

**SUMMARY:** Pursuant to Clean Air Act section 505(b)(2) and 40 CFR 70.8(d), the EPA Administrator signed an order, dated June 5, 2002, denying a petition to object to a state operating permit issued by the Georgia Environmental Protection Division (EPD) to Seminole Road Landfill (Seminole Landfill) located in Ellenwood, Dekalb County, Georgia. This order constitutes final action on the petition submitted by the Georgia Center for Law in the Public Interest (GCLPI or Petitioner) on behalf of the Sierra Club. Pursuant to section 505(b)(2) of the Clean Air Act (the Act) any person may seek judicial review in the United States Court of Appeals for the appropriate circuit within 60 days of this notice under section 307 of the Act.

**ADDRESSES:** Copies of the final order, the petition, and all pertinent information relating thereto are on file at the following location: EPA Region 4, Air, Pesticides and Toxics Management Division, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. The final order is also available electronically at the following address: <http://www.epa.gov/region07/programs/artd/air/title5/petitiondb/petitions/seminole—decision2001.pdf>.

**FOR FURTHER INFORMATION CONTACT:** Art Hofmeister, Air Permits Section, EPA Region 4, at (404) 562-9115 or [hofmeister.art@epa.gov](mailto:hofmeister.art@epa.gov).

**SUPPLEMENTARY INFORMATION:** The Act affords EPA a 45-day period to review and, as appropriate, object to operating permits proposed by state permitting authorities under title V of the Act, 42 U.S.C. 7661-7661f. Section 505(b)(2) of the Act and 40 CFR 70.8(d) authorize any person to petition the EPA Administrator to object to a title V operating permit within 60 days after the expiration of EPA's 45-day review period if EPA has not objected on its own initiative. Petitions must be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided by the state, unless the petitioner demonstrates that it was impracticable to raise these issues during the comment period or the grounds for the issues arose after this period.

GCLPI submitted a petition on behalf of the Sierra Club to the Administrator on August 22, 2001, requesting that EPA object to a state title V operating permit issued by EPD to Seminole Landfill. The Petitioner maintains that the Seminole Landfill permit is inconsistent with the Act because of: (1) the inaccuracy of the permit application; (2) the incompleteness of the permit narrative and the permit itself; (3) the permit's

apparent limitation of enforcement authority and credible evidence; (4) inadequate reporting requirements relating to monitoring; and (5) inadequate public notice procedures.

On June 5, 2002, the Administrator issued an order denying this petition. The order explains the reasons behind EPA's conclusion that the Petitioner has failed to demonstrate that the Seminole Landfill permit is not in compliance with the requirements of the Act on the grounds raised.

Dated: June 24, 2002.

**A. Stanley Meiburg,**

*Deputy Regional Administrator, Region 4.*

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**BILLING CODE 6560-50-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

#### Notice of Availability of a Draft Recovery Plan for the Northern Idaho Ground Squirrel (*Spermophilus brunneus brunneus*), for Review and Comment

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

**ACTION:** Notice of document availability.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, announce the availability for public review of the Draft Recovery Plan for the Northern Idaho Ground Squirrel (*Spermophilus brunneus brunneus*; squirrel). The draft plan includes specific recovery criteria and measures to be taken in order to delist the squirrel. We solicit review and comment from local, State, and Federal agencies, and the public on this draft recovery plan.

**DATES:** Comments on the draft recovery plan must be received on or before September 13 2002, to receive consideration by the Service.

**ADDRESSES:** Copies of the draft recovery plan are available for inspection, by appointment, during normal working hours at the following location: Snake River Fish and Wildlife Office, 1387 S. Vinnell Way, Suite 368, Boise, Idaho 83709 (Phone: 208-378-5243). Requests for copies of the draft recovery plan, and written comments and materials regarding this plan should be addressed to Robert Ruesink, Field Supervisor, at the above address.

**FOR FURTHER INFORMATION CONTACT:** Rich Howard, Fish and Wildlife Biologist, at the above address.

**SUPPLEMENTARY INFORMATION:**

### Background

Recovery of endangered or threatened animals and plants is a primary goal of the U.S. Fish and Wildlife Service's endangered species program. A species is considered recovered when the species' ecosystem is restored and/or threats to the species are removed so that self-sustaining and self-regulating populations of the species can be supported as persistent members of native biotic communities. Recovery plans describe actions considered necessary for the conservation of the species, establish criteria for downlisting or delisting listed species, and estimate time and cost for implementing the measures needed for recovery.

The Endangered Species Act of 1973, as amended in 1988 (Act) (16 U.S.C. 1531 *et seq.*), requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act requires that public notice and an opportunity for public review and comment be provided during recovery plan development. We will consider all information presented during the public comment period prior to approval of this recovery plan. Substantive technical comments may result in changes to the plan. Substantive comments regarding recovery plan implementation will be forwarded to appropriate Federal or other entities for consideration during the implementation of recovery actions.

The squirrel was listed as a threatened species on April 5, 2000. This subspecies is endemic to the Weiser and Little Salmon River Basins in western Idaho. It is distributed in small, isolated populations across two U.S. Forest Service Districts, and State and private lands in Adams and Valley Counties of western Idaho. It formerly occurred in Long Valley and Round Valley of Valley County, but no viable populations have been documented there within the past 5 years. Twenty-three population sites are considered extant; another 14 have unknown status or have become extirpated.

Declines in extant population sites and numbers of squirrels are attributed to the loss and fragmentation of habitat. The squirrel is dependent on meadow and shrub/grassland, and does well in habitat bordered by coniferous forests. However, the species becomes extirpated from areas that develop high densities of small trees. Conifers have displaced the species' food base, and inhibited or prevented dispersal of yearlings and adults between population sites. Land conversion from

meadows and shrub/grasslands to agricultural crops, residential areas, and recreational facilities has also contributed to the eradication of local populations of squirrels.

The objective of this plan is to provided a framework for the recovery of the squirrel so that protection by the Act is no longer necessary. Recovery is contingent on protecting and managing the squirrel's habitat to maintain and enhance viable populations through a range of natural variability.

The squirrel will be considered for delisting when a total of 30 stable population sites are distributed throughout the historic range of the species. Each population site that has maintained a 5-year average size of 100 to 500 individuals will be considered stable. At least 20 of the 30 population sites must be protected. Additionally, genetic exchange between population sites should be occurring through dispersal or linkage corridors; a post-delisting monitoring program should be written and ready to be implemented; and ecological management of habitats should be initiated for all population sites.

**Authority:** The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533 (f).

Dated: May 16, 2002.

**Benito A. Perez,**

*Acting Regional Director, Region 1, Fish and Wildlife Service.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

RIN 1018-A150

#### Endangered and Threatened Wildlife and Plants; Listing the Plant *Lepidium papilliferum* (slickspot peppergrass) as Endangered

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

**ACTION:** Proposed rule and notice of public hearing.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), propose to list *Lepidium papilliferum* (slickspot peppergrass) as endangered pursuant to the Endangered Species Act of 1973, as amended (Act). *Lepidium papilliferum* is endemic to sagebrush-steppe habitat in southern Idaho. This species is threatened by a variety of immediate factors including: habitat destruction

and fragmentation from agricultural and urban development; activities associated with, and grazing by, domestic livestock; competition from nonnative vegetation; alterations of the natural fire cycle; and fire rehabilitation activities.

We solicit additional data and information that may assist us in making a final decision on this proposed action. We may revise this proposal to incorporate or address new information received during the comment period. This proposal, if made final, would extend the Federal protection and recovery provisions of the Act to this species.

**DATES:** We will accept comments from all interested parties until the close of business September 13, 2002. A public hearing has been scheduled for Thursday, August 29, 2002, from 1 p.m. until 3 p.m. and from 6 p.m. until 8 p.m. in Boise, ID (see **ADDRESSES**).

**ADDRESSES:** *Comment submission:* If you wish to comment, you may submit your comments and materials by one of several methods.

1. You may submit written comments and information to the Supervisor, U.S. Fish and Wildlife Service, Snake River Basin Office, 1387 S. Vinnell Way, Room 368, Boise, ID 83709.

2. You may hand-deliver written comments to our Snake River Basin Office, at the address given above.

3. You may send comments by electronic mail (e-mail):

*fw1srbcocomment@fws.gov*. See the Public Comments Solicited section below for file format and other information on electronic filing.

*Public Hearing:* The public hearing will be conducted at the AmeriTel Inn/Boise Spectrum, 7499 W. Overland Road, Boise, Idaho 83709.

Comments and materials received, as well as supporting documentation used in the preparation of this proposed rule, will be available for public inspection, by appointment, during normal business hours at the Snake River Basin Office. There are no limits to the length of written comments presented at the hearing or mailed to the Service.

**FOR FURTHER INFORMATION CONTACT:** Robert Ruesink, Supervisor, Snake River Basin Office (see **ADDRESSES**) (telephone 208/378-5243; facsimile 208/378-5262). Information regarding this proposal is available in alternative formats upon request.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

*Lepidium papilliferum* is a herbaceous annual or biennial plant that occurs in sagebrush-steppe habitats at approximately 670 meters (m) (2,200

feet (ft)) to 1,645 m (5,400 ft) elevation in southwestern Idaho. This species is found along the Snake River Plain and Owyhee Plateau in Ada, Canyon, Gem, Elmore, Payette, and Owyhee Counties.

Of 88 known occurrences of *Lepidium papilliferum*, 70 are currently extant (exist), 13 are considered extirpated (extinct), and five are historic (i.e., plants have not been relocated; location information is based on collections made between 1911 and 1974) (Moseley 1994; Mancuso 2000; Shelly Cooke, Idaho Conservation Data Center (ICDC), pers. comm., 2002, ICDC 2002). Occurrences of *L. papilliferum* can include one to several occupied slickspots within an area determined to be suitable habitat. The total amount of habitat containing interspersed slickspots that have extant occurrences of *L. papilliferum* is about 5,000 hectares (ha) (12,356 acres (ac)). Only 6 of the 70 extant occurrences are considered to be high-quality habitat and contain large numbers of the plants (ICDC 2002). The number of *L. papilliferum* individuals at each extant occurrence ranges from 1 to 3,000 (Mancuso 2000; ICDC 2002).

This species is threatened by a variety of activities including urbanization, gravel mining, irrigated agriculture, habitat degradation due to cattle and sheep grazing, fire and fire rehabilitation activities, and continued invasion of habitat by non-native plant species (Moseley 1994; Mancuso and Moseley 1998). As a result of habitat loss and degradation, the documented extirpation rate of *Lepidium papilliferum* populations is the highest known of any Idaho rare plant species (Moseley 1994). The historical (undocumented) loss of *L. papilliferum* may have been even higher during the early 1900s (Mancuso *et al.* 1998) due to the widespread loss and degradation of sagebrush-steppe habitat in southwestern Idaho as a result of urbanization, livestock grazing, and irrigated agriculture (Moseley 1994).

*Lepidium papilliferum* was originally described as *L. montanum* var. *papilliferum* in 1900 by Louis Henderson. It was included as a distinct species in a recent review of taxa in the mustard family (Brassicaceae) (Rollins 1993). Rollins (1993) based his justification on physical features that *L. papilliferum* possesses and *L. montanum* does not, such as: (1) Trichomes (hairlike structures) occurring on the filaments of stamens (part of flower that produces pollen), which is unique among all North American *Lepidium* species; (2) all the leaves on *L. papilliferum* are pinnately divided, whereas *L. montanum* has