

the comments may not be provided to or considered by the Board until a later date. The DFO will compile all timely submissions with the Board's Chair and ensure such submissions are provided to Board Members before the meeting.

Dated: May 13, 2020.

**Aaron T. Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

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**BILLING CODE 5001-06-P**

## DEPARTMENT OF DEFENSE

### Department of the Army, Corps of Engineers

#### National Wetland Plant List

**AGENCY:** Army Corps of Engineers, DoD.

**ACTION:** Notice.

**SUMMARY:** The U.S. Army Corps of Engineers (Corps), as part of an interagency effort with the U.S. Environmental Protection Agency (EPA), the U.S. Fish and Wildlife Service (FWS) and the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS), is announcing the availability of the final 2018 National Wetland Plant List (NWPL). The NWPL provides plant species indicator status ratings, which are used in determining whether the hydrophytic vegetation factor is met when conducting wetland delineations under the Clean Water Act and wetland determinations under the Wetland Conservation Provisions of the Food Security Act. Other applications of the NWPL include wetland restoration, establishment, and enhancement projects. The list will become effective on May 18, 2020 and will be used in any wetland delineations performed after this date. Delineations completed prior to this date may still use the 2016 NWPL. Completed wetland delineation/determination forms should reference the version of the NWPL used to complete the form.

**DATES:** The 2018 NWPL will become effective on May 18, 2020.

**ADDRESSES:** U.S. Army Corps of Engineers, Attn: CECW-CO-R, 441 G Street NW, Washington, DC 20314-1000.

**FOR FURTHER INFORMATION CONTACT:** Brianne McGuffie, Headquarters, U.S. Army Corps of Engineers, Operations and Regulatory Community of Practice, Washington, DC 20314-1000, by phone at 202-761-4750 or by email at [brianne.e.mcguffie@usace.army.mil](mailto:brianne.e.mcguffie@usace.army.mil).

**SUPPLEMENTARY INFORMATION:**

### Background

The U.S. Army Corps of Engineers (Corps) administers the National Wetland Plant List (NWPL) for the United States (U.S.) and its territories. Responsibility for the NWPL was transferred to the Corps from the U.S. Fish and Wildlife Service (FWS) in 2006. The NWPL has undergone several revisions since its inception in 1988. Additions or deletions to the NWPL represent new records, range extensions, nomenclatural and taxonomic changes, and newly proposed species. The latest review process began in 2018 and included review by Regional Panels (RPs), the National Panel (NP), and the public, who provided input on changes to the wetland indicator status of 20 species and 37 individual ratings. The proposed indicator changes were announced in a **Federal Register** Notice, 84 FR 26824, June 10, 2019, with the comment period ending on August 9, 2019. Two comments were received during that time.

### Wetland Indicator Status Ratings

On the NWPL, there are five categories of wetland indicator status ratings, used to indicate a plant's likelihood for occurrence in wetlands versus non-wetlands: Obligate Wetland (OBL), Facultative Wetland (FACW), Facultative (FAC), Facultative Upland (FACU), and Upland (UPL). These rating categories are defined by the NP as follows: OBL—almost always occur in wetlands; FACW—usually occur in wetlands, but may occur in non-wetlands; FAC—occur in wetlands and non-wetlands; FACU—usually occur in non-wetlands, but may occur in wetlands; UPL—almost always occur in non-wetlands. These category definitions are qualitative descriptions that better reflect the qualitative supporting information, rather than numeric frequency ranges. The percentage frequency categories used in the older definitions are only used for testing problematic or contested species being recommended for indicator status changes. Plus and minus designations and wetland indicator designations such as No Indicator (NI), No Occurrence (NO), and No Agreement (NA) were removed in 2012 and are no longer used on the NWPL. More information on the specifics of how to use these ratings is available on the NWPL website at <http://wetland-plants.usace.army.mil/>.

The NWPL is utilized in conducting wetland determinations under the authority of the Food Security Act of 1985 (16 U.S.C. 3801 *et seq.*) and wetland delineations under the authority of Section 404 of the Clean

Water Act (33 U.S.C. 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 401 *et seq.*). For the purposes of determining how often a species occurs in wetlands, wetlands are defined as either (1) those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions (33 CFR 328.3) or (2) “except when such term is part of the term ‘converted wetland,’ means land that has a predominance of hydric soils; is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and under normal circumstances does support a prevalence of such vegetation.” (16 U.S.C. 3801(a)(27) and 7 CFR 12.2). Wetlands are identified using the three-factor approach. Because each species being evaluated occurs as part of a vegetation assemblage, examining the other species present in relation to their assigned wetland fidelity may be useful in assessing hydrophytic vegetation.

### Discussion of Public Comments

For the 2018 NWPL update, the NWPL NP and RPs reviewed proposed wetland rating changes or additions for 20 species and 37 regional ratings (some species were reviewed for multiple regions) submitted by the general public. Eight of these species were proposed for addition to the NWPL, and 12 species were submitted for a rating change request in one or more regions. Submitted information was reviewed by the NP and RPs, and proposed 2018 ratings for these species were determined. Along with soliciting information on the species being evaluated, we also solicited comments on the overall NWPL process. This information was detailed in the **Federal Register** Notice, 84 FR 26824, June 10, 2019 and is provided in the table below.

In response to the initial **Federal Register** notice, two comments were received, each relating to a particular species: One recommending *Epilobium brachycarpum* to be FACU in the Arid West and one recommending *Hymenocallis occidentalis* to be “OBL, or FACW at a minimum” in the Atlantic and Gulf Coastal Plain and Great Plains. These recommendations were reviewed by the NWPL Regional Panels and National Panel, along with literature, specimen collection data, and professional experience and final ratings determined: FAC for *Epilobium*

*brachycarpum* (as originally proposed) and FACW for *Hymenocallis occidentalis* (FACW in the Great Plains and OBL in the Atlantic and Gulf Coastal Plain on the 2016 NWPL). Received comments, responses to those comments, and final ratings are detailed in the decision document. Three species

were removed from this update. *Bassia hyssopifolia* and *Pycnanthemum muticum* were removed because in both cases, the requested indicator for the requested region, FACU in the Arid West and FAC in the Eastern Mountains and Piedmont, respectively, was already the existing indicator on the 2016

NWPL. *Pleopeltis polypodioides* is an epiphyte and upon additional review of its epiphytic nature and the position of epiphytes on the NWPL (Lichvar and Fertig 2011), it was determined that it should be removed from the NWPL.

SPECIES REVIEWED FOR NWPL 2018 UPDATE

Species	Region	2016 NWPL rating	Proposed 2018 NWPL rating	Final 2018 NWPL rating
<i>Aristida palustris</i>	AGCP	NOL *	FACW	FACW.
<i>Artemisia dracunculus</i>	AW	NOL	FACU	FACU.
<i>Artemisia dracunculus</i>	WMVC	NOL	FACU	FACU.
<i>Bromus nottowanus</i>	MW	NOL	FACU	FACU.
<i>Bromus nottowanus</i>	NCNE	NOL	FACU	FACU.
<i>Delairea odorata</i>	AW	NOL	FAC	FAC.
<i>Delairea odorata</i>	WMVC	NOL	FAC	FAC.
<i>Dichanthelium wrightianum</i>	AGCP	NOL	FACW	FACW.
<i>Epilobium brachycarpum</i>	AW	NOL	FAC	FAC.
<i>Epilobium brachycarpum</i>	WMVC	NOL	FAC	FAC.
<i>Hymenocallis latifolia</i>	AGCP	FACW	FACU	FACU.
<i>Hymenocallis latifolia</i>	CB	FACW	FACU	FACU.
<i>Hymenocallis occidentalis</i>	AGCP	OBL	FAC	FACW.
<i>Hymenocallis occidentalis</i>	EMP	OBL	FAC	FAC.
<i>Hymenocallis occidentalis</i>	GP	FACW	FAC	FACW.
<i>Hymenocallis occidentalis</i>	MW	OBL	FAC	FAC.
<i>Ilex opaca</i>	AGCP	FAC	FAC	FAC.
<i>Iva axillaris</i>	AW	FAC	FACU	FACU.
<i>Iva axillaris</i>	WMVC	FAC	FACU	FACU.
<i>Liriodendron tulipifera</i>	AGCP	FACU	FACU	FACU.
<i>Liriodendron tulipifera</i>	EMP	FACU	FACU	FACU.
<i>Penstemon rydbergii</i>	AW	FACU	FACU	FACU.
<i>Penstemon rydbergii</i>	WMVC	FACU	FACU	FACU.
<i>Polymnia canadensis</i>	EMP	NOL	FACU	FACU.
<i>Polymnia canadensis</i>	MW	NOL	FACU	FACU.
<i>Polymnia canadensis</i>	NCNE	NOL	FACU	FACU.
<i>Quercus michauxii</i>	AGCP	FACW	FACW	FACW.
<i>Tussilago farfara</i>	NCNE	FACU	FACU	FACU.
<i>Verbena brasiliensis</i>	AGCP	NOL	FACU	FACU.
<i>Verbena brasiliensis</i>	EMP	NOL	FACU	FACU.
<i>Verbena brasiliensis</i>	MW	NOL	FACU	FACU.
<i>Verbena incompta</i>	AGCP	FACW	FACU	FACU.
<i>Verbena incompta</i>	EMP	FACW	FACU	FACU.
<i>Verbena incompta</i>	MW	FAC	FACU	FACU.

\* NOL = "Not On List" and indicates proposed additions.

The Corps believes we have adequately reviewed the comments and allowed for public and agency input for the proposal. Future updates to the NWPL will occur biennially. The public may provide input on future NWPL updates by utilizing the following procedures. A change in indicator status may be requested at any time at <http://wetland-plants.usace.army.mil/> by clicking on the "Submit a NWPL Change Request" link and submitting the appropriate data. Data includes ecological data, literature reviews, frequency and abundance data, testing descriptions, and geographic data for the taxon in wetlands and non-wetlands in the Corps wetland region or subregion for which the change is proposed.

In accordance with the Memorandum of Agreement signed in 2006 (2006 MOA),<sup>1</sup> the Corps, endorsed by the EPA, FWS and NRCS, is publishing final wetland indicator statuses for the 2018 NWPL. The final NWPL is available at <http://wetland-plants.usace.army.mil/>. State, regional, and national lists can also be downloaded from this site. This completes the review of the NWPL. All comments received have been evaluated

<sup>1</sup> U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, the U.S. Fish & Wildlife Service and the Natural Resources Conservation Service. (December 12, 2006). *Memorandum of Agreement Among the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, the U.S. Fish & Wildlife Service and the Natural Resources Conservation Service for the Purpose of Transferring Responsibility for Updating and Maintaining the National List of Vascular Plant Species that Occur in Wetlands.*

and final indicator statuses have been set.

Detailed information on the update process, protocol, and technical issues can be found in the following documents (available on the NWPL Publications web page):

- Lichvar, Robert W. and Minkin, Paul. Concepts and Procedures for Updating the National Wetland Plant List. Sept 2008. ERDC/CRREL TN-08-3. Hanover, NH: U.S. Army Engineer Research and Development Center, Cold Regions Research and Engineering Laboratory.
- Lichvar, Robert W. and Gillrich, Jennifer J. Final Protocol for Assigning Wetland Indicator Status Ratings during National Wetland Plant List Update. Sept 2011. ERDC/CRREL TN-11-1. Hanover, NH: U.S. Army Engineer

Research and Development Center, Cold Regions Research and Engineering Laboratory.

Additional cited literature:

- Lichvar R.W., N.C. Melvin, M.L. Butterwick, and W.N. Kirchner. 2012. National Wetland Plant List Indicator Rating Definitions. ERDC/CRREL TN-12-1. Hanover, NH: U.S. Army Engineer Research and Development Center Cold Regions Research and Engineering Laboratory
- Lichvar R. and W. Fertig. Epiphytes and the National Wetland Plant List. *Phytoneuron* 2011-17:1-31

### Environmental Documentation

A decision document has been prepared for this action after all comments received were evaluated. The decision document is available through Headquarters, U.S. Army Corps of Engineers, Operations and Regulatory Community of Practice, 441 G Street NW, Washington, DC 20314-1000.

### Authority

The NWPL is utilized in conducting wetland determinations under the authority of the Food Security Act of 1985 (16 U.S.C. 3801 *et seq.*) and wetland delineations under the authority of Section 404 of the Clean Water Act (33 U.S.C. 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 401 *et seq.*). The Corps has responsibility for issuing this update pursuant to the 2006 MOA.

**R.D. James,**

*Assistant Secretary of the Army (Civil Works).*

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**BILLING CODE 3720-58-P**

## DEPARTMENT OF EDUCATION

[Docket No.: ED-2020-SCC-0041]

### Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; RSA-509, Annual Protection and Advocacy of Individual Rights Program Performance Report

**AGENCY:** Office of Special Education and Rehabilitative Services (OSERS), Department of Education (ED).

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension of an existing information collection.

**DATES:** Interested persons are invited to submit comments on or before June 17, 2025.

**ADDRESSES:** Written comments and recommendations for proposed

information collection requests should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection request by selecting "Department of Education" under "Currently Under Review," then check "Only Show ICR for Public Comment" checkbox.

**FOR FURTHER INFORMATION CONTACT:** For specific questions related to collection activities, please contact Samuel Pierre, 202-245-6488.

**SUPPLEMENTARY INFORMATION:** The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

*Title of Collection:* RSA-509, Annual Protection and Advocacy of Individual Rights Program Performance Report.

*OMB Control Number:* 1820-0627.

*Type of Review:* An extension of an existing information collection.

*Respondents/Affected Public:* State, Local, and Tribal Governments.

*Total Estimated Number of Annual Responses:* 57.

*Total Estimated Number of Annual Burden Hours:* 912.

*Abstract:* The Annual Protection and Advocacy of Individual Rights (PAIR) Program Performance Report (Form RSA-509) will be used to analyze and evaluate the PAIR Program administered by eligible systems in states. These systems provide services to eligible

individuals with disabilities to protect their legal and human rights. RSA uses the form to meet specific data collection requirements of Section 509 of the Rehabilitation Act of 1973, as amended (the Act), and its implementing federal regulations at 34 CFR part 381. PAIR programs must report annually using the RSA-509, which is due on or before December 30 each year.

The collection of information through Form RSA-509 has enabled RSA to furnish the President and Congress with data on the provision of protection and advocacy services and has helped to establish a sound basis for future funding requests. Data from the form have been used to evaluate the effectiveness of eligible systems within individual states in meeting annual priorities and objectives. These data also have been used to indicate trends in the provision of services from year-to-year.

The respondents to the RSA-509 is the protection and advocacy system in each state. These organizations are private not-for-profit organizations. RSA included the respondents and the national organization that represents them (National Disability Rights Network (NDRN)) in the initial development of this collection of information in an effort to ensure that the information requested could be provided with minimal burden to the respondents.

Dated: May 13, 2020.

**Kate Mullan,**

*PRA Coordinator, Strategic Collections and Clearance Governance and Strategy Division, Office of Chief Data Officer.*

[FR Doc. 2020-10607 Filed 5-15-20; 8:45 am]

**BILLING CODE 4000-01-P**

## DEPARTMENT OF EDUCATION

### Applications for New Awards; Teacher Quality Partnership Grant Program

**AGENCY:** Office of Elementary and Secondary Education, Department of Education.

**ACTION:** Notice.

**SUMMARY:** The Department of Education is issuing a notice inviting applications for fiscal year (FY) 2020 for the Teacher Quality Partnership Grant (TQP) program, Catalog of Federal Domestic Assistance (CFDA) number 84.336S. This notice relates to the approved information collection under OMB control number 1894-0006.

**DATES:**

*Applications Available:* May 18, 2020.  
*Pre-Application Webinars:* The Office of Elementary and Secondary Education intends to post pre-recorded