

Service's Endangered Species Web site at <http://www.fws.gov/endangered/recovery/index.html>.

**FOR FURTHER INFORMATION CONTACT:** Ms. Robyn Niver, U.S. Fish and Wildlife Service, at the above address or by telephone at 607-753-9334.

**SUPPLEMENTARY INFORMATION:**

**Background**

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 the Service's endangered species program. To help guide the recovery effort, the Service is working to prepare recovery plans for most of the Federally listed species native to the United States. Recovery plans describe actions necessary for the conservation of the species, establish criteria which, when met, would result in a determination that the species no longer needs the protection of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act), and provide estimates of the time and cost for implementing the needed recovery measures.

The Act requires recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act, as amended in 1988, requires that public notice and opportunity for public review and comment be provided during recovery plan development. A final rule listing the Chittenango ovate amber snail (*Novisuccinea chittenangoensis*) as threatened was published in the **Federal Register** on July 3, 1978 (43 FR 28932), and became effective on August 2, 1978. The initial recovery plan for the species was completed in March 1983 (Riexinger, P., J. Proud, T. Lyons, and D. Sulitka. 1983. Chittenango ovate amber snail recovery plan. Region 5, U.S. Fish and Wildlife Service Report, in cooperation with the Chittenango Ovate Amber Recovery Team. March 24, 1983). A draft recovery plan revision was prepared and issued for the species in 2003.

Issuance of the draft revised plan included a notice of availability and opportunity for public comment (68 FR 68102, December 5, 2003) and other public notification efforts. Pertinent information received by the Service during the public comment period has been considered in preparation of the final revised recovery plan and is summarized in an appendix to the plan. This information will also be taken into account in the course of implementing recovery actions. In addition, new information on population status and

genetics that has become available since publication of the draft in 2003 has informed the final plan with a better understanding of the snail's distribution within its sole population, and has alleviated concerns about possible hybridization between *Novisuccinea chittenangoensis* and an introduced snail occupying the same habitat. The new information has resulted in only a slight shift in the recovery strategy for this species, which continues to be highly imperiled.

Since its discovery in 1905, only one extant *N. chittenangoensis* colony has been verified, from a site within the Chittenango Falls State Park in Madison County, New York. The Chittenango ovate amber snail is a terrestrial species that requires the cool, mild-temperature, moist conditions provided by the waterfalls and mist in its environment. Its habitat lies within a ravine at the base of a 167-foot waterfall, and the ledges where it is found comprise an early successional sere that is periodically rejuvenated to a bare substrate by floodwaters. The species requires a substrate rich in calcium carbonate and appears to prefer green vegetation such as the various mosses, liverworts, and other low herbaceous vegetation found within the spray zone adjacent to the falls. Clean water may be necessary to maintain essential habitat, although water quality may have only an indirect effect on the snail.

The Chittenango ovate amber snail was listed due to its rarity and population decline. Since listing, habitat protection and captive propagation measures have been implemented. Unfortunately, the captive propagation efforts to date have been unsuccessful, and the species' status remains exceedingly precarious. The primary continuing threats to the snail are its small population size and limited distribution as well as an undefined negative interaction with an introduced snail, *Succinea* sp. B. Additionally, potential threats persist from habitat changes and inadvertent human disturbance.

The final revised recovery plan includes updated scientific information about the Chittenango ovate amber snail and identifies research and management actions needed to conserve and recover species within its ecosystem. The recovery goal for the snail is to achieve long-term viability of the species in the wild, thereby allowing it to be taken off the Federal List of Endangered and Threatened Wildlife. The initial recovery objective is to stabilize the extant population at Chittenango Falls. Two necessary conditions for stabilization are maintaining (or

increasing) the baseline population size of the natural colony and maintaining multiple captive populations of *N. chittenangoensis*. Achievement of the first condition will entail habitat management planning and research into the species' biological requirements and possible means of controlling the competing *Succinea* sp. B. In addition to securing the in situ conditions necessary to stabilize the natural population, captive propagation should be reinitiated in accordance with a newly established propagation protocol to safeguard against extinction of this species.

If and when stabilization of the extant *N. chittenangoensis* population at Chittenango Falls has been achieved, progress toward full recovery of the species can commence. This will include augmentation of the population at the Falls, searching for other possible extant populations, long-term maintenance of captive populations, and investigating the feasibility of initiating a population of *N. chittenangoensis* at an alternative location. The plan includes criteria for determining when the objectives of stabilization and full recovery have been met.

**Author:** Mary Parkin, Recovery Coordinator, Endangered Species Program, Fish and Wildlife Service, Region 5.

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

Dated: July 27, 2006.

**Michael G. Thabault,**

*Acting Regional Director, Region 5, U.S. Fish and Wildlife Service.*

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree under the Clean Water Act

Under 28 CFR 50.7, notice is hereby given that on August 15, 2006, a proposed Consent Decree ("Decree") in *United States and Commonwealth of Kentucky, Environmental and Public Protection Cabinet v. Mid-Valley Pipeline Company, Sunoco Pipeline L.P., and Sun Pipe Line Company*, Civil Action No. 06-57-KKC, was lodged with the United States District Court for the Eastern District of Kentucky.

In this action, the United States alleged Clean Water Act ("CWA") violations arising from two spills of crude oil from the Mid-Valley Pipeline (MVPL). In the Complaint, the United

States asserts CWA claims for penalties and injunctive relief, and the Kentucky Cabinet asserts claims for penalties and costs under Kentucky Revised Statutes Chapter 224 and related Kentucky Administrative Regulations, against MVPL owner Mid-Valley Pipeline Company ("Mid-Valley") and MVPL operator Sunoco Pipeline L.P. ("SPLP"), for the spill of 6,251 barrels of crude oil on January 26, 2005, in Owen County, Kentucky, into the Kentucky and Ohio Rivers. In addition, the United States asserts a CWA claim against Mid-Valley and then-operator Sun Pipe Line Company ("Sun") for the spill of 1,500 barrels of crude oil on November 24, 2000, in Claiborne Parish, Louisiana, into Campit Lake. With respect to the Kentucky spill, the Decree provides for Mid-Valley and SPLP to pay a \$2.57 million civil penalty (\$1.4 million to the United States, and \$1.17 million to the Cabinet), pay for a state environmental project at a cost of \$230,000, perform injunctive relief related to enhancement of spill response preparation, and reimburse the Kentucky Cabinet for certain billed response costs. With respect to the November 2000 Louisiana discharge of 1,500 barrels, Mid-Valley and operator Sun are to pay a federal civil penalty of \$300,000.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States and Commonwealth of Kentucky, Environmental and Public Protection Cabinet v. Mid-Valley Pipeline Company, Sunoco Pipeline L.P., and Sun Pipe Line Company*, D.J. Ref. 90-5-1-1-07957.

The Decree may be examined at the Office of the United States Attorney, Eastern District of Kentucky, 110 West Vine Street, Suite 400, Lexington, KY 40507-1671; at U.S. EPA Region 4, 61 Forsyth Street, SW., Atlanta, GA 30303-8960; and at U.S. EPA Region 6, 1445 Ross Avenue, Suite 1200, Dallas, TX 75202-2733. During the public comment period, the Decree may also be examined on the following Department of Justice Web site, [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). A copy of the Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611 or by faxing or e-mailing a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax no. (202) 514-0097, phone

confirmation number (202) 514-1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$8.25 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**Henry S. Friedman,**

*Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

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## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### Importer of Controlled Substances; Notice of Application

Pursuant to 21 U.S.C. 958(i), the Attorney General shall, prior to issuing a registration under this Section to a bulk manufacturer of a controlled substance in Schedule I or II and prior to issuing a regulation under 21 U.S.C. 952(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with 21 CFR 1301.34(a), this is notice that on January 20, 2006, Sigma Aldrich Manufacturing LLC., Subsidiary of Sigma-Aldrich Company, 3500 Dekalb Street, St. Louis, Missouri 63118, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as an importer of the basic classes of controlled substances listed in Schedule I and II:

Drug	Schedule
Cathinone (1235) .....	I
Methcathinone (1237) .....	I
Aminorex (1585) .....	I
Gamma Hydroxybutyric Acid (2010) .....	I
Methaqualone (2565) .....	I
Ibogaine (7260) .....	I
Lysergic acid diethylamide (7315) .....	I
Marihuana (7360) .....	I
Tetrahydrocannabinols (7370) .....	I
Mescaline (7381) .....	I
4-Bromo-2,5-dimethoxyamphetamine (7391) .....	I
4-Bromo-2,5-dimethoxyphenethylamine (7392) .....	I
4-Methyl-2,5-dimethoxyamphetamine (7395) .....	I
2,5-Dimethoxyamphetamine (7396) .....	I
3,4-Methylenedioxyamphetamine (7400) .....	I
N-Hydroxy-3,4-methylenedioxyamphetamine (7402) .....	I

Drug	Schedule
3,4-Methylenedioxy-N-ethylamphetamine (7404) .....	I
3,4-Methylenedioxymethamphetamine (MDMA) (7405) .....	I
4-Methoxyamphetamine (7411) .....	I
Bufotenine (7433) .....	I
Diethyltryptamine (7434) .....	I
Dimethyltryptamine (7435) .....	I
Psilocybin (7437) .....	I
Psilocyn (7438) .....	I
N-Ethyl-1-phenylcyclohexylamine (7455) .....	I
N-Benzylpiperazine (BZP) (7493) .....	I
Trifluoromethylphenyl Piperazine (7494) .....	I
Heroin (9200) .....	I
Normorphine (9313) .....	I
Etonitazene (9624) .....	I
Amphetamine (1100) .....	II
Methamphetamine (1105) .....	II
Methylphenidate (1724) .....	II
Amobarbital (2125) .....	II
Pentobarbital (2270) .....	II
Secobarbital (2315) .....	II
Glutethimide (2550) .....	II
Nabilone (7379) .....	II
Phencyclidine (7471) .....	II
Cocaine (9041) .....	II
Codeine (9050) .....	II
Diprenorphine (9058) .....	II
Oxycodone (9143) .....	II
Hydromorphone (9150) .....	II
Diphenoxylate (9170) .....	II
Ecgonine (9180) .....	II
Ethylmorphine (9190) .....	II
Hydrocodone (9193) .....	II
Levorphanol (9220) .....	II
Meperidine (9230) .....	II
Methadone (9250) .....	II
Dextropropoxyphene, bulk (non-dosage forms) (9273) .....	II
Morphine (9300) .....	II
Thebaine (9333) .....	II
Opium powdered (9639) .....	II
Oxymorphone (9652) .....	II
Fentanyl (9801) .....	II

The company plans to import the listed controlled substances for sale to research facilities for drug testing and analysis.

Any manufacturer who is presently, or is applying to be, registered with DEA to manufacture such basic classes of controlled substances may file comments or objections to the issuance of the proposed registration and may, at the same time, file a written request for a hearing on such application pursuant to 21 CFR 1301.43 and in such form as prescribed by 21 CFR 1316.47.

Any such written comments or objections being sent via regular mail should be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537, Attention: DEA Federal Register Representative/ODL; or any being sent via express mail should