

(3) *Co-permittee alternative*. If the regulated small MS4 is in the same urban area as a medium or large MS4 with an NPDES storm water permit and that other MS4 is willing to have the small MS4 operator participate in its storm water program, the parties may jointly seek a modification of the other MS4 permit to include the small MS4 operator as a limited co-permittee. As a limited co-permittee, the small MS4 operator will be responsible for compliance with the permit's conditions applicable to its jurisdiction. If the small MS4 operator chooses this option it must comply with the permit application requirements of § 122.26, rather than the requirements of § 122.33(b)(2)(i). The small MS4 operator does not need to comply with the specific application requirements of § 122.26(d)(1)(iii) and (iv) and (d)(2)(iii) (discharge characterization). The small MS4 operator may satisfy the requirements in § 122.26 (d)(1)(v) and (d)(2)(iv) (identification of a management program) by referring to the other MS4's storm water management program.

\* \* \* \* \*

**PART 123—STATE PROGRAM REQUIREMENTS**

■ 5. The authority citation for part 123 continues to read as follows:

**Authority:** Clean Water Act, 33 U.S.C. 1251 *et seq.*

■ 6. Amend § 123.35 by revising paragraph (b)(1)(ii), (b)(2), and (d)(1) introductory text to read as follows:

**§ 123.35 As the NPDES Permitting Authority for regulated small MS4s, what is my role?**

\* \* \* \* \*

- (b) \* \* \*
- (1) \* \* \*

(ii) Guidance: For determining other significant water quality impacts, EPA recommends a balanced consideration of the following designation criteria on a watershed or other local basis: discharge to sensitive waters, high growth or growth potential, high population density, contiguity to an urban area with a population of 50,000 people or more as determined by the latest Decennial Census by the Bureau of the Census, significant contributor of pollutants to waters of the United States, and ineffective protection of water quality by other programs;

(2) Apply such criteria, at a minimum, to any small MS4 located outside of an urban area with a population of 50,000 people or more as determined by the latest Decennial Census by the Bureau of the Census serving a jurisdiction with

a population density of at least 1,000 people per square mile and a population of at least 10,000;

\* \* \* \* \*

(d) \* \* \*

(1) You may waive permit coverage for each small MS4s in jurisdictions with a population under 1,000 within the urban area with a population of 50,000 people or more as determined by the latest Decennial Census by the Bureau of the Census where all the following criteria have been met:

\* \* \* \* \*

[FR Doc. 2022–26228 Filed 12–1–22; 8:45 am]

**BILLING CODE 6560–50–P**

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 17**

[Docket No. FWS–R2–ES–2021–0015; FF09E21000 FXES1111090FEDR 234]

RIN 1018–BB27

**Endangered and Threatened Wildlife and Plants; Lesser Prairie-Chicken; Threatened Status With Section 4(d) Rule for the Northern Distinct Population Segment and Endangered Status for the Southern Distinct Population Segment**

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

**ACTION:** Final rule.

*Correction*

In the rule document 2022–25214 beginning on page 72674 of the issue of Friday, November 25, 2022, make the following correction:

**§ 17.41 [Corrected]**

■ On page 72754, following Figure 1 to paragraph (k), in the first column, add the following paragraph:

(1) *Prohibitions*. The following prohibitions that apply to endangered wildlife also apply to the Northern DPS of the lesser prairie-chicken. Except as provided under paragraph (k)(2) of this section and §§ 17.4 and 17.5, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or cause to be committed, any of the following acts in regard to this species:

[FR Doc. C1–2022–25214 Filed 12–1–22; 8:45 am]

**BILLING CODE 0099–10–D**

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 17**

[Docket No. FWS–R8–ES–2022–0024; FF09E21000 FXES1111090FEDR 234]

RIN 1018–BG21

**Endangered and Threatened Wildlife and Plants; Endangered Species Status for the Dixie Valley Toad**

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

**ACTION:** Final rule.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, are listing the Dixie Valley toad (*Anaxyrus williamsi*), a toad species from Nevada, as an endangered species under the Endangered Species Act of 1973, as amended (Act). This rule continues the protections of the Act applied to the Dixie Valley toad under our April 7, 2022, temporary emergency listing rule.

**DATES:** This rule is effective December 2, 2022.

**ADDRESSES:** This final rule and supporting documents are available on the internet at <https://www.regulations.gov> in Docket No. FWS–R8–ES–2022–0024.

**FOR FURTHER INFORMATION CONTACT:** Justin Barrett, Field Supervisor, U.S. Fish and Wildlife Service, Reno Fish and Wildlife Office, 1340 Financial Blvd., Suite 234, Reno, NV 89502; telephone 775–861–6300. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

**SUPPLEMENTARY INFORMATION:**

**Executive Summary**

*Why we need to publish a rule.* Under the Act, a species warrants listing if it meets the definition of an endangered species (in danger of extinction throughout all or a significant portion of its range) or a threatened species (likely to become endangered in the foreseeable future throughout all or a significant portion of its range). If we determine that a species warrants listing, we must list the species promptly and designate the species' critical habitat to the maximum extent prudent and determinable. We have determined that the Dixie Valley toad meets the