

FOR FURTHER INFORMATION CONTACT:

Bridget Fahey, Chief, Division of Conservation and Classification, Ecological Services Program, U.S. Fish and Wildlife Service, MS: ES, 5275 Leesburg Pike, Falls Church, VA 22041–3803 (telephone 703–358–2171). 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:**Background**

In response to a petition for rulemaking, on July 6, 2012, we published in the **Federal Register** (77 FR 40222) a proposed rule to list as endangered under the Act (16 U.S.C. 1531 *et seq.*) the northern subspecies of scarlet macaw (*Ara macao cyanoptera*) and the northern DPS of the southern subspecies of scarlet macaw (*A. m. macao*). That document also announced our finding that listing the southern DPS of *A. m. macao* as endangered or threatened was not warranted.

On April 7, 2016, we published in the **Federal Register** (81 FR 20302) a revised proposed rule that made changes to the July 6, 2012, proposed rule. Changes we proposed in the April 7, 2016, revised proposed rule included, but were not limited to, revising our proposed listing of the northern DPS of *A. m. macao* from endangered to threatened and proposing to treat the southern DPS of *A. m. macao* and subspecies crosses (*A. m. macao* and *A. m. cyanoptera*) as threatened based on similarity of appearance. The proposed rule also included a proposed section 4(d) rule for the northern DPS of *A. m. macao*, southern DPS of *A. m. macao*, and subspecies crosses.

On February 26, 2019, we published in the **Federal Register** (84 FR 6278) a final rule listing the northern subspecies of scarlet macaw (*A. m. cyanoptera*) as endangered, the northern DPS of the southern subspecies (*A. m. macao*) as threatened, the southern DPS of the southern subspecies (*A. m. macao*) and subspecies crosses (*A. m. cyanoptera* and *A. m. macao*) as threatened due to similarity of appearance, and finalizing the section 4(d) rule.

In *Center for Biological Diversity v. Everson*, 435 F. Supp. 3d 69 (D.D.C. Jan. 28, 2020) (*CBD v. Everson*), the Court vacated the provision of the “Policy on Interpretation of the Phrase ‘Significant Portion of Its Range’ in the ESA’s

Definitions of Endangered Species and Threatened Species” (79 FR 37578; July 1, 2014), issued jointly by the Service and the National Marine Fisheries Service, which provides that if the Services determine that a species is threatened throughout all of its range, the Services will not analyze whether the species is endangered in a significant portion of its range.

This Action

We are reexamining the SPR analysis for the northern DPS of the southern subspecies of scarlet macaw (*A. m. macao*). On August 29, 2022, the U.S. District Court for the District of Columbia granted our motion for voluntary remand without vacatur of the threatened finding and section 4(d) rule for the northern DPS of the southern subspecies of scarlet macaw (*Friends of Animals v. Williams*, No. 1:21–cv–02081–RC, Doc. 22). As submitted to and approved by the Court, we will reconsider our SPR analysis based on the plain language of the Act and the implications of *CBD v. Everson*, and submit our findings to the **Federal Register** by March 28, 2023. If the SPR analysis determines that there are no significant portions of the range for the northern DPS of the southern subspecies of scarlet macaw, the SPR analysis ends the process. If the SPR analysis determines that one or more significant portions of the range exist but do not warrant endangered status, the SPR analysis ends the process. However, if the SPR analysis finds one or more significant portions of the range and finds the northern DPS of the southern subspecies of scarlet macaw should be listed as endangered instead of threatened, we will submit a proposed rule to the **Federal Register** by March 28, 2024, seeking public comment on the proposed reclassification of the northern DPS of the southern subspecies of scarlet macaw. Throughout this process, the February 26, 2019, final rule (84 FR 6278) remains in effect, including with respect to the threatened listing and section 4(d) rule for the northern DPS of the southern subspecies of scarlet macaw.

Request for Public Comments

We invite written comments on the manner in which the plain language of the Act and *CBD v. Everson* decision may affect our February 26, 2019, final rule designating the northern DPS of the southern subspecies of scarlet macaw (*A. m. macao*) as a threatened species. Specifically, we are interested in public input on whether and how the *CBD v. Everson* opinion affects the SPR analysis in the threatened determination.

We request comments from any interested party that pertain to the issues raised in the preceding paragraph only.

Public Availability of Comments

If you submit a comment via <https://www.regulations.gov>, your entire comment—including any personal identifying information—will be posted on the website. If you submit a hardcopy comment that includes personal identifying information, you may request that we withhold this information from public review, but we cannot guarantee that we will be able to do so. We will post all hardcopy comments on <https://www.regulations.gov>. Comments and materials we receive will be available for public inspection at <https://www.regulations.gov>.

Author

The primary authors of this announcement are the staff members of the U.S. Fish and Wildlife Service’s Branch of Delisting and Foreign Species.

Authority

This document is published under the authority of the Endangered Species Act, as amended (16 U.S.C. 1531 *et seq.*).

Martha Williams,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 2022–23812 Filed 11–1–22; 8:45 am]

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DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Part 21**

[Docket No. FWS–HQ–MB–2021–0025; FF09M31000–234–FXMB12320900000]

RIN 1018–BF59

Migratory Bird Permits; Administrative Updates

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule; technical amendment.

SUMMARY: On January 7, 2022, the U.S. Fish and Wildlife Service (Service) published a final rule to renumber, rename, and rearrange certain subparts and sections in our regulations. In that rule, we incorrectly presented an amendatory instruction, which prevented the complete codification of the regulatory text we set forth for one section of the regulations. In this document, we correctly set forth the

amendatory instruction and the relevant regulatory text. This technical amendment is a purely administrative action; it simply corrects one amendatory instruction to codify regulations we previously published in our January 7, 2022, final rule.

DATES: This rule is effective November 2, 2022.

FOR FURTHER INFORMATION CONTACT:

Jerome Ford, Assistant Director—Migratory Birds Program, U.S. Fish and Wildlife Service, telephone: 703–358–2606, email: *MB_mail@fws.gov*. 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: The U.S. Fish and Wildlife Service is the Federal agency delegated with the primary responsibility for managing migratory birds. Our authority derives from the Migratory Bird Treaty Act of 1918, as amended, 16 U.S.C. 703 *et seq.* (MBTA) and the Bald and Golden Eagle Protection Act, 16 U.S.C. 668 *et seq.* (Eagle Act). Regulations pertaining to migratory bird permits are set forth at 50 CFR part 21. Regulations pertaining to eagle permits are set forth at 50 CFR part 22.

The regulations at 50 CFR parts 21 and 22 were established in 1974. Since 1974, we have published many rules to add, revise, or remove portions of these

regulations. On January 7, 2022, we published a final rule (87 FR 876) to renumber, rename, and rearrange certain subparts and sections in parts 21 and 22 of subchapter B of chapter I, title 50 of the Code of Federal Regulations (CFR).

The January 7, 2022, final rule also updated applicable Office of Management and Budget (OMB) control numbers to provide the currently approved OMB control numbers for the information collection requirements in 50 CFR parts 21 and 22. These updates provide a consistent approach to the presentation of this information in our regulations and, for those affected sections, streamline our regulations to codify only the information needed to notify the public that the information collection requirements are approved by OMB.

In the January 7, 2022, final rule (87 FR 876), we set forth information collection requirements at a new paragraph (g) of 50 CFR 21.168 (“Public health control order for resident Canada geese.”; see 87 FR 883), but our relevant amendatory instruction neglected to instruct the Office of the Federal Register to “add” that new paragraph. Therefore, the new paragraph was not codified when the January 7, 2022, final rule became effective. With this document, we add paragraph (g) to 50 CFR 21.168 with the same text presented in the January 7, 2022, final rule.

List of Subjects in 50 CFR Part 21

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

Regulation Promulgation

Accordingly, we amend part 21 of subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 21—MIGRATORY BIRD PERMITS

- 1. The authority citation for part 21 continues to read as follows:

Authority: 16 U.S.C. 703–712.

- 2. Amend § 21.168 by adding paragraph (g) to read as follows:

§ 21.168 Public health control order for resident Canada geese.

* * * * *

(g) *Information collection requirements.* The Office of Management and Budget (OMB) has approved the information collection requirements associated with this control order and assigned OMB Control Number 1018–0146. Federal agencies 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. Direct comments regarding the burden estimate or any other aspect of the information collection to the Service’s Information Collection Clearance Officer at the address provided at 50 CFR 2.1(b).

Madonna Baucum,

Chief, Policy and Regulations Branch, U.S. Fish and Wildlife Service.

[FR Doc. 2022–23607 Filed 11–1–22; 8:45 am]

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