

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

[Docket No. FR-5851-N-02]

**Rental Assistance Demonstration (RAD)—Alternative Requirements or Waivers: Waiving the Minimum Rent and Security Deposit Requirements for the Housing Authority of Baltimore City's Specified RAD Projects****AGENCY:** Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.**ACTION:** Notice.

**SUMMARY:** The Rental Assistance Demonstration (RAD) statute gives HUD authority to establish waivers and alternative requirements. This notice advises that HUD is waiving, for the Housing Authority of Baltimore City (HABC), minimum rent and security deposit requirements governing project-based assistance with respect to an identified portfolio that includes projects converting assistance under RAD. These waivers are necessary to ensure that HABC can successfully operate these properties in accordance with the terms and conditions required under a consent decree from a fair housing case. Without these waivers, HABC would not be able to effectively operate the converted properties, as they have been operated under the consent decree, after their conversion under the RAD program.

**DATES:** *Effective Date:* September 3, 2015.

**FOR FURTHER INFORMATION CONTACT:** Thomas R. Davis, Director, Office of Recapitalization, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410-7000; telephone number 202-708-0001 (this is not a toll-free number). Hearing- and speech-impaired persons may access these numbers through TTY by calling the Federal Relay Service at 800-877-8339 (this is a toll-free number).

**SUPPLEMENTARY INFORMATION:****Background and Action**

On July 2, 2013, HUD issued PIH Notice 2012-32 Rev-1 (as corrected by the technical correction issued February 6, 2014) ("RAD Notice Rev-1"), which superseded PIH Notice 2012-32. RAD Notice Rev-1 is found at the following URL: <http://portal.hud.gov/hudportal/documents/huddoc?id=pih2012-32rev1.pdf>. RAD Notice Rev-1, at section 1.9, paragraph F, entitled "Portfolio Awards," also sets forth a new option of a "portfolio award," which allows public housing agencies

(PHAs) to apply for RAD conversions affecting a group of projects. This type of award is meant to enable PHAs to create a comprehensive revitalization plan for multiple buildings they oversee. HABC has submitted an application for a portfolio award under RAD, and seeks to convert assistance from public housing to Section 8 Project-Based Rental Assistance (PBRA). While HUD has published a second revision of the RAD Notice (PIH Notice 2012-32 Rev-2), HABC has applied for a portfolio award under the terms and conditions of RAD Notice Rev-1.

The RAD statute (Pub. L. 112-55, approved November 18, 2011, as amended)<sup>1</sup> gives HUD authority to waive or specify alternative requirements for various provisions of the law upon a finding that such waivers or alternative requirements are necessary for the effective conversion of assistance under RAD. In order to utilize this authority, the RAD statute requires HUD to publish by notice in the **Federal Register** any waiver or alternative requirement, no later than 10 days before the effective date of such notice. This notice meets this publication requirement.

HABC is subject to certain restrictions on their programs pursuant to *Bailey v. Housing Authority of Baltimore City* and subsequent extensions, amendments, and other agreements with the plaintiffs of such case and the Department of Justice (collectively referred to herein as the "Bailey Consent Decree"). In order for the covered project to comply with the Bailey Consent Decree requirements, residents of the projects for which HABC intends to convert assistance under RAD must retain the rights, privileges, and benefits that are provided to public housing residents. The PBRA regulations relating to minimum rent and security deposit payments differ from public housing requirements. 24 CFR 5.630(a)(3) establishes a minimum rent requirement of \$25 for the PBRA program. 24 CFR 880.608(a) mandates that the owner of the converted unit require each family to pay a security deposit in an amount "equal to one month's Total Tenant Payment or \$50, whichever is greater."

Therefore, in order to continue its compliance with the Bailey Consent Decree, HABC has requested, and HUD

<sup>1</sup> The RAD statutory requirements were amended by the Consolidated Appropriations Act, 2014 (Pub. L. 113-76, signed January 17, 2014) (2014 Appropriations Act) and the Consolidated and Further Continuing Appropriations Act, 2015 (Pub. L. 113-235, signed December 16, 2014) (2015 Appropriations Act). The statutory provisions of the 2012 Appropriations Act pertaining to RAD, as amended, are referred to as the RAD Statute in this notice.

has granted, alternative requirements to the regulations above to permit a minimum rent amount of \$0 and to allow the owners of units with converted assistance the ability to require each family to pay a security deposit equal to the lesser of either one month's rent or \$50. HUD has determined that the requested waivers and alternative requirements are necessary for the effective conversion of assistance under RAD of the properties contemplated under the HABC portfolio award.

Dated: August 13, 2015.

**Edward L. Golding,***Principal Deputy Assistant, Secretary for Housing.*

Approved on August 14, 2015.

**Nani A. Coloretti,***Deputy Secretary.*

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**BILLING CODE P****DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****[FWS-R8-ES-2015-N138; FXES11130000-156-FF08E00000]****Endangered and Threatened Wildlife and Plants; Recovery Plans for the Pallid Manzanita and the Baker's Larkspur****AGENCY:** Fish and Wildlife Service, Interior.**ACTION:** Notice of availability of documents.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, announce the availability of final recovery plans for two plants, the pallid manzanita and the Baker's larkspur. The recovery plan for pallid manzanita includes recovery objectives and criteria, and specific actions necessary to achieve removal of the species from the Federal Lists of Endangered and Threatened Wildlife and Plants. The recovery plan for Baker's larkspur includes downlisting objectives and criteria, and specific actions necessary to reclassify the species from endangered to threatened on the Federal Lists of Endangered and Threatened Wildlife and Plants.

**ADDRESSES:** You may obtain copies of the recovery plans from our Web site at <http://www.fws.gov/endangered/species/recovery-plans.html>. Alternatively, you may contact the Sacramento Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2800 Cottage Way, Suite W-2605, Sacramento, CA 95825 (telephone 916-414-6700).

**FOR FURTHER INFORMATION CONTACT:** Jennifer Norris, Field Supervisor, at the above street address or telephone number (see **ADDRESSES**).

**SUPPLEMENTARY INFORMATION:**

**Background**

Recovery of endangered or threatened animals and plants to the point where they are again secure, self-sustaining members of their ecosystems is a primary goal of our endangered species program and the Endangered Species Act of 1973, as amended (Act; 16 U.S.C. 1531 *et seq.*). Recovery means improvement of the status of listed species to the point at which listing is no longer appropriate under the criteria specified in section 4(a)(1) of the Act. The Act requires the development of recovery plans for listed species, unless such a plan would not promote the conservation of a particular species.

The purpose of a recovery plan is to provide a framework for the recovery of species so that protection under the Act is no longer necessary. A recovery plan includes scientific information about the species and provides criteria that enable us to gauge whether downlisting or delisting the species may be warranted. Furthermore, recovery plans help guide our recovery efforts by describing actions we consider necessary for each species' conservation and by estimating time and costs for implementing needed recovery measures.

Section 4(f) of the Act requires us to provide an opportunity for public review and comment prior to finalization of recovery plans, including revisions to such plans. We made the draft recovery plan for pallid manzanita available for public comment from March 3, 2014, through June 2, 2014 (79 FR 11816). We made the draft recovery plan for Baker's larkspur available for public comment from January 13, 2015, through March 16, 2015 (80 FR 1659). We did not receive comments during the public comment periods for either of the draft recovery plans.

**Recovery Plan for Pallid Manzanita (*Arctostaphylos pallida*)**

*Species' History*

We listed pallid manzanita throughout its entire range on April 22, 1998 (63 FR 19842). The species is endemic to the San Francisco East Bay, and currently consists of two naturally occurring populations and an out-planted population, totaling 1,353 mature plants. Pallid manzanita requires frequent summertime fog, and, as a component of the maritime chaparral vegetation type, it occurs on relatively

cool, moist, and stable sites in close proximity to the San Francisco Bay. It is highly shade intolerant and adapted to a particular fire regime. The species requires fire for natural seed germination; however, too frequent a fire regime, one that depletes the soil seed bank before enough seeds have become deeply buried enough in the soil to withstand fire, represents a significant threat to the species. Approximately one-third of all plants occur within the backyards of homeowners, and almost all individuals occur in close proximity to human-built structures. These plants represent an extreme wildfire hazard to human-built structures, and have been targeted for removal to reduce the threat of wildfire. Finally, an incurable and virulent nonnative pathogen, *Phytophthora cinnamomi*, has been identified as killing pallid manzanita plants at two locations.

*Recovery Plan Goals*

The ultimate goal of this recovery plan is to recover pallid manzanita so that it can be delisted. To meet the recovery goal, the following objectives have been identified:

1. Minimize the spread of *Phytophthora cinnamomi*.
2. Treat stands infected with *Phytophthora cinnamomi*.
3. Manage native and nonnative vegetation that shades pallid manzanita.
4. Expand existing stands.
5. Establish additional stands.
6. Ensure stands are protected from incompatible uses and incompatible wildfire fuels-reduction activities.

As pallid manzanita meets reclassification and recovery criteria, we will review its status and consider it for removal from the Federal Lists of Endangered and Threatened Wildlife and Plants.

**Recovery Plan for Baker's Larkspur (*Delphinium bakeri*)**

*Species' History*

We listed Baker's larkspur throughout its entire range on January 26, 2000 (65 FR 4156). The species is endemic to Marin and Sonoma Counties, California, and is currently known from one small historical occurrence along Marshall-Petaluma Road in west Marin County. The remaining historical occurrence of Baker's larkspur occurs on decomposed shale in the mixed woodland plant community at an elevation range of 295 feet (ft) (90 meter (m)) to 672 ft (205 m) in moderately moist, shaded conditions on a shallow veneer of soil along an extensive north-facing slope. These habitat requirements limit the

availability of suitable reintroduction sites with appropriate habitat conditions and compatible land use. Although habitat conversion and road maintenance were historically responsible for decreasing numbers, those threats have been curtailed. Because of the extreme range restriction of this already-narrow endemic, and its small population size, the plant is highly vulnerable to extinction from random events, including wildfire, herbivory, disease and pest outbreaks, and human disturbance.

*Recovery Plan Goals*

The goal of this recovery plan is to improve the status of Baker's larkspur so that it can be downlisted. Due to the current lack of information about the species' biology and habitat requirements, the magnitude of current threats, and the precarious environment where the single historical population of the species persists, we are unable to determine appropriate delisting criteria; therefore, we focus on meeting the goal of downlisting. To meet the recovery goal of downlisting, the following objectives have been identified:

1. Expand the existing populations of Baker's larkspur and establish additional self-sustaining populations of Baker's larkspur throughout its known ecological and geographical range, while preserving extant genetic diversity.
2. Ensure existing and future populations are protected from incompatible uses, such as road maintenance.
3. Reduce herbivory by slugs, snails, and gophers to the point that it does not affect the species at a population level.

As Baker's larkspur meets reclassification criteria, we will review its status and consider it for downlisting on the Federal Lists of Endangered and Threatened Wildlife and Plants.

**Authority**

We developed our recovery plan under the authority of section 4(f) of the Act, 16 U.S.C. 1533(f). We publish this notice under section 4(f) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

**Polly Wheeler,**

*Acting Regional Director, Pacific Southwest Region.*

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