

records at issue were not required by any external obligation at the time they were created, but where a regulator later seeks the same information as part of its oversight or investigatory responsibilities. The information at issue would be PSWP and would be privileged and confidential, but the provider may still have several options to satisfy its obligation. If the information is eligible for the drop out provision (including that the provider has not yet reported the information to a PSO), then the provider may follow the drop out provision discussed above to remove the information from its PSES and report or maintain the information outside of the PSES, to satisfy the regulator's request. This information is no longer PSWP. If the provider has reported the information to a PSO or the information is otherwise not subject to the drop out provision, the Patient Safety Act and Patient Safety Rule provide several options that the provider may want to consider, which are discussed below.

1. *Did the provider mistakenly enter information that is not PSWP into its PSES?* The provider may want to first ensure that the information being requested meets the definition of PSWP. If the provider determines that the information now required is not PSWP (e.g., an original patient record was accidentally placed in the PSES), the provider can remove the information from its PSES. If the information does not meet the definition of PSWP, it is not privileged and confidential under the Patient Safety Act, and the Patient Safety Act places no limitations on the provider from further releasing it. If the information is not PSWP and the only copy of the information is in the PSO's PSES (i.e., the provider did not retain a copy outside of or in its PSES), then the Patient Safety Act places no limitations on the PSO from releasing it back to the provider.

2. *Is there a disclosure exception that may be used to permissibly disclose the PSWP?* For example:

- Can the provider obtain authorization from each identified provider to disclose the information, in accordance with 42 CFR 3.206(b)(3)?
- Is the information subject to the disclosure permission to the FDA at 42 CFR 3.206(b)(7)?
- Is the information being voluntarily disclosed to an accrediting body, pursuant to 42 CFR 3.206(b)(8)?

While these disclosure permissions are available in the limited circumstances described in the Patient Safety Rule, relying upon a disclosure permission should not be a provider's primary method to meet an external

obligation. As stated in the Preamble, with respect to the FDA disclosure permission, "However, we emphasize that, despite this disclosure permission, we expect that most reporting to the FDA and its regulated entities will be done with information that is not patient safety work product, as is done today. This disclosure permission is intended to allow for reporting to the FDA or FDA-regulated entity in those special cases where, only after an analysis of patient safety work product, does a provider realize it should make a report."<sup>43 44</sup> HHS has the same expectation for other external obligations, as well.

3. *Can the provider recreate the information or conduct an identical analysis from non-PSWP outside of the PSES?* If a provider is instructed to compile specified information but the provider previously assembled such information within its PSES and reported it to a PSO, this does not prevent a provider from creating the requested information using non-PSWP. As indicated in the NPRM, "[t]hose who participated in the collection, development, analysis, or review of the missing information or have knowledge of its contents can fully disclose what they know . . ."<sup>45</sup> Similarly, although an analysis originally conducted in the PSES cannot become non-PSWP under the drop out provision, if a provider is informed that a certain analysis is needed to meet an external obligation, the Patient Safety Act indicates that a provider could conduct a new analysis with non-PSWP to satisfy this requirement, "regardless of whether such additional analysis involves issues identical to or similar to those for which information was reported to or assessed by" a PSO or PSES.<sup>46</sup>

Providers are reminded that they should exercise care to ensure that even if the information is not privileged and confidential under the Patient Safety Act or if a permissible disclosure of PSWP has been identified, the intended disclosure of the information is not impermissible under any other law (e.g., the HIPAA Privacy Rule.)

<sup>43</sup> 73 FR 70782, Nov. 21, 2008.

<sup>44</sup> Following publication of the Patient Safety Rule, HHS issued guidance on meeting mandatory reporting obligations to the FDA. See "Department of Health and Human Services Guidance Regarding Patient Safety Organizations' Reporting Obligations and the Patient Safety and Quality Improvement Act of 2005" available at [www.pso.ahrq.gov](http://www.pso.ahrq.gov).

<sup>45</sup> 73 FR 8124, Oct. 5, 2007.

<sup>46</sup> 42 U.S.C. 299b-22(h).

Dated: May 19, 2016.

**Andrew Bindman,**  
*AHRQ Director.*

**Jocelyn Samuels,**  
*Director, OCR.*

[FR Doc. 2016-12312 Filed 5-20-16; 5:15 pm]

**BILLING CODE 4160-90-P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 64

[Docket ID FEMA-2016-0002; Internal Agency Docket No. FEMA-8435]

#### Suspension of Community Eligibility

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Final rule.

**SUMMARY:** This rule identifies communities where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP) that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the **Federal Register** on a subsequent date. Also, information identifying the current participation status of a community can be obtained from FEMA's Community Status Book (CSB). The CSB is available at <http://www.fema.gov/fema/csb.shtm>.

**DATES:** The effective date of each community's scheduled suspension is the third date ("Susp.") listed in the third column of the following tables.

**FOR FURTHER INFORMATION CONTACT:** If you want to determine whether a particular community was suspended on the suspension date or for further information, contact Patricia Suber, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-4149.

**SUPPLEMENTARY INFORMATION:** The NFIP enables property owners to purchase Federal flood insurance that is not otherwise generally available from private insurers. In return, communities agree to adopt and administer local

floodplain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits the sale of NFIP flood insurance unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59.

Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. We recognize that some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue to be eligible for the sale of NFIP flood insurance. A notice withdrawing the suspension of such communities will be published in the **Federal Register**.

In addition, FEMA publishes a Flood Insurance Rate Map (FIRM) that identifies the Special Flood Hazard Areas (SFHAs) in these communities. The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may be provided for construction or acquisition of buildings in identified

SFHAs for communities not participating in the NFIP and identified for more than a year on FEMA's initial FIRM for the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment procedures under 5 U.S.C. 553(b), are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications were made, this final rule may take effect within less than 30 days.

**National Environmental Policy Act.** This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Considerations. No environmental impact assessment has been prepared.

**Regulatory Flexibility Act.** The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, Section 1315, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The

communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless remedial action takes place.

**Regulatory Classification.** This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

**Executive Order 13132, Federalism.** This rule involves no policies that have federalism implications under Executive Order 13132.

**Executive Order 12988, Civil Justice Reform.** This rule meets the applicable standards of Executive Order 12988.

**Paperwork Reduction Act.** This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

#### List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

#### PART 64—[AMENDED]

- 1. The authority citation for part 64 continues to read as follows:

**Authority:** 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp.; p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp.; p. 376.

#### § 64.6 [Amended]

- 2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
<b>Region III</b>				
Maine: Andrews Island, Knox County .....	230967	April 4, 1979, Emerg; April 30, 1984, Reg; July 6, 2016, Susp.	July 6, 2016 .....	July 6, 2016.
Appleton, Town of, Knox County .....	230073	July 22, 1975, Emerg; December 4, 1985, Reg; July 6, 2016, Susp.	.....do* .....	Do.
Bar Island, Knox County .....	230974	April 4, 1979, Emerg; April 30, 1984, Reg; July 6, 2016, Susp.	.....do .....	Do.
Birch Island, Knox County .....	230966	April 4, 1979, Emerg; April 30, 1984, Reg; July 6, 2016, Susp.	.....do .....	Do.
Brig Ledge, Knox County .....	230947	April 4, 1979, Emerg; April 30, 1984, Reg; July 6, 2016, Susp.	.....do .....	Do.
Camden, Town of, Knox County .....	230074	May 21, 1975, Emerg; May 4, 1988, Reg; July 6, 2016, Susp	.....do .....	Do.
Camp Cove Ledge, Knox County .....	230945	April 4, 1979, Emerg; April 30, 1984, Reg; July 6, 2016, Susp.	.....do .....	Do.
Camp Island, Knox County .....	230962	April 4, 1979, Emerg; April 30, 1984, Reg; July 6, 2016, Susp.	.....do .....	Do.
Clam Ledges, Knox County .....	230970	April 4, 1979, Emerg; April 30, 1984, Reg; July 6, 2016, Susp.	.....do .....	Do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Crescent Island, Knox County .....	230955	April 4, 1979, Emerg; April 30, 1984, Reg; July 6, 2016, Susp.	.....do .....	Do.
Criehaven, Township of, Knox County .....	231034	April 4, 1979, Emerg; April 30, 1984, Reg; July 6, 2016, Susp.	.....do .....	Do.
Crow Island, Knox County .....	230978	April 4, 1979, Emerg; April 30, 1984, Reg; July 6, 2016, Susp.	.....do .....	Do.
Cushing, Town of, Knox County .....	230224	May 7, 1976, Emerg; July 16, 1990, Reg; July 6, 2016, Susp.	.....do .....	Do.
Dix Island, Knox County .....	230965	April 4, 1979, Emerg; April 30, 1984, Reg; July 6, 2016, Susp.	.....do .....	Do.
East Goose Rock, Knox County .....	230990	April 4, 1979, Emerg; April 30, 1984, Reg; July 6, 2016, Susp.	.....do .....	Do.
Egg Rock, Knox County .....	230991	April 4, 1979, Emerg; April 30, 1984, Reg; July 6, 2016, Susp.	.....do .....	Do.
Fisherman Island, Knox County .....	230953	April 4, 1979, Emerg; April 30, 1984, Reg; July 6, 2016, Susp.	.....do .....	Do.
Flag Island, Knox County .....	230972	April 4, 1979, Emerg; April 30, 1984, Reg; July 6, 2016, Susp.	.....do .....	Do.
Fort Kent, Town of, Aroostook County .....	230019	April 10, 1974, Emerg; June 4, 1980, Reg; July 6, 2016, Susp.	.....do .....	Do.
Friendship, Town of, Knox County .....	230225	September 13, 1978, Emerg; July 16, 1990, Reg; July 6, 2016, Susp.	.....do .....	Do.
Goose Island, Knox County .....	230987	April 4, 1979, Emerg; April 30, 1984, Reg; July 6, 2016, Susp.	.....do .....	Do.
Gooseberry Knob, Knox County .....	230959	April 4, 1979, Emerg; April 30, 1984, Reg; July 6, 2016, Susp.	.....do .....	Do.
Graffam Island, Knox County .....	230975	April 4, 1979, Emerg; April 30, 1984, Reg; July 6, 2016, Susp.	.....do .....	Do.
Great Pond Island, Knox County .....	230961	April 4, 1979, Emerg; April 30, 1984, Reg; July 6, 2016, Susp.	.....do .....	Do.
Green Ledge, Knox County .....	230944	April 4, 1979, Emerg; April 30, 1984, Reg; July 6, 2016, Susp.	.....do .....	Do.
Herring Ledge, Knox County .....	230937	April 4, 1979, Emerg; April 30, 1984, Reg; July 6, 2016, Susp.	.....do .....	Do.
Hewett Island, Knox County .....	230971	April 4, 1979, Emerg; April 30, 1984, Reg; July 6, 2016, Susp.	.....do .....	Do.
High Island, Knox County .....	230964	April 4, 1979, Emerg; April 30, 1984, Reg; July 6, 2016, Susp.	.....do .....	Do.
High Ledge, Knox County .....	230946	April 4, 1979, Emerg; April 30, 1984, Reg; July 6, 2016, Susp.	.....do .....	Do.
Hog Island, Knox County .....	230934	April 4, 1979, Emerg; April 30, 1984, Reg; July 6, 2016, Susp.	.....do .....	Do.
Hope, Town of, Knox County .....	230226	April 5, 1976, Emerg; February 19, 1986, Reg; July 6, 2016, Susp.	.....do .....	Do.
Large Green Island, Knox County .....	230936	April 4, 1979, Emerg; April 30, 1984, Reg; July 6, 2016, Susp.	.....do .....	Do.
Lasell Island, Knox County .....	230983	April 4, 1979, Emerg; April 30, 1984, Reg; July 6, 2016, Susp.	.....do .....	Do.
Little Green Island, Knox County .....	230935	April 4, 1979, Emerg; April 30, 1984, Reg; July 6, 2016, Susp.	.....do .....	Do.
Little Hurricane Island, Knox County .....	230973	April 4, 1979, Emerg; April 30, 1984, Reg; July 6, 2016, Susp.	.....do .....	Do.
Little Pond Island, Knox County .....	230960	April 4, 1979, Emerg; April 30, 1984, Reg; July 6, 2016, Susp.	.....do .....	Do.
Little Two Bush Island, Knox County .....	230980	April 4, 1979, Emerg; April 30, 1984, Reg; July 6, 2016, Susp.	.....do .....	Do.
Marblehead Island, Knox County .....	230954	April 4, 1979, Emerg; April 30, 1984, Reg; July 6, 2016, Susp.	.....do .....	Do.
Mark Island, Knox County .....	230988	April 4, 1979, Emerg; April 30, 1984, Reg; July 6, 2016, Susp.	.....do .....	Do.
Matinicus Isle Plantation, Knox County .....	230603	April 25, 1975, Emerg; April 30, 1984, Reg; July 6, 2016, Susp.	.....do .....	Do.
Metinic Green Island, Knox County .....	230932	April 4, 1979, Emerg; April 30, 1984, Reg; July 6, 2016, Susp.	.....do .....	Do.
Metinic Island, Knox County .....	230931	April 4, 1979, Emerg; April 30, 1984, Reg; July 6, 2016, Susp.	.....do .....	Do.
Mink Island, Knox County .....	230976	April 4, 1979, Emerg; April 30, 1984, Reg; July 6, 2016, Susp.	.....do .....	Do.
Mouse Island, Knox County .....	230986	April 4, 1979, Emerg; April 30, 1984, Reg; July 6, 2016, Susp.	.....do .....	Do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Muscle Ridge Township, Knox County .....	230979	April 4, 1979, Emerg; April 30, 1984, Reg; July 6, 2016, Susp.	.....do .....	Do.
Nettle Island, Knox County .....	230969	April 4, 1979, Emerg; April 30, 1984, Reg; July 6, 2016, Susp.	.....do .....	Do.
North Haven, Town of, Knox County .....	230228	April 2, 1976, Emerg; July 16, 1991, Reg; July 6, 2016, Susp.	.....do .....	Do.
Oak Island, Knox County .....	230957	April 4, 1979, Emerg; April 30, 1984, Reg; July 6, 2016, Susp.	.....do .....	Do.
Otter Island, Knox County .....	230956	April 4, 1979, Emerg; April 30, 1984, Reg; July 6, 2016, Susp.	.....do .....	Do.
Owls Head, Town of, Knox County .....	230075	July 30, 1975, Emerg; June 19, 1989, Reg; July 6, 2016, Susp.	.....do .....	Do.
Pleasant Island, Knox County .....	230977	April 4, 1979, Emerg; April 30, 1984, Reg; July 6, 2016, Susp.	.....do .....	Do.
Pudding Island, Knox County .....	230941	April 4, 1979, Emerg; April 30, 1984, Reg; July 6, 2016, Susp.	.....do .....	Do.
Ragged Island, Knox County .....	230940	April 4, 1979, Emerg; April 30, 1984, Reg; July 6, 2016, Susp.	.....do .....	Do.
Robinson Rock, Knox County .....	230989	April 4, 1979, Emerg; April 30, 1984, Reg; July 6, 2016, Susp.	.....do .....	Do.
Rockland, City of, Knox County .....	230076	October 31, 1975, Emerg; January 5, 1989, Reg; July 6, 2016, Susp.	.....do .....	Do.
Rockport, Town of, Knox County .....	230077	July 2, 1975, Emerg; May 4, 1989, Reg; July 6, 2016, Susp.	.....do .....	Do.
Saddle Island, Knox County .....	230982	April 4, 1979, Emerg; April 30, 1984, Reg; July 6, 2016, Susp.	.....do .....	Do.
Saint George, Town of, Knox County .....	230229	March 30, 1976, Emerg; September 1, 1989, Reg; July 6, 2016, Susp.	.....do .....	Do.
Seal Island, Knox County .....	230948	April 4, 1979, Emerg; April 30, 1984, Reg; July 6, 2016, Susp.	.....do .....	Do.
Shag Ledge, Knox County .....	230942	April 4, 1979, Emerg; April 30, 1984, Reg; July 6, 2016, Susp.	.....do .....	Do.
South Thomaston, Town of, Knox County ...	230078	July 23, 1975, Emerg; May 17, 1989, Reg; July 6, 2016, Susp.	.....do .....	Do.
Spectacle Island, Knox County .....	230963	April 4, 1979, Emerg; April 30, 1984, Reg; July 6, 2016, Susp.	.....do .....	Do.
The Nubble, Knox County .....	230933	April 4, 1979, Emerg; April 30, 1984, Reg; July 6, 2016, Susp.	.....do .....	Do.
Thomaston, Town of, Knox County .....	230079	May 12, 1975, Emerg; December 4, 1985, Reg; July 6, 2016, Susp.	.....do .....	Do.
Union, Town of, Knox County .....	230080	July 3, 1975, Emerg; March 18, 1987, Reg; July 6, 2016, Susp.	.....do .....	Do.
Vinalhaven, Town of, Knox County .....	230230	April 18, 1975, Emerg; March 1, 1987, Reg; July 6, 2016, Susp.	.....do .....	Do.
Warren, Town of, Knox County .....	230081	June 12, 1975, Emerg; April 17, 1985, Reg; July 6, 2016, Susp.	.....do .....	Do.
Washington, Town of, Knox County .....	230082	December 4, 2003, Emerg; March 1, 2004, Reg; July 6, 2016, Susp.	.....do .....	Do.
Wheeler Big Rock, Knox County .....	230939	April 4, 1979, Emerg; April 30, 1984, Reg; July 6, 2016, Susp.	.....do .....	Do.
Wooden Ball Island, Knox County .....	230950	April 4, 1979, Emerg; April 30, 1984, Reg; July 6, 2016, Susp.	.....do .....	Do.
Yellow Ledge, Knox County .....	230981	April 4, 1979, Emerg; April 30, 1984, Reg; July 6, 2016, Susp.	.....do .....	Do.
Massachusetts: Bedford, Town of, Middlesex County.	255209	April 2, 1971, Emerg; September 7, 1973, Reg; July 6, 2016, Susp.	.....do .....	Do.
Billerica, Town of, Middlesex County .....	250183	August 18, 1972, Emerg; November 5, 1980, Reg; July 6, 2016, Susp.	.....do .....	Do.
Burlington, Town of, Middlesex County .....	250185	January 2, 1976, Emerg; July 5, 1984, Reg; July 6, 2016, Susp.	.....do .....	Do.
Lexington, Town of, Middlesex County .....	250198	July 31, 1975, Emerg; June 1, 1978, Reg; July 6, 2016, Susp.	.....do .....	Do.
Tewksbury, Town of, Middlesex County .....	250218	December 10, 1971, Emerg; July 18, 1977, Reg; July 6, 2016, Susp.	.....do .....	Do.
Wilmington, Town of, Middlesex County .....	250227	July 1, 1974, Emerg; June 15, 1982, Reg; July 6, 2016, Susp.	.....do .....	Do.
<b>Region VI</b>				
Louisiana: Bastrop, City of, Morehouse Parish.	220127	July 2, 1975, Emerg; December 16, 1980, Reg; July 6, 2016, Susp.	.....do .....	Do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Bonita, Village of, Morehouse Parish .....	220316	April 3, 1997, Emerg; April 1, 2007, Reg; July 6, 2016, Susp.	.....do .....	Do.
Collinston, Village of, Morehouse Parish .....	220399	June 17, 1991, Emerg; N/A, Reg; July 6, 2016, Susp.	.....do .....	Do.
Mer Rouge, Village of, Morehouse Parish ...	220128	May 3, 1973, Emerg; June 27, 1978, Reg; July 6, 2016, Susp.	.....do .....	Do.
Morehouse Parish, Unincorporated Areas ...	220367	April 14, 1983, Emerg; October 15, 1985, Reg; July 6, 2016, Susp.	.....do .....	Do.
New Mexico: Dona Ana County, Unincorporated Areas.	350012	January 19, 1976, Emerg; September 27, 1991, Reg; July 6, 2016, Susp.	.....do .....	Do.
Hatch, Village of, Dona Ana County .....	350013	December 10, 1974, Emerg; January 3, 1986, Reg; July 6, 2016, Susp.	.....do .....	Do.
Las Cruces, City of, Dona Ana County .....	355332	July 24, 1970, Emerg; June 11, 1971, Reg; July 6, 2016, Susp.	.....do .....	Do.
Mesilla, Town of, Dona Ana County .....	350113	March 7, 1975, Emerg; May 28, 1985, Reg; July 6, 2016, Susp.	.....do .....	Do.
Sunland Park, City of, Dona Ana County .....	350147	N/A, Emerg; November 8, 2006, Reg; July 6, 2016, Susp.	.....do .....	Do.

\*.....do = Ditto.

Code for reading third column: Emerg. —Emergency; Reg. —Regular; Susp. —Suspension.

Dated: May 12, 2016.

**Michael M. Grimm,**

Assistant Administrator for Mitigation,  
Federal Insurance and Mitigation  
Administration, Department of Homeland  
Security, Federal Emergency Management  
Agency.

[FR Doc. 2016-12123 Filed 5-23-16; 8:45 am]

BILLING CODE 9110-12-P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 23

[Docket No. FWS-HQ-ES-2013-0052]

RIN 1018-AZ53

#### Inclusion of Four Native U.S. Freshwater Turtle Species in Appendix III of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)

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

**ACTION:** Final rule.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), are listing the common snapping turtle (*Chelydra serpentina*), Florida softshell turtle (*Apalone ferox*), smooth softshell turtle (*Apalone mutica*), and spiny softshell turtle (*Apalone spinifera*) in Appendix III of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES or Convention), including live and dead whole specimens, and all readily recognizable parts, products, and derivatives. Listing these four native U.S. freshwater turtle

species (including their subspecies, except *Apalone spinifera atra*, which is already included in Appendix I of CITES) in Appendix III of CITES is necessary to allow us to adequately monitor international trade in these species; to determine whether exports are occurring legally, with respect to State and Federal law; and to determine whether further measures under CITES or other laws are required to conserve these species and their subspecies.

**DATES:** This listing is effective November 21, 2016.

**ADDRESSES:** You may obtain information about permits for international trade in these species and their subspecies by contacting the U.S. Fish and Wildlife Service, Division of Management Authority, Branch of Permits, MS: IA, 5275 Leesburg Pike, Falls Church, VA 22041-3803; telephone: 703-358-2104 or 800-358-2104; facsimile: 703-358-2281; email: [managementauthority@fws.gov](mailto:managementauthority@fws.gov); Web site: <http://www.fws.gov/international>.

**FOR FURTHER INFORMATION CONTACT:** Craig Hoover, Chief, Division of Management Authority, U.S. Fish and Wildlife Service, MS: IA, 5275 Leesburg Pike, Falls Church, VA 22041-3803; telephone 703-358-2095; facsimile 703-358-2298. If you use a telecommunications device for the deaf (TDD), call the Federal Information Relay Service (FIRS) at 800-877-8339.

#### SUPPLEMENTARY INFORMATION:

##### Background

The Service's International Wildlife Trade Program convened a freshwater turtle workshop in St. Louis, Missouri,

in September 2010, to discuss the pressing management, regulatory, scientific, and enforcement needs associated with the harvest and trade of freshwater turtles in the United States. In response to one of the recommendations put forth at the St. Louis workshop, in November 2011, the Service hosted a workshop in Baton Rouge, Louisiana, to develop best management practices for turtle farms operating in the United States. All 16 States with turtle farms attended the 2011 workshop. Information on these workshops can be found on our Web site at <http://www.fws.gov/international/animals/freshwater-turtles.html> or from the Service's International Wildlife Trade Program (see **FOR FURTHER INFORMATION CONTACT**).

On October 30, 2014, we published in the **Federal Register** (79 FR 64553) a document proposing listing the common snapping turtle (*Chelydra serpentina*), Florida softshell turtle (*Apalone ferox*), smooth softshell turtle (*Apalone mutica*), and spiny softshell turtle (*Apalone spinifera*), including their subspecies, except *Apalone spinifera atra*, which is already included in Appendix I of CITES, in Appendix III of CITES. We accepted public comments on that proposal for 60 days, ending December 29, 2014. We have reviewed and considered all public comments we received on the proposal (see the Summary of Comments and Our Responses section, below). Our final decision reflects consideration of the information and opinions we have received.