



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

West Virginia Field Office  
694 Beverly Pike  
Elkins, West Virginia 26241



February 12, 2007

Ms. Judy Rodd, Director  
Friends of Blackwater  
501 Elizabeth Street, Room 3  
Charleston, West Virginia 25311

Dear Ms. Rodd:

Thank you for your letters dated December 21, 2006 and January 23, 2007, requesting a 60-day extension of the public comment period on the proposed rule to delist the West Virginia northern flying squirrel, under the authority of the Endangered Species Act. The proposed rule was published in the Federal Register on December 19, 2006 (71 FR 75924). As you know, we also received a request to extend the comment period from Congressmen Rahall and Mollohan.

The U.S. Fish and Wildlife Service (Service) welcomes comments on the proposed rule and is committed to providing the public adequate time for review. As Laura Hill of my staff has indicated to you in two previous phone conversations, the Service is preparing a Federal Register notice that, upon publication, will announce the extension of the comment period through April 23, 2007.

As rationale for requesting the extension, you mentioned a document that had not yet been posted to the Service's website at the start of the public comment period. Please accept my apology for any confusion that may have been caused by this document. It is a minor correction to a list of references to the West Virginia Northern Flying Squirrel 5-Year Review, dated May 19, 2006, and has now been posted on our website as an addendum to the 5-year review. The original list of references within the 5-year review contained several references that were not cited in the document. The addendum clarifies which references were actually cited in the text of the 5-year review. This editorial clarification does not change the Service's assessment, rationale, or conclusions regarding the status of the species as described in the body of the review. Therefore, the Service respectfully disagrees with your assertion that the amended list of references represents a significant modification of the information upon which the Service relied in assessing the status of the squirrel. The correction simply explains an inadvertent inclusion of references that weren't actually relied upon in the document.

The Service has released a large fraction of its records in response to your Freedom of Information Act requests, including all documents cited and relied upon in developing the 5-year

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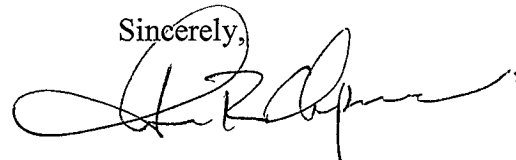
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review. We released many of these documents on an expedited basis to support your request, and also have posted some of these materials to our website to facilitate broader public review.

The Service has proposed to delist the West Virginia Northern Flying squirrel because our 5-year review indicated it has recovered and no longer requires protection under the Endangered Species Act. We will make our final determination, based upon the best available science, after considering all comments received from the public and peer reviewers during the open comment period.

Please feel free to call me or Laura Hill at 304-636-6586 if you have questions about the delisting process, any of the documents you have received, or would like to meet to discuss this further.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Chapman', with a large, stylized flourish extending to the right.

Thomas R. Chapman  
Field Supervisor

Ms. Judy Rodd, Director  
February 12, 2007

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cc:

ARD, Ecological Services, Hadley, MA  
Chief, Branch of Recovery and Delisting, Arlington, VA

Project File

Reader File

ES:WVFO:LHill:skd:2/12/2007

Filename: U:\Finalized Correspondence\WVNFS\Rodd Extension Response.doc