

not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

#### C. Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

#### D. Federalism and Indian Tribal Government

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this proposed rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this proposed rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section above.

#### E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this proposed rule would not result in such an expenditure, we do discuss the effects of this proposed rule elsewhere in this preamble.

#### F. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.ID, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and

have made a preliminary determination that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This proposed rule simply promulgates the operating regulations or procedures for drawbridges. Normally such actions are categorically excluded from further review, under figure 2–1, paragraph (32)(e), of the Instruction.

Under figure 2–1, paragraph (32)(e), of the Instruction, an environmental analysis checklist and a categorical exclusion determination are not required for this rule. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

#### G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

#### V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at <http://www.regulations.gov>. If your material cannot be submitted using <http://www.regulations.gov>, contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

We accept anonymous comments. All comments received will be posted without change to <http://www.regulations.gov> and will include any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

Documents mentioned in this document, and all public comments, are in our online docket at [http://](http://www.regulations.gov)

[www.regulations.gov](http://www.regulations.gov) and can be viewed by following that Web site's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

#### List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

#### PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

**Authority:** 33 U.S.C. 499; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

■ 2. Revise § 117.669 to read as follows:

#### § 117.669 St. Louis River (Duluth-Superior Harbor).

(a) The draw of the Burlington Northern Grassy Point railroad Bridge, mile 5.44, shall open on signal except that, from December 15 through March 15 the draw shall open if at least 12-hour notice is given.

(b) The draw of the Canadian National Combined Railroad and Highway Bridge, mile 13.91, need not be opened for the passage of vessels. The owner shall return the draw to operable condition within a reasonable time when notified by the District Commander to do so.

■ 3. Revise § 117.1083 to read as follows:

#### § 117.1083 Duluth-Superior Harbor (St. Louis River).

See § 117.669 St. Louis River (Duluth-Superior Harbor), listed under Minnesota.

Dated: March 31, 2017.

**J.E. Ryan,**

Rear Admiral, U.S. Coast Guard, Commander, Ninth Coast Guard District.

[FR Doc. 2017–07907 Filed 4–18–17; 8:45 am]

**BILLING CODE 9110–04–P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

[4500030115]

#### Endangered and Threatened Wildlife and Plants; 90-Day Findings on Two Petitions

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

**ACTION:** Notice of petition findings.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce 90-day findings on two petitions to list or reclassify wildlife or plants under the Endangered Species Act of 1973, as amended (Act). Based on our review, we find that the petitions do not present substantial scientific or commercial information indicating that the petitioned action may be warranted, and we are not initiating status reviews in response to those petitions. We refer to these findings as “not-substantial” petition findings.

**DATES:** These findings were made on April 19, 2017.

**ADDRESSES:** Summaries of the bases for the not-substantial petition findings contained in this document are available on <http://www.regulations.gov> under the appropriate docket number (see Table 1 under **SUPPLEMENTARY INFORMATION**). Supporting information in preparing these findings is available for public inspection, by appointment, during normal business hours by contacting the appropriate person, as specified in Table 3 under **SUPPLEMENTARY INFORMATION**. If you have new information concerning the status of, or threats to, the species for which we made not-substantial petition findings (listed below in Table 1), or their habitats, please submit that information to the person listed in Table 3 under **SUPPLEMENTARY INFORMATION**. **FOR FURTHER INFORMATION CONTACT:** See Table 3 under **SUPPLEMENTARY INFORMATION** for specific people to contact for each species.

**SUPPLEMENTARY INFORMATION:**

**Background**

Section 4 of the Act (16 U.S.C. 1533) and its implementing regulations in title

50 of the Code of Federal Regulations set forth the procedures for adding a species to, or removing a species from, the Federal Lists of Endangered and Threatened Wildlife and Plants (50 CFR part 424). Section 4(b)(3)(A) of the Act requires that we make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information indicating that the petitioned action may be warranted. To the maximum extent practicable, we are to make this finding within 90 days of our receipt of the petition and publish the finding promptly in the **Federal Register**.

Last year, the Service and the National Marine Fisheries Service of the Department of Commerce revised the regulations that outline the procedures for evaluating petitions (81 FR 66462; September 27, 2016). The new regulations at 50 CFR 424.14 were effective October 27, 2016. We received the petitions referenced in this document prior to that effective date. Therefore, we evaluated these petitions under the 50 CFR 424.14 requirements that were in effect prior to October 27, 2016, as those requirements applied when the petitions were received. The regulations in effect prior to October 27, 2016, establish that the standard for substantial scientific or commercial information with regard to a 90-day petition finding is “that amount of information that would lead a reasonable person to believe that the measure proposed in the petition may be warranted” (former 50 CFR 424.14(b)).

A species may be determined to be an endangered or threatened species because of one or more of the five factors described in section 4(a)(1) of the Act. In considering whether conditions described within one or more of the

factors might constitute threats, we must look beyond the exposure of the species to those conditions to evaluate whether the species may respond to the conditions in a way that causes actual impacts to the species. If there is exposure to a condition and the species responds negatively, the condition qualifies as a stressor and, during the subsequent status review, we attempt to determine how significant the stressor is. If the stressor is sufficiently significant that it drives, or contributes to, the risk of extinction of the species such that the species may warrant listing as endangered or threatened as those terms are defined in the Act, the stressor constitutes a threat to the species. Thus, the identification of conditions that could affect a species negatively may not be sufficient to compel a finding that the information in the petition and our files is substantial. The information must include evidence sufficient to suggest that these conditions may be operative threats that individually or cumulatively act on the species to a sufficient degree that the species may meet the definition of an endangered or threatened species under the Act.

If we find that a petition presents substantial scientific or commercial information, we are required to promptly commence a review of the status of the species, and we will subsequently summarize the status review in a 12-month finding.

**Summaries of Petition Findings**

The not-substantial petition findings contained in this document are listed in Table 1 and the bases for the findings, along with supporting information, are available on <http://www.regulations.gov> under the appropriate docket number.

TABLE 1—NOT-SUBSTANTIAL FINDINGS

Common name	Docket No.	URL to docket on <a href="http://www.regulations.gov">http://www.regulations.gov</a>
Florida black bear .....	FWS-R4-ES-2017-0015	<a href="http://www.regulations.gov/docket?D=FWS-R4-ES-2017-0015">http://www.regulations.gov/docket?D=FWS-R4-ES-2017-0015</a>
Mojave population of the desert tortoise .....	FWS-R8-ES-2017-0009	<a href="http://www.regulations.gov/docket?D=FWS-R8-ES-2017-0009">http://www.regulations.gov/docket?D=FWS-R8-ES-2017-0009</a>

**Evaluation of a Petition To List the Florida Black Bear as a Threatened or Endangered Species Under the Act**

*Species and Range*

Florida black bear (*Ursus americanus floridanus*): Florida, Georgia, and Alabama.

*Petition History*

On March 18, 2016, we received a petition dated March 17, 2016, from the Center for Biological Diversity, Animal

Legal Defense Fund, Animal Hero Kids, Animal Rights Foundation of Florida, Animal Welfare Institute, Big Cat Rescue, Guillaume Chapron, Compassion Works International, Environmental Action, The Humane Society of the United States, Jungle Friends Primate Sanctuary, Miha Krofel, The League of Women Voters of Florida, Lobby for Animals, Paul C. Paquet, Stuart Pimm, Preserve Our Wildlife, Sierra Club Florida Chapter, South

Florida Wildlands Association, Speak Up Wekiva, Stop the Florida Bear Hunt, Adrian Treves, John A. Vucetich, and Robert Wielgus requesting that the Florida black bear be listed as a threatened or endangered species under the Act. The petition clearly identified itself as such and included the requisite identification information for the petitioners, required at former 50 CFR 424.14(a). This finding addresses the petition.

**Finding**

Based on our review of the petition and sources cited in the petition, we find that the petition does not present substantial scientific or commercial information indicating that listing the Florida black bear may be warranted. Because the petition does not present substantial information indicating that listing the Florida black bear may be warranted, we are not initiating a status review of this species in response to this petition. However, we ask that the public submit to us any new information that becomes available concerning the status of, or threats to, this species or its habitat at any time (see Table 3, below).

The basis for our finding on this petition, and other information regarding our review of this petition, can be found as an appendix at <http://www.regulations.gov> under Docket No. FWS-R4-ES-2017-0015 under the Supporting Documents section.

**Evaluation of a Petition To Reclassify the Mojave Population of the Desert Tortoise as an Endangered Species Under the Act**

*Species and Range*

Desert tortoise (*Gopherus agassizii*) (Mojave population): Arizona, California, Nevada, and Utah.

The Mojave population of the desert tortoise was listed as a threatened species on April 2, 1990 (55 FR 12178).

*Petition History*

On July 2, 2002, we received a petition dated June 28, 2002, from Mr. Craig Dremann requesting that the threatened Mojave population of the desert tortoise be emergency reclassified as endangered under the Act. The petition clearly identified itself as such and included the requisite identification information for the petitioner, required at former 50 CFR 424.14(a). This finding addresses the petition.

*Finding*

Based on our review of the petition and sources cited in the petition, we

find that the petition does not present substantial scientific or commercial information indicating that reclassifying the Mojave population of the desert tortoise may be warranted. Because the petition does not present substantial information indicating that reclassifying the Mojave population of the desert tortoise may be warranted, we are not initiating a status review of this species in response to this petition. However, we ask that the public submit to us any new information that becomes available concerning the status of, or threats to, this species or its habitat at any time (see Table 3, below).

The basis for our finding on this petition, and other information regarding our review of this petition can be found as an appendix at <http://www.regulations.gov> under Docket No. FWS-R8-ES-2017-0009 under the Supporting Documents section.

**Contacts**

Contact information is provided below in Table 3 for the not-substantial findings.

TABLE 3—CONTACTS

Common name	Contact person
Florida black bear .....	Andreas Moshogianis, 404-679-7119; <a href="mailto:andreas_moshogianis@fws.gov">andreas_moshogianis@fws.gov</a>
Mojave population of the desert tortoise .....	Arnold Roessler, 916-414-6613; <a href="mailto:arnold_roessler@fws.gov">arnold_roessler@fws.gov</a>

If you use a telecommunications device for the deaf (TDD), please call the Federal Relay Service (FIRS) at 800-877-8339.

**Conclusion**

On the basis of our evaluation of the information presented in the petitions under section 4(b)(3)(A) of the Act, we have determined that the petitions referenced above for the Florida black bear and the Mojave population of the desert tortoise do not present substantial scientific or commercial information indicating that the requested actions may be warranted. Therefore, we are not initiating status reviews for these species.

**Authors**

The primary authors of this notice are staff members of the Ecological Services Program, U.S. Fish and Wildlife Service.

**Authority**

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

Dated: April 10, 2017.

**James W. Kurth**,  
*Acting, Director, U.S. Fish and Wildlife Service.*

[FR Doc. 2017-07942 Filed 4-18-17; 8:45 am]

**BILLING CODE 4333-15-P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 648**

[Docket No. 170314268-7268-01]

**RIN 0648-BG68**

**Fisheries of the Northeastern United States; Recreational Management Measures for the Summer Flounder and Scup Fisheries; Fishing Year 2017**

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

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS proposes management measures for the 2017 summer flounder

and scup recreational fisheries. The implementing regulations for these fisheries require NMFS to publish recreational measures for the fishing year and to provide an opportunity for public comment. The intent of these measures is to constrain recreational catch to established limits and prevent overfishing of the summer flounder and scup resources. We are proposing the 2017 management measures and revised specifications for the recreational black sea bass fishery in separate actions.

**DATES:** Comments must be received by 5 p.m. local time, on May 4, 2017.

**ADDRESSES:** You may submit comments on this document, identified by NOAA-NMFS-2017-0022, by either of the following methods:

- Electronic submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal.
  - Go to [www.regulations.gov](http://www.regulations.gov)/  
#/*docketDetail;D=NOAA-NMFS-2017-0022*,
  - Click the “Comment Now!” icon, complete the required fields
    - Enter or attach your comments.

Or

*Mail:* Submit written comments to John Bullard, Regional Administrator,