

A comprehensive evaluation of the status and distribution of Amargosa toad will only be possible when additional surveys are conducted in potential amphibian habitat with Oasis Valley.

Habitats occupied by Amargosa toads are subject to various natural and human-induced modifications resulting from flooding, flood-control and restoration activities, nonnative species introductions, livestock and feral burro grazing, off-road vehicle use, and release of pollutants (Altig 1981, Maciolek 1983a, Hoff 1994b). The information on the release of pollutants is anecdotal. Voluntary conservation activities have been recently initiated to address these threats to Amargosa toads and their habitats. These activities will provide a sound foundation for appropriate management of Amargosa toad habitats. The petitioner acknowledged the existence of these conservation activities, but questioned their effectiveness. The conservation activities initiated to date have only been in place a short time, and additional time is necessary for the benefits of these actions to be realized.

The Nevada Division of Wildlife (NDOW) and Nevada Natural Heritage Program have conducted status surveys and undertaken conservation activities, including initiation of cooperative agreements with involved agencies and local governments and conservation agreements with private landowners. The Bureau of Land Management (BLM) actively manages the public lands occupied by Amargosa toad for the conservation of the species. BLM has restricted off-road vehicle use in or near Amargosa toad habitat, constructed enclosure fences to eliminate damage to riparian habitats from feral burro and livestock use, proposed all occupied habitats as Areas of Critical Environmental Concern, and initiated a cadastral survey of the Amargosa River in Oasis Valley to establish property boundaries. The Nature Conservancy (TNC) has been working with the Beatty Beautification Committee toward development of a park along the Amargosa River or a pond area which would provide recreational opportunities for the residents, and attract tourists, as well as create or conserve Amargosa toad habitat. TNC is currently negotiating the purchase of two private properties that contain Amargosa toad habitat. The Nye County Department of Public Works has agreed to notify NDOW prior to any activity within the Amargosa River channel to avoid impacts to the Amargosa toad. Owners of two private properties with Amargosa toad habitat on their land have initiated conservation activities.

After reviewing all scientific and commercial information available, the Service has determined that listing the Amargosa toad is not warranted at this time. This decision is based on information contained in the petition, received during the status review, and otherwise available to the Service at the time the 12-month finding was made, which indicates that the Amargosa toad is more widespread and abundant within the Oasis Valley than stated in the petition. In addition, conservation efforts have been initiated to remove identified threats. The Service recognizes the need to monitor the species' status to determine Amargosa toad population trends and measure the effectiveness of the conservation measures.

#### References Cited

A list of references cited is available from the Nevada State Office (see **ADDRESSES** section above).

Author: The primary author of this document is Donna Withers (see **ADDRESSES** section above).

#### Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 531 *et seq.*).

Dated: November 9, 1995.  
Mollie H. Beatty,  
*Director, Fish and Wildlife Service.*  
[FR Doc. 96-4804 Filed 2-29-96; 8:45 am]  
**BILLING CODE 4310-55-M**

#### 50 CFR Part 23

#### **Request for Species Amendments and Resolutions for Consideration at the Tenth Regular Meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora**

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

**ACTION:** Notice; request for information.

**SUMMARY:** The Fish and Wildlife Service (Service) announces the time and place of the tenth regular meeting of the Conference of the Parties (COP10) to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). This notice solicits recommendations for amending CITES Appendices I or II and solicits suggestions for resolutions and agenda items for discussion at COP10. The Service invites information and comment from the public on animal or plant species that should be considered as candidates for U.S. proposals to

amend Appendices I or II. Such amendments may concern the addition of species to Appendix I or II, the transfer of species from one appendix to another, or the removal of species from Appendix I or II. This notice also invites information and comments from the public on possible resolutions and agenda items for discussion at COP10.

**DATES:** The Service will consider all information and comments received by April 30, 1996.

**ADDRESSES:** Correspondence concerning this request pertaining to species amendments should be sent to the Office of Scientific Authority; Room 750; U.S. Fish and Wildlife Service, 4401 North Fairfax Drive; Arlington, Virginia, 22203. Correspondence concerning this request pertaining to resolutions and agenda items should be sent to the Office of Management Authority, Room 420, at the same address. Comments and materials received will be available for public inspection, by appointment, from 8 a.m. to 4 p.m., Monday through Friday, at the Office of Scientific or Management Authority.

**FOR FURTHER INFORMATION CONTACT:** Dr. Marshall A. Howe, Office of Scientific Authority, phone 703/358-1708, fax 703/358-2276, e-mail [marshall\\_howe@mail.fws.gov](mailto:marshall_howe@mail.fws.gov); or Dr. Susan S. Lieberman, Office of Management Authority, phone 703/358-2095, fax 703/358-2280, e-mail [susan\\_lieberman@mail.fws.gov](mailto:susan_lieberman@mail.fws.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### Background

The Convention on International Trade in Endangered Species of Wild Fauna and Flora, TIAS 8249, hereinafter referred to as CITES, is an international treaty designed to control and regulate international trade in certain animal and plant species that now or potentially are threatened with extinction. These species are listed in appendices to CITES, copies of which are available from the Office of Management Authority or Office of Scientific Authority at the **ADDRESSES**, above. Currently, 130 countries, including the United States, are CITES Parties. CITES calls for biennial meetings of the Conference of the Parties, which review its implementation, make provisions enabling the CITES Secretariat in Switzerland to carry out its functions, consider amendments to the list of species in Appendices I and II, consider reports presented by the Secretariat, and make recommendations for the improved effectiveness of CITES. Any country that is a Party to CITES may propose amendments to Appendices I

and II or resolutions, for consideration by the other Parties.

This is the first in a series of Federal Register notices which, together with announced public meetings, provide an opportunity for the public to participate in the development of the United States' negotiating positions for the tenth regular meeting of the Conference of the Parties to CITES. The Service's regulations governing this public process are found in Title 50 of the Code of Federal Regulations §§ 23.31-23.39.

Notice of the Tenth Regular Meeting of the Conference of the Parties

The Service hereby notifies the public of the convening of the tenth meeting of the Conference of the Parties (COP10) to be held in Zimbabwe, June 9-20, 1997.

Request for Information and Comments: Species

One of the purposes of this notice is to solicit information that will help the Service identify species that are candidates for addition, removal, or reclassification in the CITES appendices or to identify issues warranting attention by the CITES Nomenclature Committee. This request is not limited to species occurring in the United States. Although U.S. proposals submitted for recent Conferences of the Parties have focused on species native to the United States, any Party may submit proposals concerning wild animal or plant species occurring anywhere in the world. The Service encourages the submission of well-documented proposals formatted according to specifications presented below.

The term "species" is defined in CITES as "any species, subspecies, or geographically separate population thereof." Each species for which trade is controlled is included in one of three appendices, either as a separate listing or incorporated within the listing of a higher taxon. The basic standards for inclusion of species in the appendices are contained in Article II of CITES. Appendix I includes species threatened with extinction that are or may be affected by trade. Appendix II includes species that, although not necessarily threatened with extinction, may become so unless trade in them is strictly controlled. Appendix II also lists species that must be subject to regulation in order that trade in those currently and potentially threatened species may be brought under effective control. Such listings frequently are required because of difficulty in distinguishing specimens of currently or potentially threatened species from other species at ports of entry.

Appendix III includes species that any Party country identifies as being subject to regulation within its jurisdiction for purposes of preventing or restricting exploitation, and for which it needs the cooperation of other Parties to control trade. The present notice concerns only Appendices I and II.

CITES specifies that international trade in any readily recognizable part or derivative of animals listed in Appendix I or II, or plants listed in Appendix I, is subject to the same conditions that apply to trade in the whole organism. With certain standard exclusions formally approved by the Parties, the same applies to parts and derivatives of most plant species listed in Appendix II. Parts and derivatives usually not included (i.e., not regulated) for Appendix II plants are: seeds, spores, pollen (including pollinia), tissue cultures, and flaked seedling cultures. Also see 50 CFR § 23.23(d) and the October 6, 1995 Federal Register (60 FR 52450) for further exceptions and limitations. Further guidance on criteria for adding or deleting species in the appendices is contained in several CITES resolutions available from the Office of Scientific Authority (see **ADDRESSES** section).

Until the ninth meeting of the Conference of the Parties in 1994, resolutions Conf. 1.1 and 1.2 had provided the primary criteria for proposing amendments to Appendices I and II. With the adoption of resolution Conf. 9.24, new listing criteria were established by the Parties and Conf. 1.1, 1.2, and ten other related resolutions were repealed. These new criteria apply to all future proposals and are available from the CITES Secretariat or upon written request to the Office of Scientific Authority. Conf. 9.24 establishes a new format for proposals, replacing that described in Conf. 2.17. The new format includes the following categories:

- A. Proposal
- B. Proponent (Party country)
- C. Supporting statement
  1. Taxonomy
    - 1.1 Class.
    - 1.2 Order.
    - 1.3 Family.
    - 1.4 Genus, species or subspecies including author(s) and year and taxonomic reference, if other than that adopted by the Conference of the Parties.
    - 1.5 Scientific synonyms.
    - 1.6 Common names.
    - 1.7 Code numbers, when applicable, from CITES Identification Manual.
  2. Biological Parameters
    - 2.1 Distribution.

- 2.2 Habitat availability.
- 2.3 Population status.
- 2.4 Population trends.
- 2.5 Geographic trends.
- 2.6 Role of the species in its ecosystems.
- 2.7 Threats.
3. Utilization and Trade
  - 3.1 National utilization.
  - 3.2 Legal international trade.
  - 3.3 Illegal trade.
  - 3.4 Actual or potential trade impacts.
  - 3.5 Captive breeding or artificial propagation for commercial purposes (outside country of origin).
4. Conservation and Management
  - 4.1 Legal status.
    - 4.1.1 National.
    - 4.1.2 International.
  - 4.2. Species management.
    - 4.2.1 Population monitoring.
    - 4.2.2 Habitat conservation.
    - 4.2.3 Management measures.
  - 4.3 Control measures.
    - 4.3.1 International trade.
    - 4.3.2 Domestic measures.
5. Information on similar species
6. Other comments (including consultation with range states)
7. Additional remarks
8. References (published literature and other documents)

Persons wishing to submit proposals for the United States to consider should consult Conf. 9.24 for detailed explanation of each of the above categories. Proposals to transfer a species from Appendix I to Appendix II, or to remove a species from Appendix II, must be consistent with the new precautionary measures described in Annex 4 of Conf. 9.24.

Persons having information and comments on species that are potential candidates for CITES proposals are urged to contact the Service's Office of Scientific Authority. Submitted proposals should be as fully developed as possible in accordance with the outline provided above and amplified in Conf. 9.24.

Request for Information and Comments: Resolutions and Agenda Items

Although it has not yet received formal notice of the provisional agenda for COP10, the Service invites input from the public on possible agenda items the United States could recommend for inclusion, or on possible resolutions of the Conference of the Parties that the United States could submit. Copies of the agenda for the last meeting of the Conference of the Parties (COP9) in Florida in 1994 are available from the Office of Management Authority under **ADDRESSES**, above. A

full agenda for COP9 and summaries of all U.S. negotiating positions on those agenda items and resolutions were published in the November 8, 1994 Federal Register (59 FR 55617).

#### Observers

Article XI, paragraph 7 of CITES provides: Any body or agency technically qualified in protection, conservation or management of wild fauna and flora, in the following categories, which has informed the Secretariat of its desire to be represented at meetings of the Conference by observers, shall be admitted unless at least one-third of the Parties present object:

(a) international agencies or bodies, either governmental or nongovernmental, and national governmental agencies and bodies; and  
(b) national nongovernmental agencies or bodies which have been approved for this purpose by the State in which they are located.

Once admitted, these observers shall have the right to participate but not to vote. The Service will publish information on how to request approved observer status in a future Federal Register notice.

#### Future Actions

The next regular meeting of the Conference of the Parties (COP10) is scheduled for June 9–20, 1997, in Zimbabwe. Any proposals to amend Appendix I or II, or any draft resolutions or other documents for discussion at COP10, must be submitted by the United States to the CITES Secretariat by January 10, 1997 (150 days prior to COP10). In order to accommodate this deadline, the Service plans to publish a Federal Register notice in August 1996 to announce tentative species proposals and draft resolutions to be submitted by the United States and to solicit further information and comments on them. In September, a public meeting will be held to allow for additional public input. All CITES Parties within the geographic ranges of species proposed for amendments to the appendices will be consulted by mid-October 1996 so that final proposals will have the benefit of their input. Another Federal Register notice in February 1997 will announce the Service's final decisions and those species proposals and resolutions submitted by the United States to the CITES Secretariat.

Through a series of additional notices in advance of COP10, the Service will inform the public about preliminary and final negotiating positions on resolutions and amendments to the appendices proposed by other Parties

for consideration at COP10, and about how to obtain observer status from the Service. The Service will also publish announcements of public meetings to be held in September 1996 and April 1997 to receive public input on its positions regarding COP10 issues.

Authors: This notice was prepared by Dr. Marshall A. Howe, Office of Scientific Authority, and Dr. Susan S. Lieberman, Office of Management Authority, under the authority of U.S. Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

#### List of Subjects in 50 CFR Part 23

Endangered and threatened species, Exports, Imports, Treaties.

Dated: February 13, 1996.  
Bruce Blanchard,  
Director.  
[FR Doc. 96-4853 Filed 2-29-96; 8:45 am]  
BILLING CODE 4310-55-P

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 663

[Docket No. 960221041-6041-01; I.D. 013196A]

RIN 0648-AI34

#### Pacific Coast Groundfish Fishery; Delay in Start of Regular Fishing Seasons for Nontrawl Sablefish and Pacific Whiting

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS is proposing regulations that would delay the start of the "regular" fishing seasons by 1 month or less for the nontrawl sablefish and the Pacific whiting (whiting) limited entry fisheries 3–200 nautical miles off Washington, Oregon, and California (WOC). This proposed rule considers requests from the industry for delayed fishing seasons, which are intended primarily to enable nontrawl sablefish fishers to participate in other fisheries and to enhance the quality of whiting. These actions would be taken under the authority of the Pacific Coast Groundfish Fishery Management Plan (FMP) and the Magnuson Fishery Conservation and Management Act (Magnuson Act).

**DATES:** Comments must be submitted in writing by March 22, 1996.

**ADDRESSES:** Comments may be mailed to William Stelle, Jr., Director, Northwest Region, NMFS, 7600 Sand Point Way NE., BIN C15700, Seattle, WA 98115-0070; or Hilda Diaz-Soltero, Director, Southwest Region, NMFS, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213. Information relevant to this proposed rule is available for public review during business hours at the Office of the Director, Northwest Region, NMFS, and at the Office of the Director, Southwest Region, NMFS. Copies of the Environmental Assessment/Regulatory Impact Reviews (EA/RIRs) can be obtained from the Pacific Fishery Management Council (Council), 2000 SW First Avenue, Suite 420, Portland, OR 97201.

**FOR FURTHER INFORMATION CONTACT:** William L. Robinson at 206-526-6140, or Rodney R. McInnis at 310-980-4030.

#### SUPPLEMENTARY INFORMATION:

NMFS is proposing to delay the start of the regular fishing seasons for the limited entry fisheries for nontrawl sablefish and for whiting, as recommended by the Council at its October 1995 meeting in Portland, OR. The background and rationale for this proposed rule are summarized below. More details appear in the EA/RIRs for these actions.

#### Background

##### *I. Nontrawl Sablefish Season*

The commercial sablefish harvest guideline (the annual harvest guideline reduced by the amount set aside for coastal treaty Indian tribes) is allocated between the limited entry and open access fisheries. The limited entry allocation has been further divided into allocations for trawl-gear and nontrawl-gear fisheries. Historically, the trawl-gear fishery has been managed with trip limits, the amount of fish that may be harvested during a fishing trip or set time period, primarily to extend the fishery throughout most of the year. The nontrawl-gear fishery, in contrast, has taken most of its allocation in what has become an intense, open competition called the regular or derby season, during which the only trip limit in effect applies to small sablefish (smaller than 22 inches (56 cm) total length in 1995 and in 1996). Before 1995, the start of the WOC regular season was linked to the first nontrawl sablefish season opening in the Gulf of Alaska under 50 CFR part 672. In 1995, the start of the WOC regular season was changed to August 6, primarily for safety reasons (because winds generally are calmer along the coast at this time of year) and to avoid overlapping with other fisheries and fishing opportunities (60