

designated as nonattainment for the 1997 8-hour ozone NAAQS on April 6, 2015.

Attainment status designations for Illinois are found at 40 CFR 81.314. With respect to the 1997 8-hour ozone NAAQS, all areas in Illinois attained the 1997 8-hour ozone NAAQS prior to April 6, 2015. See 77 FR 25363 (April 30, 2012) and 77 FR 48062 (August 13, 2012). Since all areas in Illinois were designated as attainment or unclassifiable/attainment on April 6, 2015 for the 1997 8-hour ozone NAAQS, the anti-backsliding requirements of 40 CFR 51.165(a)(12) do not apply for the 2008 8-hour ozone NAAQS. Accordingly, Illinois' approved SIP does not contain the anti-backsliding provisions set forth in 40 CFR 51.165(a)(12).

#### IV. Proposed Action

EPA is proposing to approve Illinois' May 23, 2018 SIP revision addressing the NNSR requirements for the 2008 ozone NAAQS for the Chicago Nonattainment Area. EPA has concluded that Illinois' submission fulfills the 40 CFR 51.1114 revision requirement, meets the requirements of CAA sections 110 and 172 and the minimum SIP requirements of 40 CFR 51.165, as well as its obligations under EPA's February 3 and December 11, 2017 findings.

#### V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);

- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and

- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

The proposed rule approving Illinois' 2008 8-hour ozone NAAQS NNSR SIP revision is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: September 25, 2018.

**James Payne,**

*Acting Regional Administrator, Region 5.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 81

[EPA-R05-OAR-2018-0368; EPA-R05-OAR-2018-0556; FRL-9985-10-Region 5]

### Air Quality Designation; Illinois; Indiana; Revised Designation of Illinois and Indiana 2012 PM<sub>2.5</sub> Unclassifiable Areas

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve Illinois' May 8, 2018 request to revise the designation for the entire state of Illinois from unclassifiable to unclassifiable/attainment and Indiana's July 3, 2018 request to revise the designation for the Indiana portions of the Chicago IL-IN and Louisville KY-IN (herein referred to as Chicago and Louisville) areas from unclassifiable to unclassifiable/attainment for the 2012 primary and secondary annual fine particulate matter (PM<sub>2.5</sub>) National Ambient Air Quality Standards (NAAQS). EPA is proposing to approve these requests because valid, quality-assured, and certified ambient air monitoring data show that the PM<sub>2.5</sub> monitors in the areas are meeting the 2012 primary and secondary annual PM<sub>2.5</sub> NAAQS. This includes data from monitors in Illinois where data substitution rules have been applied consistent with applicable regulations.

**DATES:** Comments must be received on or before November 8, 2018.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R05-OAR-2018-0368 (Illinois) or EPA-R05-OAR-2018-0556 (Indiana) at <http://www.regulations.gov>, or via email to [aburano.douglass@epa.gov](mailto:aburano.douglass@epa.gov). For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*

on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.

**FOR FURTHER INFORMATION CONTACT:** Michelle Becker, Life Scientist, Attainment Planning and Maintenance Section, Air Programs Branch (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-3901, [becker.michelle@epa.gov](mailto:becker.michelle@epa.gov).

**SUPPLEMENTARY INFORMATION:**

Throughout this document whenever “we,” “us,” or “our” is used, we mean EPA. This supplementary information section is arranged as follows:

- I. Background
- II. What are the criteria for redesignating an area from unclassifiable/attainment?
- III. What is EPA’s rationale for proposing to revise the designation areas?
- IV. What action is EPA taking?
- V. Statutory and Executive Order Reviews

**I. Background**

The Clean Air Act (CAA) establishes a process for air quality management through the establishment and implementation of the NAAQS. After the promulgation of a new or revised NAAQS, EPA is required to designate areas, pursuant to section 107(d)(1) of the CAA, as attainment, nonattainment, or unclassifiable. On December 14, 2012, EPA promulgated a revised primary annual PM<sub>2.5</sub> NAAQS to provide increased protection of public health from fine particle pollution (78 FR 3086, January 15, 2013). In that action, EPA revised the primary annual PM<sub>2.5</sub> standard from 15.0 micrograms per cubic meter (µg/m<sup>3</sup>) to 12.0 µg/m<sup>3</sup>, which is attained when the 3-year average of the annual arithmetic mean concentration does not exceed 12.0 µg/m<sup>3</sup>. See also 40 CFR 50.18. EPA established the standards based on significant evidence and numerous health studies demonstrating that serious health effects are associated with exposures to fine particulate matter.

The process for designating areas following promulgation of a new or revised NAAQS is contained in section 107(d)(1) of the CAA. On January 15, 2015 (80 FR 2206) and April 7, 2015 (80 FR 18535), EPA designated areas across the country as nonattainment, unclassifiable, or unclassifiable/

attainment for the PM<sub>2.5</sub> NAAQS based upon air quality monitoring data from monitors for calendar years 2011–2013 or 2012–2014.

In the first action referenced above, EPA designated the entire state of Illinois, including the multi-state areas of Chicago, IL-IN and St. Louis, MO-IL (herein referred to as St. Louis), as unclassifiable because the ambient air quality monitoring sites lacked complete data for the relevant periods, which were from 2011–2013. Therefore, EPA could not determine, based on available information, whether those areas were meeting the 2012 PM<sub>2.5</sub> NAAQS. EPA also designated the Louisville area as nonattainment, based on monitoring data for Clark and Floyd counties for 2011–2013 showing that a monitor in Clark County had a design value above the standard.

On April 7, 2015 (80 FR 18535), EPA changed the Louisville area initial designation from nonattainment to unclassifiable. Although Indiana submitted complete, quality-assured and certified 2014 data from the Clark County monitor showing it was attaining the NAAQS, EPA noted that an air quality determination was not possible due to invalid monitoring data for neighboring Jefferson County, Kentucky.

On May 8, 2018, Illinois submitted to EPA a request to “redesignate” the State of Illinois, including the St. Louis area, from unclassifiable to unclassifiable/attainment based on three years of quality-assured, certified ambient air monitoring data for the three-year period of 2015–2017.

On July 3, 2018, Indiana submitted to EPA a request to “redesignate” the Louisville and Chicago areas from unclassifiable to unclassifiable/attainment based on three years of quality-assured, certified ambient air monitoring data for the three-year period of 2015–2017.

**II. What are the criteria for revising a designation an area from unclassifiable to unclassifiable/attainment?**

Section 107(d)(3) of the CAA provides the framework for changing the area designations for any NAAQS pollutants. Section 107(d)(3)(A) provides that the Administrator may notify the Governor of any state that the designation of an area should be revised “on the basis of air quality data, planning and control considerations, or any other air quality-related considerations the Administrator deems appropriate.” The CAA further provides in section 107(d)(3)(D) that even if the Administrator has not notified a state Governor that a designation should be revised, the

Governor of any state may, on the Governor’s own motion, submit a request to revise the designation of any area, and the Administrator must approve or deny the request.

When approving or denying a request to redesignate an area, EPA bases its decision on the air quality data for the area as well as the considerations provided under section 107(d)(3)(A). While CAA section 107(d)(3)(E) lists specific requirements for redesignations, those requirements only apply to redesignations of nonattainment areas to attainment and therefore are not applicable in this context of a revised designation of an area from unclassifiable to unclassifiable/attainment. In keeping with section 107(d)(3)(A), areas that request a revised designation to unclassifiable/attainment must meet the requirements for attainment areas and thus must meet the relevant NAAQS. The relevant monitoring data must be collected and quality-assured in accordance with 40 CFR part 58 and recorded in the EPA Air Quality System (AQS) database. The designated monitors generally should have remained at the same location for the duration of the monitoring period upon which the revised designation request is based.<sup>1</sup>

Additionally, appendix N of 40 CFR part 50 specifies the data handling conventions and computations necessary for determining when the NAAQS for PM<sub>2.5</sub> are met. Appendix N contains data substitution tests, which allow incomplete monitoring data to be considered valid in certain instances prescribed by the rules. Appendix N also provides that, when the data substitution test conditions do not apply, EPA may consider other factors, such as monitoring site closures/moves, monitoring diligence, the consistency and levels of the daily values that are available, and nearby concentrations in determining whether to use such data. See 4.1(d) of appendix N.

**III. What is EPA’s rationale for proposing to revise the designation areas?**

In order to revise the designation of an area from unclassifiable to unclassifiable/attainment for the 2012 primary and secondary annual PM<sub>2.5</sub> NAAQS, the 3-year average of annual arithmetic mean concentrations (*i.e.*, design value) over the most recent 3-year period must be less than or equal to 12.0 µg/m<sup>3</sup> at all monitoring sites in

<sup>1</sup> See Memorandum from John Calcagni, Director, EPA Air Quality Management Division, entitled “Procedures for Processing Requests to Redesignate Areas to Attainment” (September 4, 1992).

the area over the full 3-year period, as determined in accordance with 40 CFR 50.18 and appendix N of part 50. EPA reviewed PM<sub>2.5</sub> monitoring data from monitoring stations in the state of Illinois as well as the multi-state areas

of St. Louis, Chicago, and Louisville for the 2012 primary and secondary annual PM<sub>2.5</sub> NAAQS for the 3-year period of 2015–2017. These data have been quality-assured, certified, and recorded in AQS by Illinois, Indiana, Kentucky,

and Missouri. As summarized in Tables 1–4, the design values for the monitors in the areas for the 2015–2017 period are below the 2012 primary and secondary annual PM<sub>2.5</sub> NAAQS.

TABLE 1—2012 ANNUAL PM<sub>2.5</sub> DESIGN VALUES FOR MONITORS IN THE CHICAGO, IL-IN AREA FOR 2015–2017

Local site name	Monitoring site	2015–2017 design value (µg/m <sup>3</sup> )
Alsip .....	17–031–0001	9.5
Washington High School .....	17–031–0022	9.3
Mayfair Pump Station .....	17–031–0052	9.1
Springfield Pump Station .....	17–031–0057	10.2
Com Ed .....	17–031–0076	9.5
Schiller Park .....	17–031–3103	10.5
Summit .....	17–031–3301	9.7
Des Plaines .....	17–031–4007	9.4
Northbrook .....	17–031–4201	8.4
Cicero .....	17–031–6005	10.0
Naperville .....	17–043–4002	8.3
Elgin .....	17–089–0003	8.3
Aurora .....	17–089–0007	8.3
Cary .....	17–111–0001	+ 8.2
Joliet .....	17–197–1002	7.9
Braidwood .....	17–197–1011	7.9
Washington School .....	18–089–0006	9.3
Gary Water* .....	18–089–0031	9.2
Purdue Calumet Powers Building* .....	18–089–2004	8.7
Water Treatment Plant* .....	18–127–0024	8.3

\* Indiana monitor.

+ Data incomplete.

TABLE 2—2012 ANNUAL PM<sub>2.5</sub> DESIGN VALUES FOR ST. LOUIS, MO–IL MONITORS FOR 2015–2017

Local site name	Monitoring site	2015–2017 design value (µg/m <sup>3</sup> )
Jerseyville .....	17–083–0117	+ 8.8
Granite City .....	17–119–1007	9.7
Alton .....	17–119–2009	8.8
Wood River .....	17–119–3007	8.7
Houston .....	17–157–0001	8.5
East St. Louis .....	17–163–0010	9.8
Blair Street* .....	29–510–0085	8.8
South Broadway* .....	29–510–0007	8.7
Arnold West* .....	29–099–0019	9.3
Ladue* .....	29–189–3001	9.4
Forest Park* .....	29–510–0094	8.5

\* Missouri Monitor.

+ Data incomplete.

TABLE 3—2012 ANNUAL PM<sub>2.5</sub> DESIGN VALUES FOR MONITORS IN REMAINING ILLINOIS AREAS FOR 2015–2017

Local site name	Monitoring site	2015–2017 design value (µg/m <sup>3</sup> )
Champaign .....	17–019–0006	7.9
Bondville .....	17–019–1001	7.8
Knight Prairie .....	17–065–0002	8.2
Normal .....	17–113–2003	8.0
Decatur .....	17–115–0013	8.4
Peoria .....	17–143–0037	8.2
Rock Island .....	17–161–3002	8.1
Springfield .....	17–167–0012	8.2
Rockford .....	17–201–0013	8.3

TABLE 4—2012 ANNUAL PM<sub>2.5</sub> DESIGN VALUES FOR MONITORS IN THE LOUISVILLE AREA FOR 2015–2017

Local site name	Monitoring site	2015–2017 design value (µg/m <sup>3</sup> )
Jefferson PFAU *	18–019–0006	9.6
Charlestown State Park *	18–019–0008	8.0
Green Valley Elementary School *	18–043–1004	8.5
Southwick	21–111–0043	9.7
Watson Lane	21–111–0051	9.2
Cannons Lane	21–111–0067	8.6
Durrett Lane	21–111–0075	9.4

\* Indiana monitors.

There are two groups of monitoring sites with incomplete data and for which data substitution rules were applied under appendix N of 40 CFR part 50. First, Illinois had eight monitoring sites with a data capture rate below 75 percent during at least one quarter, but had valid PM<sub>2.5</sub> annual design values after applicable data substitution test conditions were applied consistent with section 4.1(c) of appendix N under 40 CFR part 50. These substitution rules were automatically applied in the EPA AQS database, and the data from these monitors all meet the 2012 PM<sub>2.5</sub> NAAQS.<sup>2</sup>

Second, Illinois had two monitoring sites, Cary (17–111–0001) and Jerseyville (17–183–0117), that had at least one calendar quarter of data capture below 75 percent and did not meet the substitution test conditions under section 4.1(c) of appendix N. Because the substitution test conditions were not applicable, EPA considered other factors under section 4.1(d) of appendix N, such as monitoring site closures/moves, the consistency of daily levels, and nearby concentrations in determining whether the data from the monitors was valid. In addition, EPA performed a substitution test similar to the test methods specified in 4.1(c). Based on consideration of these factors, EPA determined that the data from these monitors could be used and the data showed that the areas were meeting the PM<sub>2.5</sub> NAAQS, as described in the tables above. For more information regarding EPA's analyses, see the Technical Support Document titled "Evaluation of IL Monitors without valid 2017 PM<sub>2.5</sub> Design Values" (July 2, 2018).

Because the 3-year design values, based on valid, quality-assured data, demonstrate that the areas meet the

2012 primary and secondary annual PM<sub>2.5</sub> standards, EPA is proposing to revise the designations of the entire state of Illinois, and the Indiana portions of the Chicago and Louisville areas from unclassifiable to unclassifiable/attainment for this NAAQS.

#### IV. What action is EPA taking?

EPA is proposing to approve Illinois' May 8, 2018 request to revise the designation of the entire state from unclassifiable to unclassifiable/attainment as well as Indiana's July 3, 2018 request to revise the designation of the Indiana portions of the Louisville and Chicago areas for the 2012 primary and secondary annual PM<sub>2.5</sub> NAAQS. If finalized, approval of the revised designations requests would change the legal designation, found at 40 CFR part 81, for the state of Illinois and the Indiana counties of Lake, Porter, Clark, and Floyd from unclassifiable to unclassifiable/attainment for the 2012 primary and secondary annual PM<sub>2.5</sub> NAAQS.

#### V. Statutory and Executive Order Reviews

Under the CAA the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory

action because SIP approvals are exempted under Executive Order 12866;

- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

<sup>2</sup> AQS contains ambient air pollution data collected by EPA, state, local, and tribal air pollution control agencies from over thousands of monitors and is used to assess air quality, assist in attainment/non-attainment designations, evaluate SIPs for non-attainment areas, and perform modeling for permit review analysis.

**List of Subjects in 40 CFR Part 81**

Environmental protection, Air pollution control, Particulate matter.

Dated: September 25, 2018.

**James Payne,**

*Acting Regional Administrator, Region 5.*

[FR Doc. 2018–21878 Filed 10–5–18; 8:45 am]

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**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****50 CFR Part 17**

[Docket No. FWS–R4–ES–2018–0043; 4500030113]

RIN 1018–BD13

**Endangered and Threatened Wildlife and Plants; Threatened Species Status for Black-Capped Petrel With a Section 4(d) Rule**

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

**ACTION:** Proposed rule.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), propose to list the black-capped petrel (*Pterodroma hasitata*), a pelagic seabird species that nests on the island of Hispaniola and forages off the coast of the eastern United States, as a threatened species under the Endangered Species Act of 1973, as amended (Act). If we finalize this rule as proposed, it would extend the Act's protections to this species. We are also proposing a rule issued under section 4(d) of the Act to provide for the conservation of this species. We have determined that designation of critical habitat for the black-capped petrel is not prudent at this time, but are seeking public comment on that determination.

**DATES:** We will accept comments received or postmarked on or before December 10, 2018. Comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES**, below) must be received by 11:59 p.m. Eastern Time on the closing date. We must receive requests for public hearings, in writing, at the address shown in **FOR FURTHER INFORMATION CONTACT** by November 23, 2018.

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

(1) *Electronically:* Go to the Federal eRulemaking Portal: <http://www.regulations.gov>. In the Search box, enter FWS–R4–ES–2018–0043, which is the docket number for this rulemaking. Then, click on the Search button. On the resulting page, in the Search panel on

the left side of the screen, under the Document Type heading, click on the Proposed Rule box to locate this document. You may submit a comment by clicking on “Comment Now!”

(2) *By hard copy:* Submit by U.S. mail or hand-delivery to: Public Comments Processing, Attn: FWS–R4–ES–2018–0043; U.S. Fish and Wildlife Service, MS: BPHC, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

We request that you send comments only by the methods described above. We will post all comments on <http://www.regulations.gov>. This generally means that we will post any personal information you provide us (see Information Requested, below, for more information).

**FOR FURTHER INFORMATION CONTACT:**

Edwin Muñiz, Field Supervisor, U.S. Fish and Wildlife Service, Caribbean Ecological Services Field Office, P.O. Box 491, Road 301 Km 5.1, Boquerón, PR; telephone 787–851–7297. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service at 800–877–8339.

**SUPPLEMENTARY INFORMATION:****Information Requested**

We intend that any final action resulting from this proposed rule will be based on the best scientific and commercial data available and be as accurate and as effective as possible. Therefore, we request comments or information from other concerned governmental agencies, Native American tribes, the scientific community, industry, or any other interested parties concerning this proposed rule. Because we will consider all comments and information we receive during the comment period, our final determination may differ from this proposal. We particularly seek comments concerning:

(1) The black-capped petrel's biology, range, and population trends, including:

- (a) Biological or ecological requirements of the species, including habitat requirements for feeding, breeding, and sheltering that apply to both the foraging and nesting areas;
- (b) Genetics and taxonomy;
- (c) Historical and current range, including distribution patterns;
- (d) Historical and current population levels, and current and projected trends; and
- (e) Past and ongoing conservation measures for the species, its habitat, or both.

(2) Factors that may affect the continued existence of the species, which may include habitat modification or destruction, overutilization, disease,

predation, the inadequacy of existing regulatory mechanisms, or other natural or manmade factors on both the nesting and foraging grounds and migratory routes, including:

- (a) Impacts to prey species;
  - (b) Predicted changes in the Gulf Stream current due to climate change;
  - (c) Impacts from offshore and coastal lighting;
  - (d) Impacts from offshore oil and gas exploration, development, production, and operations; and
  - (e) Impacts from offshore wind energy operations.
- (3) Biological, commercial trade, or other relevant data concerning any threats (or lack thereof) to this species and existing regulations that may be addressing those threats.
- (4) Additional information concerning the historical and current status, range, distribution, and population size of this species, including confirmed locations of any additional populations of this species.
- (5) Information on nesting sites on the islands of Cuba or Dominica, or other Caribbean islands.
- (6) Information concerning activities that should be considered under a rule issued in accordance with section 4(d) of the Act (16 U.S.C. 1531 *et seq.*) as a prohibition or exemption within U.S. territory that would contribute to the conservation of the species.

(7) The reasons why we should or should not designate habitat as “critical habitat” under section 4 of the Act, including whether there are threats to the species from human activity, the degree of which can be expected to increase due to the designation, and whether a designation could increase threats to the species such that the designation of critical habitat may not be prudent. We specifically request information on foraging habitat for the petrel, the only habitat located within U.S. jurisdiction, and its relationship to the biological needs of the species, to help us determine whether such habitat meets the definition of critical habitat under the Act.

You may submit your comments and materials concerning this proposed rule by one of the methods listed in **ADDRESSES**. We request that you send comments only by the methods described in **ADDRESSES**.

Please include sufficient information with your submission (such as scientific journal articles or other publications) to allow us to verify any scientific or commercial information you include. All comments submitted electronically via <http://www.regulations.gov> will be presented on the website in their entirety as submitted. For comments