DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Revocation of Orders of Succession for the Office of the Deputy Secretary

AGENCY: Office of the Deputy Secretary, HUD.

ACTION: Revocation of Orders of Succession.

SUMMARY: In this document, the Deputy Secretary of the Department of Housing and Urban Development rescinds all previous Orders of Succession for the Office of the Deputy Secretary.

DATES: November 13, 2017.

FOR FURTHER INFORMATION CONTACT: Office of Deputy Secretary, U.S. Department of Housing and Urban Development, 451 7th Street SW., Room 10100, Washington, DC 20410–6000, telephone (202) 402–5430. (This is not a toll-free number). Persons with hearing- or speech-impairments may access this number through TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Section A. Revocation of Orders of Succession

The Deputy Secretary of the Department of Housing and Urban Development revokes and rescinds any Orders of Succession for the Office of Deputy Secretary that was signed by a previous Deputy Secretary or Acting Deputy Secretary, including Orders of Succession published in the Federal Register or published by memorandum.

Section B. Authority Superseded

This publication supersedes all prior Orders of Succession for the Office of the Deputy Secretary, including Orders of Succession published by memorandum on January 8, 2017 and August 4, 2017.

Authority: Section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3538(d).
DEPARTMENT OF THE INTERIOR
Fish and Wildlife Service


Issuance of Import Permits for Zimbabwe Elephant Trophies Taken on or After January 21, 2016, and on or Before December 31, 2018

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Fish and Wildlife Service (Service) has made a finding that the killing of African elephant trophy animals in Zimbabwe, on or after January 21, 2016, and on or before December 31, 2018, will enhance the survival of the African elephant. Applications to import trophies hunted during this time period will be considered to have met the enhancement requirement, unless we issue a new finding based on available information. The Service may replace this finding, without any notification in the Federal Register, at any time that this finding no longer reflects the available information consistent with the regulatory requirements. In reviewing each application received for import of such specimens, the Service evaluates the information provided in the application, as well as other information available to the Service on the status of the elephant population and the management program for elephants in the country to ensure that the program is promoting the conservation of the species. Each application to import sport-hunted elephant trophies must also meet all other applicable permitting requirements before it may be authorized. This determination does not affect previous determinations by the Service regarding trophy animals taken before January 21, 2016.

DATES: This finding is made November 17, 2017.

ADDRESSES: Timothy J. Van Norman, Chief, Branch of Permits, Division of Management Authority, U.S. Fish and Wildlife Service, MS: IA, 5275 Leesburg Pike, Falls Church, VA 22041–3803; fax (703) 358–2280; or email DMAFR@fws.gov.

FOR FURTHER INFORMATION CONTACT: Timothy J. Van Norman, (703) 358–2104 (telephone); (703) 358–2280 (fax); or DMAFR@fws.gov (email).

SUPPLEMENTARY INFORMATION:

Background

The African elephant (Loxodonta africana) is listed as threatened under the Endangered Species Act of 1973, as amended (ESA or Act; 16 U.S.C. 1531 et seq.), on the List of Endangered and Threatened Wildlife in title 50 of the Code of Federal Regulations (50 CFR 17.11(h)). It is also regulated under the provisions of section 4(d) of the Act (known as a “section 4(d) rule”) with a rule found at 50 CFR 17.40(e). The section 4(d) rule includes specific requirements for the import of sport-hunted trophies. Under §17.40(e)(6)(i)(B), in order for the Service to authorize the import of a sport-hunted elephant trophy, the Service must find that the killing of the trophy animal will enhance the survival of the species in the wild (known as an “enhancement finding”).

The Zimbabwe elephant population, along with elephant populations in Botswana, Namibia, and South Africa, are also included in Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) for the exclusive purpose of allowing certain trade subject to ESA permits are required to import all African elephants from CITES Appendix I to Appendix II (66 FR 27601). We also stated that, in making the required enhancement finding for the import of sport-hunted trophies, the Service must review the status of the elephant population and the total management program for the elephant in each country to ensure the program is promoting the conservation of the species.

The preamble to the 1997 proposed rule noted that positive enhancement findings for the countries of Zimbabwe, Botswana, and Namibia had been made and would remain in effect until the Service found that the conditions of the section 4(d) rule are no longer met and published notice of a changed finding in the Federal Register. On May 18, 2001, we published a final rule again announcing decisions made at a meeting of the Conference of the Parties to CITES, including the decision to downlist the South African population of African elephants from CITES Appendix I to Appendix II (66 FR 27601). We again discussed the import requirements for African elephant sport-hunted trophies and stated that the enhancement finding for South African elephants would remain in effect until the Service found that conditions of the rule are no longer met and published notice of a changed finding in the Federal Register. The U.S. District Court for the District of Columbia, in Safari Club International, et al. v. Jewell, et al., 213 F. Supp. 3d 48 (D.D.C. Sept. 30, 2016), has held that the Service created a binding duty on itself when it stated in the preamble of the 1997 proposed rule that it would publish notice in the Federal Register before making a change in its 1997 enhancement finding for Zimbabwe, and that the Service then violated this commitment when it published the Federal Register notice on May 12, 2014, several weeks after making an interim negative enhancement finding for Zimbabwe on April 4, 2014. As remedy, the Court ordered that the effective date of the 2014 enhancement finding is the date of the Federal Register notice, May 12, 2014, meaning that trophies taken on or before May 11, 2014 were allowed to meet the enhancement requirement. We did not intend to create a legal duty to publish changed enhancement findings through these Federal Register preamble statements.

On June 6, 2016, the Service amended the African elephant section 4(d) rule (81 FR 36388). With this amendment, ESA permits are required to import all African elephant sport-hunted trophies, including those from the CITES Appendix II populations of Zimbabwe, Botswana, Namibia, and South Africa. Because all imports will be accompanied by a threatened species permit evaluated through the ESA permit application process found at 50 CFR 17.32(a), we will no longer publish...