

paying an annual premium may be a hardship for some potential borrowers, HUD believes it will have a limited impact on the demand for the program, and the new annual premium will allow HUD to continue to meet the demand for mortgage lending transactions in fiscal year 2017 so that more Indian and Alaska Native families have the opportunity to become homeowners.

To reduce some of the impact accompanying the annual premium, the payment of the annual premium can be made through monthly payments, to spread out the cost for borrowers, or annual and lump sum payments, to keep a borrower's monthly payment lower.

This notice increases the Section 184 program annual premium to 0.25 percent of the remaining loan balance for all new case numbers assigned on or after December 1, 2016 until the unpaid principal balance, excluding the upfront loan guarantee fee, reaches 78 percent of the lower of the initial sales price or appraised value based on the initial amortization schedule.

This notice does not supersede HUD's guidance on the cancellation of the annual premium when the loan reaches the 78 percent loan-to-value ratio that was provided in the October 7, 2014 Notice (79 FR 60492).

IV. Tribal Consultation

HUD's policy is to consult with Indian tribes early in the process on matters that have tribal implications. Accordingly, on June 26, 2016, HUD sent letters to all tribal leaders participating in the Section 184 program, informing them of the nature of the forthcoming notice and soliciting comments. A summary of comments received and responses can be found on HUD's Web site at: http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/ih/homeownership/184.

V. Environmental Impact

This notice involves the establishment of a rate or cost determination that does not constitute a development decision affecting the physical condition of specific project areas or building sites. Accordingly, under 24 CFR 50.19(c)(6), this notice is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (U.S.C. 4321).

Dated: October 24, 2016.

Lourdes Castro Ramirez,
Principal Deputy Assistant Secretary for
Public and Indian Housing.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS-R4-ES-2016-N152];
[FXES1113040000C2-167-FF04E00000]

Endangered and Threatened Wildlife and Plants; Technical/Agency Draft Recovery Plan for the Chucky Madtom

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability and request for public comment.

SUMMARY: We, the Fish and Wildlife Service (Service), announce the availability of the technical/agency draft recovery plan for the endangered chucky madtom, a fish. The draft recovery plan includes specific recovery objectives and criteria that must be met in order for us to reclassify this species to threatened status under the Endangered Species Act of 1973, as amended (Act). We request review and comment on this draft recovery plan from local, State, and Federal agencies, and the public.

DATES: In order to be considered, comments on the draft recovery plan must be received on or before January 3, 2017.

ADDRESSES: *Reviewing documents:* If you wish to review this technical/agency draft recovery plan, you may obtain a copy by contacting Mary E. Jennings, Field Supervisor, U.S. Fish and Wildlife Service, Tennessee Ecological Services Field Office, 446 Neal Street, Cookeville, TN 38501; tel. 931-528-6481; or by visiting the Service's Tennessee Field Office Web site at <http://www.fws.gov/cookeville>.

Submitting comments: If you wish to comment, you may submit your comments by one of the following methods:

1. You may submit written comments and materials to us, at the above address.
2. You may hand-deliver written comments to our Tennessee Field Office, at the above address, or fax them to 931-528-7075.
3. You may send comments by email to mary_e_jennings@fws.gov. Please include "Chucky Madtom Draft Recovery Plan Comments" on the subject line.

For additional information about submitting comments, see the "Request for Public Comments" section below.

FOR FURTHER INFORMATION CONTACT: Mary E. Jennings (see **ADDRESSES**).

SUPPLEMENTARY INFORMATION:

Background

We listed the chucky madtom (*Noturus crypticus*; a small fish) as endangered under the Act (16 U.S.C. 1531 *et seq.*) on August 9, 2011 (76 FR 48722). The chucky madtom grows to 2.9 inches (7.4 centimeters) total length and is endemic to the upper Tennessee River system in Tennessee. This fish is historically known from two creek systems, but only currently persists in Little Chucky Creek where only 14 individuals have ever been collected. All 14 have been collected at this site since 1991; however, none have been captured since 2004.

Chucky madtoms are currently known from a single tributary to the Nolichucky River in stream sections 5 to 7 meters (16 to 23 feet) wide in riffle and swim through streams lined by water willow (*Justicia americana*) beds with slow-to-moderate current over pea-sized gravel, cobble, or slab-rock substrates. In addition to habitat degradation, threats to the species include extreme curtailment of habitat and range, small population size and low numbers, inability to offset mortality with natural reproduction and recruitment, and their resulting vulnerability to natural or human induced catastrophic events (*e.g.*, droughts, pollution spills, etc.). Surviving populations are threatened by water quality and habitat deterioration. Another potential threat is introduced crayfishes (*Orconectes* sp.), which are thought to compete with chucky madtoms for access to the little habitat that is available in Little Chucky Creek.

Approximately 20 river miles (32 river kilometers) of stream channels in Little Chucky Creek, Greene County, Tennessee, have been designated as critical habitat for the chucky madtom (77 FR 63604). This fish has a recovery priority number of 5 which indicates the species faces a high degree of threat, but has a low recovery potential.

Restoring an endangered or threatened animal or plant to the point where it is again a secure, self-sustaining member of its ecosystem is a primary goal of our endangered species program. To help guide the recovery effort, we prepare recovery plans for most listed species. Recovery plans describe actions considered necessary for conservation of the species, establish criteria for downlisting or delisting, and

estimate time and cost for implementing recovery measures.

The Act 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 us to provide public notice and an opportunity for public review and comment during recovery plan development. We will consider all information presented during a public comment period prior to approval of each new or revised recovery plan. We and other Federal agencies will take these comments into account in the course of implementing approved recovery plans.

Recovery Plan Components

The recovery objectives are to work to reduce threats in order to downlist the chucky madtom to threatened status. Defining reasonable delisting criteria is not possible at this time given the current low number of individuals, extreme curtailment of the species' range, extensive modification and fragment of habitat with the species' historical range, lack of information about the species' biology, and magnitude of other existing threats. Therefore, this recovery plan establishes only downlisting criteria for this catfish. Criteria will be reevaluated as new information becomes available.

Downlisting of chucky madtom will be considered when:

1. Suitable instream and riparian habitat, flows, and water quality for chucky madtom as defined by the best available science (to be refined by recovery actions), exist in occupied streams (addresses Factor A).
2. Population studies show that a viable chucky madtom population in Little Chucky Creek and at least 1 other stream (Dunn Creek, Jackson Branch; e.g., the only known stream representing the historical range of the species) are naturally recruiting (consisting of two year classes in the fall months) and sustainable over a period of 20–30 years (10 generations) (addresses Factors A, C, and E).

Request for Public Comments

We request written comments on the draft recovery plan. We will consider all comments we receive by the date specified in **DATES** prior to final approval of the plan.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your

personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority

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

Dated: September 6, 2016.

Mike Oetker,

Acting Regional Director, Southeast Region.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–LE–2016–N156; FF09L00200–FX–LE18110900000]

Freedom of Information Act; Notice of Lawsuit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice; request for comments.

SUMMARY: The U.S. Fish and Wildlife Service seeks information about potential objections to the public release of possibly confidential information regarding import and export activities tracked via the Service's Law Enforcement Management Information System. We issue this notice and solicit this information in response to a lawsuit under the Freedom of Information Act.

DATES: You must submit comments on or before November 22, 2016.

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

- *Email:* lawenforcement@fws.gov.
- *Fax:* (703) 358–2271.
- *U.S. mail or hand-delivery:* U.S.

Fish and Wildlife Service, Office of Law Enforcement (FOIA), 5275 Leesburg Pike (MS: OLE), Falls Church, VA 22041.

FOR FURTHER INFORMATION CONTACT:

Michael Jenkins, Management Analyst Specialist, USFWS, Office of Law Enforcement, 5275 Leesburg Pike, Falls Church, VA 22041; telephone (703) 358–1949.

SUPPLEMENTARY INFORMATION: This notice is issued under part 2 of title 43 of the Code of Federal Regulations (CFR), which sets forth regulations for administration of the Freedom of Information Act (FOIA) by the U.S. Department of the Interior (“the Department”).

We, the U.S. Fish and Wildlife Service (“the Service”), hereby announce that information related to records for the import and export of all wildlife specimens to and from the United States may be disclosed under FOIA (43 CFR 2.27(b)).

Submitters of this type of information can contact the Service to review records subject to possible release. If you are a submitter of this information, the Service will presume that you do not object to the disclosure of your information if a response to this notice is not received by the date specified above in **DATES**.

I. Background

The Department is soliciting views from submitters with respect to whether certain records constitute “trade secrets and commercial or financial information obtained from a person [that are] privileged or confidential” information under the FOIA, 5 U.S.C. 552(b)(4). The records at issue concern information in the Service's Law Enforcement Management Information System (LEMIS) relating to the import and export of all wildlife specimens to and from the United States:

a. For the years 2002 through 2010, 2013, and 2014;

b. of any taxonomic class, whether live, dead, parts, or products; and

c. with the following variables to be included in the records: Control Number, Species Code, Class, Genus, Species, Subspecies, Generic Name, Specific Name, Wildlife Description, Quantity, Unit, Value, Country of Origin, Country Import/Export, Purpose, Source, Act, Disposition Code, Disposition Date, Shipment Date, Import/Export, Port Code, U.S. Importer/Exporter, and Foreign Importer/Exporter.

This notice relates to FOIA requests by Humane Society International (HSI) of June 2, 2014; August 21, 2014; June 3, 2015; and November 3, 2015. In response to these FOIA requests, the Service withheld the “Declared Value of Wildlife” and “Foreign Importer/Exporter” columns in their entirety under FOIA Exemption 4. The Service withheld additional information under Exemptions 6 and 7(C). The Service's response to these FOIA requests is now the subject of a lawsuit, *Humane Society Int'l v. U.S. FWS*, No. 16–720 (D.D.C., filed Apr. 18, 2016). A copy of HSI's three FOIA requests, as well as the complaint filed in the United States District Court for the District of Columbia, has been posted on: <https://www.fws.gov/le/businesses.html#FOIAMatters>. Upon request, the Service will provide