

before June 16, 2000 for us to consider them in developing the final plan.

**ADDRESSES:** You may obtain a copy of the draft revised recovery plan by contacting the U.S. Fish and Wildlife Service, Oregon State Office, 2600 S.E. 98th Avenue, Suite 100, Portland, Oregon, 97266; phone (503) 231-6179. Send written comments or other materials on the plan to the State Supervisor at the above address. Comments and materials received are available on request for public inspection, by appointment, during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Rich Szlemp, Supervisory Fish and Wildlife Biologist, at the above address.

**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 our endangered species program. To help guide the recovery effort, we are working to prepare recovery plans for most of the listed species native to the United States. Recovery plans describe actions considered necessary to conserve the species, establish criteria for recognizing the recovery levels for downlisting or delisting them, and estimate time and cost for implementing the recovery measures needed.

The Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*) requires that recovery plans be developed for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act requires that during recovery plan development, we provide public notice and an opportunity for public review and comment. We will consider all information presented during a comment period before we approve a new or revised recovery plan. We and other Federal agencies will also take these comments into account in the course of implementing approved recovery plans.

The Oregon silverspot butterfly, which was listed as threatened with critical habitat in 1980, is a small, darkly marked coastal subspecies of the Zerene fritillary butterfly. This subspecies occurs in six small pockets of remaining habitat at: Del Norte/Lake Earl in California; Clatsop Plains, Mt. Hebo, Cascade Head, and Rock Creek-Big Creek in Oregon; and Long Beach in Washington. The Long Beach population may be extirpated and the

population on the Clatsop Plains is extremely low and at risk of extirpation. A recovery plan was completed in 1982. At the time of listing, the only known viable population occurred in the Rock Creek-Big Creek area. The original recovery plan included recovery actions for the Rock Creek-Big Creek area as well as the rediscovered population of butterflies at Mt. Hebo. Since that time, additional Oregon silverspot populations have been discovered or rediscovered at Cascade Head, Bray Point, Clatsop Plains, and Del Norte.

The open vegetation preferred by the butterfly has always had a patchy distribution that was maintained through wildfire, salt-laden winds, grazing, and controlled burning. Habitat has declined due to residential and commercial development, invasion of exotic plant species, overgrazing, and lack of fire. Current threats to Oregon silverspot butterflies include continued habitat alteration, continued invasion of non-native plants, off-road vehicle use, and vegetation change due to fire suppression.

The draft revised recovery plan calls for restoring and protecting habitat for the Oregon silverspot butterfly to establish or maintain viable populations in six habitat conservation areas. Because Oregon silverspot butterfly populations have been extirpated and existing ones are still declining, the revised recovery plan also calls for augmenting existing populations with captive-reared individuals and reintroducing butterflies in areas where they have been extirpated. When the revised plan is completed, it will guide all Federal and State agencies whose actions affect the conservation of the Oregon silverspot butterfly.

**Public Comments Solicited**

We solicit written comments on this draft revised recovery plan. We are particularly interested in receiving any recent information regarding the occurrence, distribution, or number of butterflies that is not included in the draft revised plan. We are also particularly interested in information pertaining to specific criteria to be considered when proposing to augment or reintroduce Oregon silverspot butterflies. We will consider all comments received by the date specified above before approving the plan.

**Authority**

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

Dated: April 11, 2000.

**Thomas Dwyer,**

*Regional Director, U.S. Fish and Wildlife Service, Region 1.*

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**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**Proposal To Register an Operation Breeding an Appendix-I Species in Captivity for Commercial Purposes according to the Convention on International Trade in Endangered Species of Wild Fauna and Flora**

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

**ACTION:** Notice.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, announce that we intend to submit to the Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) a proposal to register Rapid Creek Ranch, a breeding facility for gyrfalcons (*Falco rusticolus*) owned and operated by Robert B. Berry, Sheridan, Wyoming, as a commercial breeding operation for an Appendix-I species. The registration of this facility will allow specimens to be designated as bred in captivity for commercial purposes and deemed to be specimens of species included in Appendix II, as provided for in Article VII, paragraph 4, of CITES. Public comments are solicited.

**DATES:** Comments will be accepted until May 17, 2000.

**ADDRESSES:** Please send correspondence concerning this notice to the Office of Scientific Authority, U.S. Fish and Wildlife Service, Mail stop ARLSQ 750, 4401 N. Fairfax Drive, Arlington, Virginia 22203 (fax, 703-358-2276; E-mail, [r9osa@fws.gov](mailto:r9osa@fws.gov)). Copies of the full text of the registration proposal are available from the Office of Scientific Authority and will be mailed upon request. Comments and other information received are available for public inspection by appointment from 8 a.m. to 4 p.m., Monday through Friday, at the Arlington, Virginia, address.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert R. Gabel at the address given above (telephone: 703-358-1708).

**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 regulate international trade in animal and plant species that are or may become threatened with extinction. Authority for implementing CITES has been delegated to the Secretary of Interior through the Endangered Species Act of 1973 as amended (16 U.S.C. 1531 *et seq.*). Species are listed in Appendix I, II, or III of CITES, depending on the degree of threat and level of control needed. Species listed in Appendix I receive the highest level of protection and require both an import permit from the country of import and an export permit from the country of export, and imports may not be for primarily commercial purposes. However, Article VII, paragraph 4, of CITES provides that specimens of animal species included in Appendix I bred in captivity for commercial purposes shall be deemed to be specimens of species included in Appendix II. Appendix-II species require an export permit only (no import permit) and may be imported for commercial or non-commercial purposes.

Through resolutions adopted at meetings of the Conference of the Parties to CITES, the Parties have defined criteria for registering breeding operations with the CITES Secretariat, whereby specimens of Appendix-I species from those operations would qualify as bred in captivity for commercial purposes. Resolution Conf. 10.16 adopted at the Tenth Meeting of the Conference of the Parties to CITES requires that parental breeding stock at such operations must: (a) Be established in accordance to the provisions of CITES and relevant national laws and in a manner not detrimental to the survival of the species in the wild; (b) be maintained without introduction of specimens from the wild, except for occasional augmentation to prevent or alleviate deleterious inbreeding, and for other limited purposes; and (c) have produced offspring of second (F2) or subsequent generations (F3, F4, etc.) in a controlled environment, belong to a species included in a list (established by the CITES Standing Committee) of species commonly bred to the second or subsequent generations in captivity, or be managed in a manner that has been demonstrated to be capable of reliably producing second-generation offspring in a controlled environment. Resolution Conf. 8.15 provides guidelines for registering and monitoring operations breeding Appendix-I animal species for commercial purposes, and specifies the documentation required to establish that

the operation meets the criteria of Resolution Conf. 10.16.

To register a captive-breeding operation, the Management Authority of the country in which the operation is located must approve the operation, in consultation with that country's Scientific Authority. The sponsoring Management Authority must then submit a proposal to register the operation to the CITES Secretariat, which will follow the process presented in Resolution Conf. 8.15.

After a review of relevant information, including breeding records and other documentation, we have prepared for submission to the CITES Secretariat the following proposal: the registration of Rapid Creek Ranch, owned and operated by Robert B. Berry, Sheridan, Wyoming, as a commercial captive-breeding operation for gyrfalcons (*Falco rusticolus*), an Appendix-I species. This is only the second commercial captive-breeding operation proposed for registration within the United States for any species, it is not the first operation registered with the CITES Secretariat for this species; 11 operations are already registered with the Secretariat for gyrfalcons, one of which is in the United States. The Rapid Creek Ranch operation was established in 1978 and first began breeding this species in 1980, with 150 gyrfalcons produced from 1982 to 1999. Over 75 percent of these offspring have been second-generation captive-bred offspring. We are satisfied that all breeding stock has been legally acquired and maintained under appropriate permits. Mr. Berry has provided detailed information on current holdings, husbandry practices, enclosures, production at his operation, and breeding strategies for genetic management of his flocks so as to minimize deleterious inbreeding.

#### Required Determination

In March 1998, we prepared an Environmental Assessment (EA) as required by the National Environmental Policy Act (NEPA) for this notice and concluded in a Finding of No Significant Impact (FONSI) based on a review and evaluation of the information contained within the EA that there would be no significant impact on the human environment as a result of the registration of operations breeding Appendix-I species in captivity for commercial purposes, and that the preparation of an environmental impact statement on this action is not required by Section 102(2) of NEPA or its implementing regulations. The EA and FONSI for this action are on file at our Office of Scientific Authority in Arlington, Virginia, and a copy may be

obtained by contacting the individual identified under the section entitled, **FOR FURTHER INFORMATION.**

#### Author

This notice was prepared by Mr. Robert R. Gabel, Chief, Branch of Consultation and Monitoring, Office of Scientific Authority, U.S. Fish and Wildlife Service (703/358-1708).

Dated: April 10, 2000.

#### Kristen Nelson,

*Acting Chief, Office of Management Authority.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Notice of Availability

Notice of Availability of an Environmental Assessment/Habitat Conservation Plan and Receipt of Application for an Incidental Take Permit for the Construction of One Single Family Residence on 0.5 acres of the 7.6-acre Lot 20, Section 2 in the Circle D Country Acres Subdivision in Bastrop County, Texas.

**SUMMARY:** Paula Hanks and Jason Sims (Applicants) have applied to the U.S. Fish and Wildlife Service (Service) for an incidental take permit pursuant to Section 10(a) of the Endangered Species Act (Act). The Applicants have been assigned permit number TE-024872-0. The requested permit, which is for a period of 5 years, would authorize the incidental take of the endangered Houston Toad (*Bufo houstonensis*). The proposed take would occur as a result of the construction and occupation of one single family residence on Lot 20, Section 2 of the Circle D Country Acres Subdivision, Bastrop County, Texas.

The Service has prepared the Environmental Assessment/Habitat Conservation Plan (EA/HCP) for the incidental take application. A determination of jeopardy to the species or a Finding of No Significant Impact (FONSI) will not be made until at least 30 days from the date of publication of this notice. This notice is provided pursuant to Section 10(c) of the Act and National Environmental Policy Act regulations (40 CFR 1506.6).

**DATES:** Written comments on the application should be received on or before May 17, 2000.

**ADDRESSES:** Persons wishing to review the application may obtain a copy by writing to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103.