APHIS .....	0579-AC65	Tuberculosis: Require Approved Herd Plans Prior to Payment of Indemnity.	NPRM	7/24/2008	73 FR 43171
APHIS .....	0579-AD50	Forfeiture Procedures Under the Endangered Species Act and the Lacey Act Amendments.	NPRM	5/21/2013	78 FR 29659
APHIS .....	0579-AD67	Chrysanthemum White Rust Regulatory Status Restrictions.	ANPRM	8/3/2012	77 FR 46339
AMS .....	0581-AC83	Farmers' Market Promotion Program .....	NPRM	1/19/2011	76 FR 3046
AMS .....	0581-AD24	Hardwood Lumber and Hardwood Plywood Research and Promotion Program.	NPRM	11/13/2013	78 FR 68297
AMS .....	0581-AD63	Soybean Promotion, Research, and Consumer Information; Beef Promotion and Research; Amendments to Allow Redirection of State Assessments to the National Program; Technical Amendments.	NPRM	7/15/2016	81 FR 45984
FNS .....	0584-AC72	National School Lunch Program: Reimbursement for snacks in afterschool care programs.	NPRM	10/11/2000	65 FR 60502
Forest Service	0596-AC46	Small Business Administration Timber Sale Set-Aside Program.	NPRM	8/1/2006	71 FR 43435
Forest Service	0596-AC71	Proposed Directive on Groundwater Resource Management, Forest Service Manual 2560.	NPRM	5/6/2014	79 FR 25824
Forest Service	0596-AC89	Enhancing Policies Relating to Partnerships .....	ANPRM	9/14/2010	75 FR 55710
Forest Service	0596-AD03	Management of Surface Activities Associated with Outstanding Mineral Rights on National Forest System Lands (Directive).	ANPRM	12/29/2008	73 FR 79424

The withdrawal of these proposals identified in this document does not preclude the Department from reinstituting rulemaking concerning the

issues addressed in the proposals listed in the chart. Should we decide to undertake such rulemakings in the future, we will re-propose the actions

and provide new opportunities for comment. Furthermore, this notice is only intended to address the specific actions identified in this document, and

not any other pending proposals that USDA has issued or is considering. The Department notes that withdrawal of a proposal does not necessarily mean that the preamble statement of the proposal no longer reflects the current position of USDA on the matter addressed. You may wish to review the Department's website (<http://www.USDA.gov>) for any current guidance on these matter matters.

Dated: December 26, 2017.

**Rebeckah Adcock,**

*Regulatory Reform Officer and Senior Advisor to the Secretary.*

[FR Doc. 2017-28433 Filed 1-3-18; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

[Docket No. FWS-R1-ES-2017-0051; FXES1113090000-178-FF09E42000]

RIN 1018-BC09

#### Endangered and Threatened Wildlife and Plants; Removing the Foskett Speckled Dace From the List of Endangered and Threatened Wildlife

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

**ACTION:** Proposed rule; availability of draft post-delisting monitoring plan.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service or USFWS), propose to remove the Foskett speckled dace (*Rhinichthys osculus* ssp.), a fish native to Oregon, from the Federal List of Endangered and Threatened Wildlife on the basis of recovery. This determination is based on a review of the best available scientific and commercial information, which indicates that the threats to the Foskett speckled dace have been eliminated or reduced to the point where it no longer meets the definition of an endangered or threatened species under the Endangered Species Act of 1973, as amended (Act). We are seeking information and comments from the public regarding this proposed rule and the draft post-delisting monitoring plan for the Foskett speckled dace.

**DATES:** We will accept comments received or postmarked on or before March 5, 2018. Please note that if you are using the Federal eRulemaking Portal (see **ADDRESSES**), the deadline for submitting an electronic comment is 11:59 p.m. Eastern time on this date. We must receive requests for public

hearings, in writing, at the address shown in **FOR FURTHER INFORMATION CONTACT** by February 20, 2018.

**ADDRESSES:** You may submit comments by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal: <http://www.regulations.gov>. In the Search box, enter FWS-R1-ES-2017-0051, which is the docket number for this rulemaking. Then click on the Search button. On the resulting page, in the Search panel on the left side of the screen, under the Document Type heading, click on the Proposed Rules link to locate this document. 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: Docket No. FWS-R1-ES-2017-0051, U.S. Fish and Wildlife Service, MS: BPHC, 5275 Leesburg Pike, Falls Church, VA 22041-3803.

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

*Document availability:* This proposed rule and a copy of the draft post-delisting monitoring (PDM) plan referenced throughout this document can be viewed at <http://www.regulations.gov> under Docket No. FWS-R1-ES-2017-0051, or at the Oregon Fish and Wildlife Office's website at <https://www.fws.gov/oregonfwo>. In addition, the supporting file for this proposed rule will be available for public inspection by appointment, during normal business hours, at the Oregon Fish and Wildlife Office, 2600 SE 98th Avenue, Suite 100, Portland, OR 97226; telephone 503-231-6179.

**FOR FURTHER INFORMATION CONTACT:** Paul Henson, State Supervisor, 2600 SE 98th Avenue, Suite 100, Portland, OR 97266; telephone: 503-231-6179; facsimile (fax): 503-231-6195. If you use a telecommunications device for the deaf (TDD), call the Federal Relay Service at 1-800-877-8339.

#### **SUPPLEMENTARY INFORMATION:**

##### **Executive Summary**

*Why we need to publish a rule.* Under the Act, a species may be removed from the Federal List of Endangered and Threatened Wildlife (List) due to recovery. A species is an "endangered species" for purposes of the Act if it is in danger of extinction throughout all or a significant portion of its range and is a "threatened species" if it is likely to

become an endangered species within the foreseeable future throughout all or a significant portion of its range. The Act does not define the term "foreseeable future." The Foskett speckled dace is listed as threatened, and we are proposing to delist the species (*i.e.*, remove the species from the List) because we have determined it is not likely to become an endangered species now or within the foreseeable future. Delistings can only be made by issuing a rulemaking.

*The basis for our action.* Under the Act, we may determine that a species is an endangered or threatened species because of any one or a combination of five factors: (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. We have determined that the Foskett speckled dace is no longer at risk of extinction and has exceeded or met the following criteria for delisting described in the species' recovery plan:

(1) Long-term protection of habitat, including spring source aquifers, spring pools and outflow channels, and surrounding lands, is assured;

(2) Long-term habitat management guidelines are developed and implemented to ensure the continued persistence of important habitat features and include monitoring of current habitat and investigation for and evaluation of new spring habitats; and

(3) Research into life history, genetics, population trends, habitat use and preference, and other important parameters is conducted to assist in further developing and/or refining criteria (1) and (2), above.

As per recovery criterion (2), we consider the Foskett speckled dace to be a conservation-reliant species<sup>1</sup> (see Scott *et al.* 2010, entire), given that it requires active management to maintain suitable habitat. To address this management need, the Bureau of Land Management (BLM), the Oregon Department of Fish and Wildlife (ODFW), and the Service developed and are implementing the Foskett Speckled Dace (*Rhinichthys osculus* ssp.) Cooperative Management Plan (CMP; USFWS *et al.* 2015), and are committed

<sup>1</sup> We define conservation-reliant species in this case as those that have generally met recovery criteria but require continued active management to sustain the species and associated habitat in a recovered condition.