

Flooding source(s)	Location of referenced elevation**	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Burnside Creek .....	Approximately 150 feet downstream of Eva Road .....	+375	+376	City of Camden, Unincorporated Areas of Benton County.
Cane Creek .....	Approximately 0.4 mile upstream of Flatwoods Road At the Cypress Creek confluence .....	None +375	+441 +376	
Charlie Creek .....	Approximately 0.6 mile upstream of Post Oak Road ... At the Cane Creek confluence .....	None +378	+435 +377	City of Camden, Unincorporated Areas of Benton County.
Cypress Creek .....	Approximately 1,000 feet upstream of State Route 69A. At the Cane Creek confluence .....	None +375	+448 +376	
	Approximately 0.5 mile upstream of Old State Route 69.	None	+409	City of Camden, Unincorporated Areas of Benton County.

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

\*\* BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

**ADDRESSES**

**City of Camden**

Maps are available for inspection at City Hall, 110 U.S. Route 641 South, Camden, TN 38320.

**Unincorporated Areas of Benton County**

Maps are available for inspection at the Benton County Courthouse, 1 East Court Square, Room 104, Camden, TN 38320.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: June 23, 2011.

**Sandra K. Knight,**

*Deputy Federal Insurance and Mitigation Administrator, Mitigation, Department of Homeland Security, Federal Emergency Management Agency.*

[FR Doc. 2011-17035 Filed 7-6-11; 8:45 am]

**BILLING CODE 9110-12-P**

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 17**

**[Docket No. FWS-R9-IA-2010-0056; 96300-1671-0000-R4]**

**RIN 1018-AX29**

**Endangered and Threatened Wildlife and Plants; Removal of the Regulation That Excludes U.S. Captive-Bred Scimitar-Horned Oryx, Addax, and Dama Gazelle From Certain Prohibitions**

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

**ACTION:** Proposed rule.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), propose to revise the regulations that implement the Endangered Species Act (Act). This action would eliminate the exclusion of U.S. captive-bred live wildlife and

sport-hunted trophies of three endangered antelopes—scimitar-horned oryx (*Oryx dammah*), addax (*Addax nasomaculatus*), and dama gazelle (*Gazella dama*)—from certain prohibited activities, such as take and export, under the Act. This proposed change to the regulations is in response to a court order that found that the rule for these three species violated section 10(c) of the Act. These three antelope species remain listed as endangered under the Act, and a person would need to qualify for an exemption or obtain an authorization under the current statutory and regulatory requirements to conduct any prohibited activities.

**DATES:** We will consider comments received or postmarked on or before August 8, 2011.

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

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments on Docket No. FWS-R9-IA-2010-0056.

• *U.S. mail or hand-delivery*: Public Comments Processing, Attn: FWS-R9-IA-2010-0056; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, Suite 222; Arlington, VA 22203.

We will not accept e-mails or faxes. We will post all comments on <http://www.regulations.gov>. This generally means that we will post any personal information you provide us (see the Public Comments section at the end of **SUPPLEMENTARY INFORMATION** for further information about submitting comments).

**FOR FURTHER INFORMATION CONTACT:**

Robert R. Gabel, Chief, Division of Management Authority, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Suite 212, Arlington, VA 22203; telephone 703-358-2093; fax 703-358-2280. If you use a telecommunications device for the deaf (TDD), call the Federal Information Relay Service (FIRS) at 800-877-8339.

**SUPPLEMENTARY INFORMATION:**

**Background**

On September 2, 2005 (70 FR 52319), the Service determined that the scimitar-horned oryx (*Oryx dammah*), addax (*Addax nasomaculatus*), and dama gazelle (*Gazella dama*) were endangered throughout their ranges under the Act (16 U.S.C. 1531 *et seq.*). The numbers of these species of antelopes in the wild have declined drastically in the deserts of North Africa over the past 50 years. The causes of decline are habitat loss (desertification, permanent human settlement, and competition with domestic livestock), regional military activity, and uncontrolled killing. No sightings of the scimitar-horned oryx had been reported since the late 1980s, and the species may now be extinct in the wild. Remnant populations of the addax may still exist in remote desert areas, but probably fewer than 600 occur in the wild. Only small numbers of dama gazelle are estimated to occur in its historical range, with recent estimates of fewer than 700 in the wild. Captive-breeding programs operated by zoos and private ranches have increased the number of these antelopes, while genetically managing their herds and providing founder stock necessary for reintroduction. The Sahelo-Saharan Interest Group (SSIG) of the United Nations Environment Program estimated that there are 4,000–5,000 scimitar-horned oryx, 1,500 addax, and 750 dama gazelle in captivity worldwide, many of which are held in the United States.

Thus, on September 2, 2005 (the same date that we listed the three antelopes as endangered), the Service added a new regulation (70 FR 52310) at 50 CFR 17.21(h) to govern certain activities with U.S. captive-bred animals of these three species. For live antelopes, including embryos and gametes, and sport-hunted trophies of these three species, the regulation authorized certain otherwise prohibited activities that enhance the propagation or survival of the species. These activities include take; export or re-import; delivery, receipt, carrying, transport or shipment in interstate or foreign commerce in the course of a commercial activity; and sale or offer for sale in interstate or foreign commerce.

Captive-breeding programs have played a role in the conservation of the scimitar-horned oryx, addax, and dama gazelle, and we found that activities associated with captive breeding within the United States enhance the propagation or survival of the species by managing the species to ensure genetic integrity and diversity, serving as repositories for surplus animals, and facilitating the movement of specimens between breeding facilities. Some U.S. captive-breeding facilities allow sport hunting of surplus captive-bred animals, which generates revenue to support the operations and may relieve hunting pressure on wild populations.

In the September 2, 2005, rule at 70 FR 52310, we published the final rule that found that the regulatory framework we were establishing at 50 CFR 17.21(h) met the standards for both enhancing the propagation and enhancing the survival of U.S. captive-bred scimitar-horned oryx, addax, and dama gazelle as shown by the findings for each of the criteria found at 50 CFR 17.22(a)(2) for endangered species permits. We found that 50 CFR 17.21(h) protects populations in the wild, ensures appropriate management of U.S. captive-bred specimens, and encourages continued captive breeding and management of these species. In addition, we made the required findings under section 10(d) of the Act. We also determined that the rulemaking process that amended 50 CFR 17.21 by adding a new paragraph (h) satisfied the requirements for notification and opportunity for public comment under section 10(c). Therefore, persons who wished to engage in specified otherwise prohibited activities with U.S. captive-bred scimitar-horned oryx, addax, and dama gazelle, when such activities meet the criteria of 50 CFR 17.21(h), could do so without obtaining an individual endangered species permit.

**Proposed Removal of 50 CFR 17.21(h)**

The promulgation of the regulation at 50 CFR 17.21(h) was challenged as violating section 10 of the Act and the National Environmental Policy Act in the United States District Court for the District of Columbia (see *Friends of Animals, et al., v. Ken Salazar, Secretary of the Interior and Rebecca Ann Cary, et al., v. Rowan Gould, Acting Director, Fish and Wildlife Service, et al., 626 F. supp. 2d 102* (D.D.C. 2009)). The Court found that the rule for the three antelope species violated section 10(c) of the Act. On June 22, 2009, the Court remanded the rule to the Service for action consistent with its opinion.

To comply with the Court's order, the Service proposes to remove the regulation at 50 CFR 17.21(h) and eliminate the exemption for U.S. captive-bred scimitar-horned oryx, addax, and dama gazelle from certain prohibitions under the Act. Any person who wishes to conduct an otherwise prohibited activity with U.S. captive-bred scimitar-horned oryx, addax, or dama gazelle would need to qualify for an exemption or obtain authorization for such activity under the current statutes or regulations.

**Required Determinations**

*Regulatory Planning and Review*—Executive Order 12866: The Office of Management and Budget (OMB) has determined that this rule is not significant under Executive Order 12866 (E.O. 12866). OMB bases its determination upon the following four criteria.

(a) Whether the rule will have an annual effect of \$100 million or more on the economy or adversely affect an economic sector, productivity, jobs, the environment, or other units of government.

(b) Whether the rule will create inconsistencies with other Federal agencies' actions.

(c) Whether the rule will materially affect entitlements, grants, user fees, loan programs, or the rights and obligations of their recipients.

(d) Whether the rule raises novel legal or policy issues.

*Regulatory Flexibility Act*: Under the Regulatory Flexibility Act (as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996), whenever a Federal agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (i.e., small businesses, small organizations,

and small government jurisdictions) (5 U.S.C. 601 *et seq.*). However, no regulatory flexibility analysis is required if the head of an agency certifies that the rule would not have a significant economic impact on a substantial number of small entities. Thus, for a regulatory flexibility analysis to be required, impacts must exceed a threshold for “significant impact” and a threshold for a “substantial number of small entities.” See 5 U.S.C. 605(b). SBREFA amended the Regulatory Flexibility Act to require Federal agencies to provide a statement of the factual basis for certifying that a rule would not have a significant economic impact on a substantial number of small entities.

The U.S. Small Business Administration (SBA) defines a small business as one with annual revenue or employment that meets or is below an established size standard. We expect that the majority of the entities involved in taking, exporting, re-importing, and selling in interstate or foreign commerce of these three endangered antelopes would be considered small as defined by the SBA.

This proposed rule would require individuals and captive-breeding operations of the three endangered antelopes to apply for authorization and pay an application fee of \$100–\$200 and apply for a permit when conducting certain otherwise prohibited activities. The regulatory change is not major in scope and would create only a modest financial or paperwork burden on the affected members of the general public.

We, therefore, certify that this rule would not have a significant economic effect on a substantial number of small entities as defined under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). A Regulatory Flexibility Analysis is not required. Accordingly, a Small Entity Compliance Guide is not required.

**Small Business Regulatory Enforcement Fairness Act:** This proposed rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This proposed rule:

a. Would not have an annual effect on the economy of \$100 million or more. This rule proposes to remove the regulation that excludes U.S. captive-bred scimitar-horned oryx, addax, and dama gazelle from certain prohibitions of the Act. If finalized, individuals and captive-breeding operations would need to qualify for an exemption or obtain endangered species permits or other authorization to engage in certain otherwise prohibited activities. This proposed rule would not have a negative effect on this part of the

economy. It will affect all businesses, whether large or small, the same. There is not a disproportionate share of benefits for small or large businesses.

b. Would not cause a major increase in costs or prices for consumers; individual industries; Federal, State, tribal, or local government agencies; or geographic regions. This rule would result in a small increase in the number of applications for permits or other authorizations to conduct otherwise prohibited activities with these three endangered antelope species.

c. Would not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

**Unfunded Mandates Reform Act:** Under the Unfunded Mandates Reform Act (2 U.S.C. 1501, *et seq.*):

a. This proposed rule would not significantly or uniquely affect small governments. A Small Government Agency Plan is not required.

b. This proposed rule would not produce a Federal requirement of \$100 million or greater in any year and is not a “significant regulatory action” under the Unfunded Mandates Reform Act.

**Takings:** Under Executive Order 12630, this rule would not have significant takings implications. A takings implication assessment is not required. This proposed rule is not considered to have takings implications because it allows individuals to obtain authorization for otherwise prohibited activities with these three endangered antelopes when issuance criteria are met.

**Federalism:** This proposed revision to part 17 does not contain significant Federalism implications. A Federalism Assessment under Executive Order 13132 is not required.

**Civil Justice Reform:** Under Executive Order 12988, the Office of the Solicitor has determined that this proposed rule does not unduly burden the judicial system and meets the requirements of subsections 3(a) and 3(b)(2) of the Order.

**Paperwork Reduction Act:** The Office of Management and Budget approved the information collection in part 17 and assigned OMB Control Numbers 1018–0093 and 1018–0094. This proposed rule does not contain any new information collections or recordkeeping requirements for which OMB approval is required under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). We may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

**National Environmental Policy Act (NEPA):** The Service has determined that this proposed rule is a regulatory change that is administrative and legal in nature. As such, the proposed rule is categorically excluded from further NEPA review as provided by 43 CFR 46.210(i), of the Department of the Interior Implementation of the National Environmental Policy Act (73 FR 6129269 (October 15, 2008)). No further documentation will be made.

**Government-to-Government Relationship with Tribes:** Under the President’s memorandum of April 29, 1994, “Government-to-Government Relations with Native American Tribal Governments” (59 FR 22951) and 512 DM 2, we have evaluated possible effects on federally recognized Indian Tribes and have determined that there are no effects.

**Energy Supply, Distribution or Use:** On May 18, 2001, the President issued Executive Order 13211 on regulations that significantly affect energy supply, distribution, and use. This proposed rule would not significantly affect energy supplies, distribution, and use. Therefore, this action is not a significant energy action and no Statement of Energy Effects is required.

**Clarity of this Regulation:** We are required by Executive Orders 12866 and 12988 and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

- (a) Be logically organized;
- (b) Use the active voice to address readers directly;
- (c) Use clear language rather than jargon;
- (d) Be divided into short sections and sentences; and
- (e) Use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in the **ADDRESSES** section. To better help us revise the rule, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that are unclearly written, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

#### Public Comments

You may submit your comments and materials concerning this rule by one of the methods listed in the **ADDRESSES** section. We will not accept comments sent by e-mail or fax or to an address not listed in the **ADDRESSES** section.

We will post your entire comment—including your personal identifying information—on <http://>

[www.regulations.gov](http://www.regulations.gov). If you provide personal identifying information in your written comments, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so.

Comments and materials we receive, as well as supporting documentation we used in preparing this proposed rule, will be available for public inspection on <http://www.regulations.gov>, or by appointment, during normal business hours, at the U.S. Fish and Wildlife Service; Division of Management Authority; 4401 N. Fairfax Drive, Suite 212; Arlington, VA 22203; telephone, (703) 358-2093.

#### List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

#### Proposed Regulation Promulgation

For the reasons given in the preamble, we propose to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as follows:

#### PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

**Authority:** 16 U.S.C. 1361-1407; 16 U.S.C. 1531-1544; 16 U.S.C. 4201-4245; Pub. L. 99-625, 100 Stat. 3500; unless otherwise noted.

#### § 17.21 [Amended]

2. Amend § 17.21 by removing paragraph (h).

Dated: January 25, 2011.

**Eileen Sobeck,**

*Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 2011-16982 Filed 7-6-11; 8:45 am]

**BILLING CODE 4310-55-P**

#### DEPARTMENT OF THE INTERIOR

#### Fish and Wildlife Service

#### 50 CFR Part 17

[Docket No. FWS-R1-ES-2010-0071; MO 92210-0-0009]

RIN 1018-AX16

#### Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for *Lepidium papilliferum* (Slickspot Peppergrass)

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

**ACTION:** Proposed rule; extension of comment period.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce the extension of the comment period on the proposed designation of critical habitat for *Lepidium papilliferum* (slickspot peppergrass). In total, we are proposing to designate 23,374 hectares (57,756 acres) as critical habitat for *L.*

*papilliferum* in Ada, Elmore, Payette, and Owyhee Counties in Idaho. We are extending the public comment period an additional 60 days beyond the current scheduled closing date of July 11, 2011. If you have previously submitted comments, you do not need to resubmit them since we have incorporated them into the public record and will fully consider them in preparation of the final rule.

**DATES:** *Written Comments:* We will accept comments received or postmarked on or before September 9, 2011. Please note that if you are using the Federal eRulemaking Portal (see **ADDRESSES** section, below) the deadline for submitting an electronic comment is 11:59 p.m. Eastern Standard Time on this date. Any comments that we receive after the closing date may not be fully considered in the final decision on this action.

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

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. In the box that reads "Enter Keyword or ID," enter the docket number for this proposed rule, which is FWS-R1-ES-2010-0071 and then click the Search button. You should then see an icon that reads "Submit a Comment." Please ensure that you have found the correct rulemaking before submitting your comment.

- *U.S. mail or hand-delivery:* Public Comments Processing, Attn: FWS-R1-ES-2010-0071; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, MS 2042-PDM; Arlington, VA 22203.

We will post all comments on <http://www.regulations.gov>. This generally means that we will post any personal information you provide us (see the Public Comments section below for more information). Information regarding this notice is available in alternative formats upon request.

**FOR FURTHER INFORMATION CONTACT:** Brian T. Kelly, State Supervisor, U.S. Fish and Wildlife Service, Idaho Fish and Wildlife Office, 1387 South Vinnell Way, Room 368, Boise, ID 83709; telephone 208-378-5243; facsimile 208-378-5262. If you use a telecommunications device for the deaf (TDD), call the Federal Information Relay Service (FIRS) at 800-877-8339.

#### SUPPLEMENTARY INFORMATION:

#### Background

Under the Endangered Species Act of 1973 (Act) (16 U.S.C. 1531 *et seq.*), as amended, we listed *Lepidium papilliferum* as a threatened species on October 8, 2009 (74 FR 52014). On May 10, 2011, we published the proposed designation of critical habitat for *L. papilliferum* (76 FR 27184). All details of the proposed critical habitat designation are provided in our May 10, 2011, proposed rule, available online at <http://www.regulations.gov>, or by contacting the Idaho Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT**). We are seeking data and comments from the public on all aspects of the proposed critical habitat designation for *L. papilliferum*.

On June 1, 2011, we received a request from the Governor of Idaho seeking a 60-day extension of the comment period so that the State of Idaho may coordinate comments between the State agencies that may be affected by critical habitat, and to allow adequate time for citizens to provide input on the proposed critical habitat designation. This notice announces the 60-day extension as requested.

#### Public Comments

We intend that any final action resulting from this proposed rule will be based on the best scientific and commercial data available and be as accurate and as effective as possible. Therefore, we request comments or information from the public, other concerned government agencies, the scientific community, industry, or other interested parties concerning this proposed rule. We will consider information and recommendations from all interested parties. We particularly seek comments concerning:

(1) The reasons why we should or should not designate habitat as "critical habitat" under section 4 of the Act, including whether there are threats to *Lepidium papilliferum* from human activity, the degree to which threats from human activity can be expected to increase due to the designation, and whether that increase in threats outweighs the benefit of designation such that the designation of critical habitat may not be prudent.

(2) Specific information on:

- The amount and distribution of *Lepidium papilliferum* habitat;
- What areas occupied at the time of listing and that contain features essential to the conservation of *Lepidium papilliferum* should be included in the designation and why;