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Bill Summary & Status
112th Congress (2011 - 2012)
H.R.1719
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H.R.1719

Latest Title: Endangered Species Compliance and Transparency Act of 2011

Sponsor: [Rep McMorris Rodgers, Cathy](#) [WA-5] (Introduced 5/4/2011) [Cosponsors](#) (10)

Latest Major Action: 5/6/2011 Referred to House subcommittee. Status: Referred to the Subcommittee on Water and Power.

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SUMMARY AS OF:

5/4/2011--Introduced.

Endangered Species Compliance and Transparency Act of 2011 - Requires the Administrator of each of the Bonneville Power Administration, the Western Area Power Administration, the Southwestern Power Administration, and the Southeastern Power Administration to: (1) include in monthly billing statements sent to customers estimates of each customer's share of such Administration's direct and indirect costs for compliance with the Endangered Species Act of 1973; and (2) submit an annual report estimating such costs (on a project-by-project basis for the Western Area Power Administration and on a system-wide basis for the other Administrations) to the House Committee on Natural Resources and the Senate Committee on Environment and Public Works.

MAJOR ACTIONS:

NONE

ALL ACTIONS:

5/4/2011:

Referred to the House Committee on Natural Resources.

5/6/2011:

Referred to the Subcommittee on Water and Power.

TITLE(S): *(italics indicate a title for a portion of a bill)*

NONE

[+]
 FEEDBACK

COSPONSORS(10), ALPHABETICAL [followed by Cosponsors withdrawn]: (Sort: [by date](#))

- [Rep Bishop, Rob](#) [UT-1] - 5/4/2011
- [Rep Duncan, John J., Jr.](#) [TN-2] - 5/4/2011
- [Rep Gosar, Paul A.](#) [AZ-1] - 6/14/2011
- [Rep Hastings, Doc](#) [WA-4] - 5/4/2011
- [Rep Herger, Wally](#) [CA-2] - 5/4/2011
- [Rep Jones, Walter B., Jr.](#) [NC-3] - 5/4/2011
- [Rep Lummis, Cynthia M.](#) [WY] - 5/4/2011
- [Rep McClintock, Tom](#) [CA-4] - 5/4/2011
- [Rep Pearce, Stevan](#) [NM-2] - 5/4/2011
- [Rep Walden, Greg](#) [OR-2] - 5/4/2011

COMMITTEE(S):

Committee/Subcommittee:	Activity:
House Natural Resources	Referral, In Committee
Subcommittee on Water and Power	Referral

RELATED BILL DETAILS:

NONE

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Bill Summary & Status
112th Congress (2011 - 2012)
S.1224
All Information

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S. 1224

Latest Title: Bureau of Reclamation Fish Recovery Programs Reauthorization Act of 2011

Sponsor: [Sen Bingaman, Jeff](#) [NM] (introduced 6/16/2011) [Cosponsors](#) (1)

Latest Major Action: 6/23/2011 Senate committee/subcommittee actions. Status: Committee on Energy and Natural Resources Subcommittee on Water and Power. Hearings held.

Jump to: [Summary](#), [Major Actions](#), [All Actions](#), [Titles](#), [Cosponsors](#), [Committees](#), [Related Bill Details](#), [Amendments](#)

SUMMARY AS OF:

6/16/2011--Introduced.

Bureau of Reclamation Fish Recovery Programs Reauthorization Act of 2011 - Authorizes appropriations for FY2012-FY2023 provide for the annual base funding for the intergovernmental recovery implementation program for the endangered fish species in the Upper Colorado River and the San Juan River, above and beyond the continued use of power revenues collected under the Colorado River Storage Project Act to fund the operation and maintenance of capital projects and monitoring. [+] FEEDBACK

MAJOR ACTIONS:

NONE

ALL ACTIONS:

6/16/2011:

Read twice and referred to the Committee on Energy and Natural Resources.

6/23/2011:

Committee on Energy and Natural Resources Subcommittee on Water and Power. Hearings held.

TITLE(S): *(italics indicate a title for a portion of a bill)*

NONE

COSPONSORS(1), ALPHABETICAL [followed by Cosponsors withdrawn]: (Sort: [by date](#))

[Sen Udall, Mark](#) [CO] - 6/21/2011

COMMITTEE(S):

Committee/Subcommittee:	Activity:
Senate Energy and Natural Resources	Referral, In Committee
Subcommittee on Water and Power	Hearings

RELATED BILL DETAILS:

NONE

AMENDMENT(S):

NONE

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Bill Summary & Status
112th Congress (2011 - 2012)
H.R.1144
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H.R.1144

Latest Title: Transparency and Openness in Government Act

Sponsor: [Rep. Cummings, Elijah E.](#) [MD-7] (introduced 3/17/2011) [Cosponsors](#) (17)

Latest Major Action: 3/17/2011 Referred to House committee. Status: Referred to the House Committee on Oversight and Government Reform.

Jump to: [Summary](#), [Major Actions](#), [All Actions](#), [Titles](#), [Cosponsors](#), [Committees](#), [Related Bill Details](#), [Amendments](#)

SUMMARY AS OF:

3/17/2011--Introduced.

Transparency and Openness in Government Act - Amends the Federal Advisory Committee Act (FACA) to require appointments to advisory committees to be made without regard to political affiliation or activity, unless otherwise required by federal statute. Directs the head of an agency, prior to appointing members to an advisory committee, to give interested persons an opportunity to suggest potential committee members.

Requires an individual appointed to an advisory committee who is not a full-time or permanent part-time officer or employee of the federal government to be designated as: (1) a special government employee if the individual is providing advice based on the individual's expertise or experience, or (2) a representative if the individual is representing the views of an entity outside of the federal government. Prohibits an agency from designating committee members as representatives to avoid subjecting them to federal ethics rules and requirements.

Requires agency heads to make available on the agency's Internet site specified information about the advisory committee and its activities. Requires the Comptroller General to review compliance by agencies with FACA.

Amends the Presidential Records Act to require the Archivist of the United States, when making available any presidential record not previously made publicly available, to: (1) promptly provide written notice of such determination to the former President during whose term of office the record was created and to the incumbent President, and (2) make the notice available to the public. Requires such a record to be made available upon the expiration of a specified period, except any record with respect to which the Archivist receives notification from a former or incumbent President of a claim of constitutionally based privilege against disclosure.

Prohibits the Archivist from making publicly available a presidential record that is subject to a privilege claim asserted by the incumbent President unless: (1) the incumbent President withdraws the privilege claim, or (2) the Archivist is otherwise directed by a final court order that is not subject to appeal.



Prohibits the Archivist from making available any original presidential records to anyone claiming access to them as a designated representative of a President or former President if that individual has been convicted of a crime relating to the review, removal, or destruction of the Archives' records.

Requires any presidential library fundraising organization to submit quarterly reports to National Archives and Records Administration (NARA) and specified congressional committees on contributors who gave such organization \$200 or more for the quarter.

Requires the Archivist to: (1) promulgate, periodically review, and amend, as necessary, regulations governing federal agency preservation of electronic messages that are federal records; (2) establish standards for the management of presidential records during a President's term of office, including records management controls necessary for the capture, management, and preservation of electronic messages and for ensuring that electronic messages are readily accessible for retrieval through electronic searches; (3) certify annually whether records management controls established by a President meet the requirements of the Presidential Records Act; (4) prescribe internal procedures to prevent the unauthorized removal of classified records from NARA or the destruction or damage of such records; and (5) prohibit access to presidential records by individuals who have been convicted of a crime relating to the review, retention, removal, or destruction of NARA records.

Authorizes the Comptroller General to obtain agency records required for performing audit, evaluation, and investigative duties.

MAJOR ACTIONS:

NONE

ALL ACTIONS:

3/17/2011:

Referred to the House Committee on Oversight and Government Reform.

TITLE(S): *(italics indicate a title for a portion of a bill)*

NONE

COSPONSORS(17), ALPHABETICAL [followed by Cosponsors withdrawn]: (Sort: [by date](#))

[Rep Braley, Bruce L.](#) [IA-1] - 3/17/2011
[Rep Clay, Wm. Lacy](#) [MO-1] - 3/17/2011
[Rep Connolly, Gerald E. "Gerry"](#) [VA-11] - 3/17/2011
[Rep Cooper, Jim](#) [TN-5] - 3/17/2011
[Rep Davis, Danny K.](#) [IL-7] - 3/17/2011
[Rep Kucinich, Dennis J.](#) [OH-10] - 3/17/2011
[Rep Lynch, Stephen F.](#) [MA-9] - 3/17/2011
[Rep Maloney, Carolyn B.](#) [NY-14] - 3/17/2011
[Rep Murphy, Christopher S.](#) [CT-5] - 3/17/2011
[Rep Norton, Eleanor Holmes](#) [DC] - 3/17/2011
[Rep Quigley, Mike](#) [IL-5] - 3/17/2011
[Rep Speier, Jackie](#) [CA-12] - 3/17/2011
[Rep Thompson, Bennie G.](#) [MS-2] - 4/4/2011
[Rep Tierney, John F.](#) [MA-6] - 3/17/2011
[Rep Towns, Edolphus](#) [NY-10] - 3/17/2011
[Rep Welch, Peter](#) [VT] - 3/17/2011
[Rep Yarmuth, John A.](#) [KY-3] - 3/17/2011

COMMITTEE(S):

Committee/Subcommittee:	Activity:
House Oversight and Government Reform	Referral, In Committee

RELATED BILL DETAILS:

NONE

AMENDMENT(S):

NONE

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ACTIONS FUNDED IN FY 2010 AND FY 2011 BUT NOT YET COMPLETED—Continued

Species	Action
2 TN River mussels (fluted kidneyshell (LPN = 2), slabside pearlymussel (LPN = 2) ⁵	Proposed listing.
Jemez Mountain salamander (LPN = 2) ⁵	Proposed listing.

¹ Funds for listing actions for these species were provided in previous FYs.

² Although funds for these high-priority listing actions were provided in FY 2008 or 2009, due to the complexity of these actions and competing priorities, these actions are still being developed.

³ Partially funded with FY 2010 funds and FY 2011 funds.

⁴ Funded with FY 2010 funds.

⁵ Funded with FY 2011 funds.

We have endeavored to make our listing actions as efficient and timely as possible, given the requirements of the relevant law and regulations, and constraints relating to workload and personnel. We are continually considering ways to streamline processes or achieve economies of scale, such as by batching related actions together. Given our limited budget for implementing section 4 of the Act, these actions described above collectively constitute expeditious progress.

Pinus albicaulis will be added to the list of candidate species upon publication of this 12-month finding. We will continue to evaluate this species as new information becomes available. Continuing review will determine if a change in status is warranted, including the need to make prompt use of emergency listing procedures.

We intend that any proposed listing determination for *Pinus albicaulis* will be as accurate as possible. Therefore, we will continue to accept additional information and comments from all concerned governmental agencies, the scientific community, industry, or any other interested party concerning this finding.

References Cited

A complete list of references cited is available on the Internet at <http://www.regulations.gov> and upon request from the Wyoming Ecological Services Field Office (see **ADDRESSES** section).

Author(s)

The primary authors of this notice are the staff members of the Wyoming Ecological Services Field Office.

Authority

The authority for this section is section 4 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: July 1, 2011.

Daniel M. Ashe,

Director, Fish and Wildlife Service.

[FR Doc. 2011-17943 Filed 7-18-11; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS-R2-ES-2011-0044; MO 92210-0-0008-B2]

Endangered and Threatened Wildlife and Plants; Petition To List Grand Canyon Cave Pseudoscorpion

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 12-month petition finding.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce a 12-month finding on a petition to list the Grand Canyon cave pseudoscorpion (*Archeolarca cavicola*) as threatened or endangered with critical habitat under the Endangered Species Act of 1973, as amended (Act). After review of the best scientific and commercial information available, we find that listing the Grand Canyon cave pseudoscorpion is not warranted at this time. However, we ask the public to submit to us any new information that becomes available concerning the threats to the Grand Canyon cave pseudoscorpion or its habitat at any time.

DATES: The finding announced in this document was made on July 19, 2011.

ADDRESSES: This finding is available on the Internet at <http://www.regulations.gov> at Docket Number FWS-R2-ES-2011-0044. Supporting documentation we used in preparing this finding is available for public inspection, by appointment, during normal business hours by contacting the U.S. Fish and Wildlife Service, Arizona Ecological Services Field Office, 2321 W. Royal Palm Road, Suite 103, Phoenix, AZ 85021; telephone (602) 242-0210; facsimile (602) 242-2513. If you use a telecommunications device for the deaf (TDD), please call the Federal Information Relay Service (FIRS) at (800) 877-8339. Please submit any new information, comments, or questions concerning this finding to the above address.

FOR FURTHER INFORMATION CONTACT:

Steve Spangle, Field Supervisor, U.S. Fish and Wildlife Service, Arizona Ecological Services Field Office, 2321 W. Royal Palm Road, Suite 103, Phoenix, AZ 85021; telephone (602) 242-0210; facsimile (602) 242-2513. If you use a telecommunications device for the deaf (TDD), please call the Federal Information Relay Service (FIRS) at (800) 877-8339.

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(B) of the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*), requires that, for any petition containing substantial scientific or commercial information indicating that listing the species may be warranted, we make a finding within 12 months of the date of receipt of the petition. In this finding we determine that the petitioned action is: (a) Not warranted, (b) warranted, or (c) warranted, but immediate proposal of a regulation implementing the petitioned action is precluded by other pending proposals to determine whether species are threatened or endangered, and expeditious progress is being made to add or remove qualified species from the Lists of Endangered and Threatened Wildlife and Plants. Section 4(b)(3)(C) of the Act requires that we treat a petition for which the requested action is found to be warranted but precluded as though resubmitted on the date of such finding, that is, requiring a subsequent finding to be made within 12 months. We must publish these 12-month findings in the **Federal Register**.

Previous Federal Actions

The Grand Canyon cave pseudoscorpion was formerly a candidate 2 species, a taxon for which information in our possession indicated that proposing to list was possibly appropriate, but for which persuasive data on biological vulnerability and threats were not available to support a proposed listing rule (54 FR 554; January 6, 1989). The designation of candidate 2 species was discontinued in

1996; therefore, the species has no candidate status.

On June 25, 2007, we received a formal petition dated June 18, 2007, from Forest Guardians (now WildEarth Guardians), requesting that we do the following: (1) Consider all full species in our Southwest Region ranked as G1 or G1G2 by the organization NatureServe for listing, except those that are currently listed, proposed for listing, or candidates; and (2) list each species under the Act as either endangered or threatened with critical habitat. The petitioners presented two tables that collectively listed 475 species for consideration and requested that the Service incorporate all analyses, references, and documentation provided by NatureServe in its online database <http://www.natureserve.org/> into the petition. The petition clearly identified itself as a petition and included the appropriate identification information, as required in 50 CFR 424.14(a). We acknowledged the receipt of the petition in a letter to WildEarth Guardians dated July 11, 2007.

On December 16, 2009, we made a 90-day finding that the petition presented substantial scientific information indicating that listing 67 of the 475 species may be warranted; the Grand Canyon cave pseudoscorpion (incorrectly referenced as the Grand Canyon cave scorpion) was in that group of 67 species. Based on the evaluation of the information provided in the petition, we determined that the petition presented substantial information to indicate that listing the Grand Canyon cave pseudoscorpion may be warranted due to the present or threatened destruction, modification, or curtailment of its habitat or range resulting from groundwater pollution and recreational impacts, and to the inadequacy of existing regulatory mechanisms resulting from unregulated visitation. The 90-day finding and our initiation of a status review was published in the **Federal Register** on December 16, 2009 (74 FR 66866). This notice constitutes the 12-month finding on the June 18, 2007, petition to list the Grand Canyon cave pseudoscorpion as threatened or endangered.

Species Information

Species Description

In 1978 W. Calvin Welbourn collected one female specimen of the Grand Canyon cave pseudoscorpion (Class Arachnida, Order Pseudoscorpionida, Family Garypidae) in Grand Canyon National Park's Cave of the Domes. This specimen was first described by Muchmore (1981, p. 55). Welbourn's

unpublished report (1978, p. 40) stated that the specimen was an undescribed troglophile. A troglophile is a species that can spend its entire life within caves, does not exhibit adaptations for living in caves, but can also be found in suitable habitats outside of caves, such as mines or animal burrows. This is in comparison to troglobites, which are species that are found exclusively in caves and have developed adaptations for cave life, such as heightened sense of hearing, touch, and smell. The Grand Canyon cave pseudoscorpion was recognized within the genus *Archeolarca* and was given the species name *cavicola* in recognition of its subterranean habitat where it was collected by Welbourn (1981, p. 55). The specimen collected in 1978 is the only one known to exist. No other individuals are known to have been collected since 1978, although very little effort has been made to collect this or other species in the genus (Service 1991, p. 3).

Pseudoscorpions are tiny arachnids bearing large chelae, or claws, but lacking a telson, or stinger, that true scorpions possess. The specimen of Grand Canyon cave pseudoscorpion, when compared to other species of pseudoscorpions, such as *Archeolarca welbourni* and *Archeolarca guadalupensis*, was considered large (0.12 inches (in) or 3.03 millimeters (mm)), had longer appendages, more reduced posterior eyes, and fewer setae (stiff bristles present on the body) on its upper dorsal section (Muchmore 1981, p. 56). Muchmore (1981, pp. 52–56) described three new species of *Archeolarca*, and concluded that the Grand Canyon cave pseudoscorpion showed the greatest overall adaptation to the cave environment. Welbourn (1978, p. 40) noted that the specimen appeared to be similar to the pseudoscorpions from earth cracks in Wupatki National Mountain, Arizona, approximately 75 miles (121 kilometers (km)) south of Grand Canyon National Park. Other species in the genus *Archeolarca* have been reported in California, Utah, Texas, and Oregon (Muchmore 1981, p. 56; Peck 1998, p. 23).

Distribution

The Cave of the Domes in Grand Canyon National Park is currently the only known location for the Grand Canyon cave pseudoscorpion. Welbourn (1978, pp. 36–41) conducted a regional study of cave fauna on Horseshoe Mesa of the Grand Canyon from 1977 to 1978. Eight caves were examined including Babylon Cave, Crystal Forest Cave, Land's End Cave, Middle Cave, Scorpion Cave, Tse An Cho Cave,

Tuning Fork Cave, and Cave of the Domes. All caves except Land's End Cave and Scorpion Cave were visited twice. On each visit, Welbourn (1978, p. 36) describes examining the walls, ceilings, and floors for animals and invertebrates. He identified 12 invertebrates from the 8 caves. The Grand Canyon cave pseudoscorpion was found only in the Cave of the Domes (Welbourn 1978, pp. 38–41).

Wynne *et al.* (2008a, pp. 235–246) summarized all published and unpublished literature on cave-dwelling invertebrates within Grand Canyon National Park, as well as cave trip reports on file at Grand Canyon National Park Museum Collections. The literature review examined 9 studies conducted between 1975 and 2001 representing surveys of 15 caves in Grand Canyon National Park. Wynne *et al.* (2008a, pp. 237–238) reported 37 cave-dwelling invertebrates with the Grand Canyon cave pseudoscorpion referenced only in the Cave of the Domes. This species may possibly be endemic to Cave of the Domes. In fact, a study of patterns of endemism of eastern North American cave fauna reported that within the Pseudoscorpionida is a high level of single-cave endemism compared to other cave taxa (Christman *et al.* 2005, pp. 1444, 1447). However, cave biological research in Grand Canyon National Park is quite limited (Wynne 2010, pers. comm.; Drost 2010, pers. comm.) and more invertebrate surveys need to be conducted before we can conclude that the Grand Canyon cave pseudoscorpion is endemic to the Cave of the Domes. Further, because many cave-dwelling organisms are hard to find, cave inventories cannot be considered complete without intensive invertebrate trapping, baiting of the entity, and multiple site visits (Wynne 2010, pers. comm.). We cannot describe the distribution based on a single specimen; therefore, we are not able to determine the distribution of the Grand Canyon cave pseudoscorpion.

Habitat and Biology

Most species of pseudoscorpions occur in tropical and subtropical areas throughout the world, although pseudoscorpions can also be found in temperate zones (Weygoldt 1969, pg. 108). They are found in a great variety of habitats, but one essential feature appears to be the presence of small crevices where they can retreat. All pseudoscorpion species spend most of their lives within these crevices and seldom appear on open ground. These small crevices can be found in rocks, tree bark, leaf litter, nests of birds and other small mammals, and buildings.

Another important habitat factor is humidity; most pseudoscorpions prefer high humidity, although some species are found in arid conditions, such as deserts (Weygoldt 1969, pp. 108–111).

There are few studies on the ecology and habitat preferences of specific species of pseudoscorpions. We have no specific information about the habitat and biology of the Grand Canyon cave pseudoscorpion because the species is known from only one specimen. Accordingly, we can only speculate about their habitat requirements and biology based on the scant general information known about pseudoscorpions.

Welbourn (1978, p. 37) observed that the single most important limiting factor for the cave fauna on Horseshoe Mesa, which includes Cave of the Domes, was the lack of moisture. Welbourn (1978, p. 37) reported that most of the caves surveyed were dry and dusty with low relative humidity, and that most of the caves examined, including Cave of the Domes, received moisture from rainfall that percolates through the limestone above. Welbourn (1978, p. 40) reported collecting the species “in the Cross passage of Cave of the Domes in some organic material (grass).” According to the Grand Canyon National Park’s hydrologist, the Cave of the Domes is considered to be a dry cave with no discharge or pools, but that the Cave of the Domes has some small ephemeral drip zones (Rice 2010, pers. comm.). We do not know if the location where the Grand Canyon cave pseudoscorpion was found was optimal habitat or an accidental find, but if pseudoscorpions prefer humid locations, this location may not represent optimal habitat.

Some species of pseudoscorpions are known to be phoretic (use another species for transportation) on other arthropods such as flies, beetles, and wasps. Pseudoscorpions will attach themselves (not as parasites) to the legs and appendages of the adult arthropod, which permits them to “hitchhike.” According to Poinar *et al.* (1998, p. 79), the principal benefit of pseudoscorpion phoresy is dispersal; that is, to reach a new habitat with an adequate supply of food. We can only speculate on the presence of the one specimen of Grand Canyon cave pseudoscorpion in Cave of the Domes, but perhaps it was carried there and deposited by an arthropod.

The Park Service’s biological report (Hill *et al.* 1998, pg. 16) from Cave of the Domes indicated that packrat middens (nests) were observed inside Cave of the Domes. The report stated that a packrat midden was found “in the second room of the cave”. Pseudoscorpions are often present in rodent nests (Francke and

Villegas-Guzmán 2006, p. 289). Muchmore (1991, pers. comm.) stated that the genus *Archeolarca* does not usually inhabit caves but rather is found in packrat nests, although packrat middens are sometimes found in caves. Francke and Villegas-Guzmán (2006, p. 297) conclude that pseudoscorpions most likely coexist with a particular rodent species in a mutualistic association (a relationship between two species where both species derive benefits) in which pseudoscorpions feed on adult and larval fleas, which reduces the parasite load within the host nest. The benefits to the pseudoscorpion include the host nest providing suitable microclimate, especially in semiarid regions, as well as food (i.e., mites, fleas, flies and their larvae). It is possible that this species may be associated with packrat middens or other small mammal nests within Cave of the Domes, but we cannot draw that conclusion based on one specimen.

In summary, we lack sufficient information on the species to reach conclusions about the biology or the habitat needs of the Grand Canyon cave pseudoscorpion. This is primarily because we know of only one specimen, and we cannot make scientifically sound conclusions regarding habitat characteristics and biology based on a single specimen.

Factors Affecting the Grand Canyon Cave Pseudoscorpion

Section 4 of the Act (16 U.S.C. 1533) and implementing regulations (50 CFR part 424) set forth procedures for adding species to, removing species from, or reclassifying species on the Federal Lists of Endangered and Threatened Wildlife and Plants. Under section 4(a)(1) of the Act, a species may be determined to be endangered or threatened based on any of the following 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.

In making this finding, information pertaining to the Grand Canyon cave pseudoscorpion in relation to the five factors provided in section 4(a)(1) of the Act is discussed below.

Factor A. The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

The Arizona Game and Fish Department (2003, p. 2) stated that a threat to the Grand Canyon cave pseudoscorpion was groundwater pollution. Our previous discussion in the *Habitat and Biology* section indicates that Cave of the Domes, where the species was collected, is considered dry and has very little ephemeral water (i.e., small drip zones). Further, the specimen was found associated with dry, organic material (grass) in Cave of the Domes. This description of the site where the Grand Canyon cave pseudoscorpion was collected seems unlikely to be affected by groundwater pollution because it is relatively dry, and based on a single specimen we are unable to determine the type of cave habitat associated with this species. Additionally, we have no specific information regarding the presence or introduction of contaminants or pollutants in water sources on Horseshoe Mesa, which could percolate into the Cave of the Domes. Therefore, we are unable to determine if groundwater pollution is a threat.

Cave of the Domes is the only cave in Grand Canyon National Park for which visitation is allowed. It is unknown whether recreation is modifying or destroying the Grand Canyon cave pseudoscorpion’s habitat. A report from the Grand Canyon National Park (Western Speleological Institute 1954, pp. 1–2) stated that the cave has been badly vandalized and floor deposits have been marred by trampling. However, it is unknown if this damage affects the pseudoscorpion’s habitat because that habitat is unknown. We note that vandalism and trampling have been identified as potential threats to other pseudoscorpion species, such as the Empire cave pseudoscorpion (*Microcreagris imperialis*) (Muchmore and Cokendolpher 1995, pp. 174–175) and the Tooth cave pseudoscorpion (*Tartarocreagris texana*) (Service 1994, pp. 62–63). If the Grand Canyon cave pseudoscorpion occupies packrat middens, as do other pseudoscorpions in the genus *Archeolarca*, then recreational foot traffic may be a discountable impact; however, we are lacking sufficient information on the habitat for this species. As such, we are unable to determine if recreational activity is affecting the Grand Canyon cave pseudoscorpion or its habitat.

In summary, given the paucity of biological information regarding the Grand Canyon cave pseudoscorpion and its habitat, we cannot determine or

conclude that habitat degradation due to groundwater pollution or recreational activities in the Cave of the Domes is a threat to the species now or in the foreseeable future.

Factor B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

Any commercial, recreational, scientific, or educational collection activities, including the collection of pseudoscorpions, would require a permit by the National Park Service. Because of this regulation, there is no data suggesting that overutilization for commercial, recreational, scientific, or educational purposes pose a threat to the species. There are no known commercial or recreational uses for Grand Canyon cave pseudoscorpions. Therefore, we find that the Grand Canyon cave pseudoscorpion is not threatened by overutilization now or in the foreseeable future.

Factor C. Disease or Predation

We have no information to indicate that the Grand Canyon cave pseudoscorpion is subject to disease or predation. We have not encountered any information that indicates the contrary; however, in the absence of evidence that this factor may constitute a threat to the species, we cannot determine or conclude that the Grand Canyon cave pseudoscorpion is threatened by disease or predation now or in the foreseeable future.

Factor D. The Inadequacy of Existing Regulatory Mechanisms

Under the current National Park Service policy, all caves in Grand Canyon National Park are closed to visitation by recreational users except for the Cave of the Domes. The Park Service has the authority, under the Federal Cave Resources Protection Act of 1988, to close areas to visitors if there is significant degradation of a resource or the threat of degradation or damage. On Park Service lands, all caves are deemed "significant," and the Park Service protects the caves, including biological, cultural, and paleontological resources within the caves. The decision to regulate visitors or close the cave to recreational use is made by the Park Superintendent with supporting documentation from resource managers. Official criteria for determining recreational access to Grand Canyon National Park caves has not been established, but the initiation of a Cave Management Plan is planned.

Cave of the Domes is located beneath Horseshoe Mesa and is well known to hikers and cavers. The Web site

<http://www.birdandhike.com> provides a detailed overview of the cave, including photos and directions to the trailhead and to the mouth of the cave. The Web site <http://www.kaibab.org> also provides information about Cave of the Domes and states that many formations have been damaged by careless individuals and asks visitors to treat the cave with respect. As stated above, we lack data to assess the effect of recreation on the petitioned species. Therefore, due to the lack of information regarding impacts of recreational visitors and the Park Service's ability to close the area if additional information comes to light, we find that the Grand Canyon cave pseudoscorpion is not threatened by inadequacy of regulatory mechanisms now or in the foreseeable future.

Factor E. Other Natural or Manmade Factors Affecting Its Continued Existence

Model predictions are that temperatures in the Southwestern United States will continue to increase, with extreme weather events (such as heat waves, drought, and flooding) occurring with more frequency due to global climate change (Archer and Predick 2008, p. 24). It is unknown how cave-adapted taxa will respond to global climate change. Baseline information on ecosystem structure and community structure is lacking for many caves, and we do not know how cave-dwelling species will respond to rising temperatures. Different layers of a cave may be affected differently, depending on their depth. (Wynne *et al.* 2008b, p. 241). There will most likely be a lag effect; caves with shallow vertical depth are predicted to have a more immediate response than caves with deeper vertical depth (Wynne 2010, pers. comm.). We have no information on the geophysical properties of Cave of the Domes. Researchers are currently attempting to understand the geophysical properties of caves as they relate to cave depth, the potential effects of rising surface temperatures on cave temperatures, and how the physiological requirements of cave-dwelling and cave-adapted species are affected by climate change (Drost 2010, pers. comm.). Based on the best available information, we cannot determine or conclude that climate change is a threat to the Grand Canyon cave pseudoscorpion now or in the foreseeable future.

Finding

As required by the Act, we considered the five factors in assessing whether the Grand Canyon cave pseudoscorpion is threatened or endangered throughout all or a significant portion of its range. We

examined the best scientific and commercial information available regarding the past, present, and future threats faced by the Grand Canyon cave pseudoscorpion. We reviewed the petition, information available in our files, other available published and unpublished information, and we consulted with recognized invertebrate experts and the Grand Canyon National Park biologist and hydrologist.

In considering what factors might constitute threats, we must look beyond the mere exposure of the species to the factor to determine whether the species responds to the factor in a way that causes actual impacts to the species. If there is exposure to a factor, but no response, or only a positive response, that factor is not a threat. If there is exposure and the species responds negatively, the factor may be a threat and we then attempt to determine how significant a threat it is. If the threat is significant, it may drive or contribute to the risk of extinction of the species such that the species warrants listing as threatened or endangered as those terms are defined by the Act. This does not necessarily require empirical proof of a threat. The combination of exposure and some corroborating evidence of how the species is likely impacted could suffice. The mere identification of factors that could impact a species negatively is not sufficient to compel a finding that listing is appropriate; we require evidence that these factors are operative threats that act on the species to the point that the species meets the definition of threatened or endangered under the Act.

Based on our review of the best available scientific and commercial information pertaining to the five factors, we found no evidence to indicate that there are threats to the species or its habitat, from any of the five factors. For this reason, we conclude that the Grand Canyon cave pseudoscorpion does not meet the definition of a threatened or endangered species and are, therefore, recommending a finding of "not warranted."

We request that you submit any new information concerning the distribution and status of, or threats to, the Grand Canyon cave pseudoscorpion to our U.S. Fish and Wildlife Service Office (see **ADDRESSES**) whenever it becomes available. New information will help us monitor the Grand Canyon cave pseudoscorpion and encourage its conservation. If an emergency situation develops for the Grand Canyon cave pseudoscorpion or any other species, we will act to provide immediate protection.

References Cited

A complete list of references cited is available on the Internet at <http://www.regulations.gov> and upon request from the U.S. Fish and Wildlife Service, Arizona Ecological Services Field Office (see ADDRESSES).

Author(s)

The primary authors of this finding are the staff members of the Arizona Ecological Services Field Office.

Authority: The authority for this section is section 4 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: June 21, 2011.

Rowan W. Gould,

Acting Director, Fish and Wildlife Service.

[FR Doc. 2011-17864 Filed 7-18-11; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 223

[Docket No. 110615334-1325-01]

RIN 0648-XA311

Endangered and Threatened Species: Authorizing Release of a Nonessential Experimental Population of Upper Columbia Spring-Run Chinook Salmon in the Okanogan River Basin Under the Endangered Species Act

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Advance Notice of Proposed Rulemaking; Request for Information.

SUMMARY: We, the National Marine Fisheries Service (NMFS), will be considering a proposal to authorize a nonessential experimental population of Upper Columbia (UC) spring-run Chinook salmon (*Oncorhynchus tshawytscha*) in the Okanogan River and its tributaries in Okanogan County, Washington under the Endangered Species Act (ESA) of 1973, as amended. The geographic boundaries of the experimental population area would likely include the entire Okanogan River subbasin and a portion of the mainstem Columbia River from the confluence of the Columbia and Okanogan Rivers upstream to the base of Chief Joseph Dam. We will consider the best available information to determine if reintroduction of Chinook salmon is biologically feasible and will promote the conservation of the UC spring-run

Chinook salmon Evolutionarily Significant Unit (ESU). This advance notice of proposed rulemaking (ANPR) identifies policy and technical issues for consideration and evaluation, and solicits comments regarding them.

DATES: Comments and information regarding the designation process may be sent to us (see ADDRESSES), no later than 5 p.m. Pacific Time on September 19, 2011.

ADDRESSES: Comments may be sent to Chief, Protected Resources Division, NMFS, 1201 NE Lloyd Blvd.—Suite 1100, Portland, OR 97232. Comments may also be sent via facsimile (fax) to 503-230-5441 or submitted on the Internet via the Federal Rulemaking portal at <http://www.regulations.gov>. Follow the instructions for submitting comments.

Instructions: All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. We may elect not to post comments that contain obscene or threatening content. All personal identifying information (for example, name, address, *etc.*) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

We will accept anonymous comments (enter N/A in the required fields, if you wish to remain anonymous). You may submit attachments to electronic comments in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Eric Murray, NMFS, Northwest Region, Portland, OR 503-231-2378; or Dwayne Meadows, NMFS, Office of Protected Resources, Silver Spring, MD 301-713-1401.

SUPPLEMENTARY INFORMATION:

Rulemaking Background

We first listed the Upper Columbia (UC) spring-run Chinook salmon ESU as endangered under the ESA on March 24, 1999 (64 FR 14308), and reaffirmed this status on June 28, 2005 (70 FR 37160). ESA Section 9 “take” prohibitions currently apply to the UC spring-run Chinook salmon ESU because of its endangered status.

The listed ESU currently includes all naturally spawned populations of spring-run Chinook salmon in accessible reaches of Columbia River tributaries between Rock Island and Chief Joseph Dams, excluding the Okanogan River. Listed spring-run Chinook salmon from this ESU currently spawn in three river basins in

eastern Washington: The Methow, Entiat and Wenatchee. A fourth population historically inhabited the Okanogan River Basin, but was extirpated in the 1930s because of overfishing, hydropower development, and habitat degradation (NMFS, 2007).

The designated critical habitat of UC spring-run Chinook salmon similarly includes all accessible reaches of Columbia River tributaries between Rock Island and Chief Joseph Dams, but excludes the Okanogan River. We did not include the Okanogan River Basin in any critical habitat designation because the Okanogan population of spring-run Chinook salmon no longer existed.

The listed UC spring-run Chinook salmon ESU also includes six artificial propagation programs: The Twisp River, Chewuch River, Methow Composite, Winthrop National Fish Hatchery, Chiwawa River, and White River spring Chinook salmon hatchery programs.

On October 9, 2007, we adopted a final recovery plan for the UC spring-run Chinook salmon ESU (72 FR 57303). The recovery plan identifies three extant populations in this ESU (the Methow, Wenatchee, and Entiat) and an historic, extirpated population in the Okanogan River Basin (NMFS, 2007). The recovery plan identifies re-establishment of a population in the Okanogan River Basin as a recovery action (NMFS, 2007). Re-establishment of a spring-run Chinook salmon population in the Okanogan River Basin could aid recovery of this ESU by increasing abundance, by improving spatial structure, and by reducing the risk of extinction to the ESU as a whole.

On November 22, 2010, we received a letter from the Confederated Tribes of the Colville Reservation (CTCR) requesting that we authorize the release of an experimental population of spring-run Chinook salmon in the Okanogan River Basin. The CTCR has also initiated discussions on this topic with the U.S. Fish and Wildlife Service (USFWS), the Bonneville Power Administration, the Army Corps of Engineers, the Bureau of Reclamation, the Washington Department of Fish and Wildlife (WDFW), and the Okanogan Nations Alliance of Canada. The CTCR’s request included a large amount of information on the biology of UC spring-run Chinook salmon and the possible management implications of releasing an experimental population in the Okanogan Basin.

Statutory and Regulatory Framework

Section 10(j) of the ESA allows the Secretary of Commerce (Secretary) to authorize the release of populations of listed species outside their current range



News Release

Arizona Ecological Services Field Office
2321 W. Royal Palm Road, Suite 103
Phoenix, Arizona 85021
602/242-0210
602/242-2513 (Fax)

Arizona Ecological Services Field Office

www.fws.gov/southwest/es/arizona/

For Release: August 12, 2011
Contacts: Jeff Humphrey 602-242-0210 ext 222
Greg Beatty 602-242-0210 ext 247
Tom Buckley 505-248-6455

Fish and Wildlife Service Proposes To Revise Critical Habitat For Endangered Southwestern Willow Flycatcher

The U.S. Fish and Wildlife Service (Service) is proposing to revise critical habitat for an endangered migratory bird, the southwestern willow flycatcher. The proposed revision identifies 2,090 stream miles within the 100-year floodplain of waters in California, Arizona, Nevada, Utah, Colorado, and New Mexico as critical habitat. Of the total proposal, approximately 779 stream miles are currently being considered for exclusion from the final critical habitat designation. The Service is seeking input on the proposal, including exclusions, through October 14, 2011.

“Our proposal identifies riparian habitat needed to attain the established southwestern willow flycatcher recovery goals — the flycatcher habitat and populations that will remove the threat of flycatcher extinction,” said Steve Spangle, the Service’s Arizona field supervisor. “Now we’re seeking input to refine our strategy. Did we identify the features and areas essential to conservation of the species? What are the anticipated impacts of designating various areas?”

In 2005, the Service designated 737 river miles of flycatcher critical habitat (after initially proposing 1,556 river miles). The critical habitat is being revised following a settlement agreement stemming from legal challenges to the 2005 designation. The 2005 critical habitat designation remains in effect during the current rulemaking process, anticipated to be completed in one year.

The proposed critical habitat uses the conservation strategies from the Southwestern Willow Flycatcher Recovery Plan and flycatcher movement data to identify river segments within each of 29 management units that would meet the flycatcher distribution and abundance (1,950 territories) recovery goals. Because flycatcher habitat and Southwest rivers are dynamic, a broad distribution of flycatcher populations throughout the bird’s range is important to retain population stability and gene flow, and to prevent simultaneous catastrophic loss of populations and local extirpation.

However, the Service recognizes that a substantial amount of the proposed areas are already being managed to accommodate or advance flycatcher recovery through Habitat Conservation Plans, tribal management, and other partnerships. Areas such as these, and areas where resulting economic and other relevant impacts may occur, can be excluded from the final critical habitat designation if the benefits of exclusion outweigh the benefits of inclusion.

The Service is also preparing a draft economic analysis and environmental assessment of the proposed critical habitat that will be released for public review and comment at a later date.

Critical habitat is a term in the Endangered Species Act that identifies geographic areas essential for the conservation of a threatened or endangered species. Designation of critical habitat does not affect land ownership, establish a refuge or preserve, and has no impact on decisions that private landowners make on their land that do not require Federal funding or permits.

Federal agencies that undertake, fund or permit activities that may affect critical habitat are required to consult with the Service to ensure such actions do not adversely modify or destroy designated critical habitat.

The 5¾-inch flycatcher breeds and rears its chicks in late spring and through the summer in dense vegetation along streams, rivers, wetlands, and reservoirs in the arid Southwest. The most recent 2007 flycatcher rangewide assessment described 288 separate flycatcher breeding sites (areas that contain a collection of territories) and estimated 1,299 flycatcher territories. A territory is a discrete area defended by a resident single flycatcher or pair of flycatchers during a breeding season. The flycatcher migrates to Mexico, Central, and possibly northern South America for the non-breeding season.

A copy of the proposed rule, maps and other information about the southwestern willow flycatcher is available on the Internet at <http://www.fws.gov/southwest/es/arizona/> or <http://www.regulations.gov>, or by contacting the Service's Arizona Ecological Service Office at (602) 242-0210. Comments on the proposal and relevant scientific and commercial information will be accepted within 60 days, on or before October 14, 2011, and can be submitted electronically via the Federal eRulemaking Portal at: <http://www.regulations.gov>, or can be mailed or hand delivered to Public Comments Processing, Attn: FWS-R2-ES-2011-0053; Division of Policy and Directives Management; U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Suite 222; Arlington, VA 22203. Written requests for a public hearing will be accepted within 45 days, on or before September 29, 2011, via the Federal eRulemaking Portal or Division of Policy and Directives Management mailing address.

The ESA provides a critical safety net for America's native fish, wildlife, and plants. This landmark conservation law has prevented the extinction of hundreds of imperiled species across the nation and promoted the recovery of many others. The Service is working to actively engage conservation partners and the public in the search for improved and innovative ways to conserve and recover imperiled species. To learn more about the Endangered Species Program, visit <http://www.fws.gov/angered/>.

The mission of the U.S. Fish and Wildlife Service is working with others to conserve, protect, and enhance fish, wildlife, plants, and their habitats for the continuing benefit of the American people. We are both a leader and trusted partner in fish and wildlife conservation, known for our scientific excellence, stewardship of lands and natural resources, dedicated professionals, and commitment to public service. For more information on our work and the people who make it happen, visit www.fws.gov. Connect with our Facebook page at www.facebook.com/usfws, follow our tweets at www.twitter.com/usfws, watch our YouTube Channel at <http://www.youtube.com/usfws> and download photos from our Flickr page at <http://www.flickr.com/photos/usfws>.

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