

II. Extension of Comment Period

Several parties who have been actively involved in the proceedings relating to the proposed revisions have requested additional time for their organizations to review the proposal and prepare and coordinate their responses. BTS is therefore extending the comment period to January 15, 1999, a period that includes additional time to avoid a deadline occurring immediately after the holidays.

List of Subjects in 49 CFR Part 1420

Motor carriers, Reporting and classification.

Issued in Washington, DC, on November 12, 1998.

Robert A. Knisely,

Deputy Director.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants: Notice of Finding on a Petition To Delist the Wood Bison From the List of Threatened and Endangered Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of petition finding.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces a 90-day finding for a petition to delist the wood bison (*Bison bison athabasca*) pursuant to the Endangered Species Act of 1973, as amended. The Service finds that the petitioner did not supply substantial information to indicate that the delisting of wood bison may be warranted.

DATES: The finding announced in this document was made on November 12, 1998. Comments and information concerning this petition finding may be submitted until further notice.

ADDRESSES: Questions, comments, or information concerning this petition should be sent to the Office of Scientific Authority, U.S. Fish and Wildlife Service, Mail Stop ARLSQ-750, Washington, D.C. 20240. The petition, finding, and supporting information are available for public inspection, by appointment, during normal business hours at the Office of Scientific Authority, 4401 N. Fairfax Dr., Rm. 750, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Dr. Javier Alvarez, Office of Scientific

Authority, U.S. Fish and Wildlife Service, Mail Stop ARLSQ-750, Washington, D.C. 20240 (phone: 703-358-1708; fax: 703-358-2276; e-mail: Javier_Alvarez@mail.fws.gov.

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*), requires that the U.S. Fish and Wildlife Service (Service) make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information to demonstrate that the petitioned action may be warranted. This finding is to be based on all information available to the Service at the time the finding is made. This finding is to be made within 90 days of receipt of the petition, and the finding is to be published promptly in the **Federal Register**.

The Service has made a 90-day finding on a petition to delist the wood bison (*Bison bison athabasca*) populations in Canada, currently listed as endangered under ESA. The petition was submitted by Mr. Gary A. Plumlee, Anderson, Indiana, and was received by the Service on May 14, 1998.

The document provided by the petitioner to substantiate his petition consisted primarily of a copy of the proposal submitted by the Government of Canada to the Tenth Meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species (CITES), held in Harare, Zimbabwe, from 9-20 June, 1997. The proposal, which was adopted at the Tenth Conference, requested the transfer of wood bison from Appendix I to Appendix II of CITES to allow commercial trade of this subspecies. The information contained in the CITES proposal originated primarily from research and management conducted by Canadian federal, provincial and territorial governments as part of a recovery program for the wood bison.

The Service agrees that wood bison populations are capable of growing rapidly when protected from over-hunting. Historically found in the interior plains of northwestern North America (northwestern Saskatchewan, northern Alberta, northeastern British Columbia, and southwestern Northern Territories), the wood bison was almost extirpated by Europeans during the late 19th century. Of approximately 200,000 wood bison believed to exist in Canada in 1800, the population was reduced to about 250 animals at the beginning of this century. Under government protection (it currently has legal protection in British Columbia, Yukon

Territory, and Northwest Territories; it is designated as threatened according to the Committee on the Status of Endangered Wildlife in Canada) this population has grown to an estimated 2,500 wood bison today, including 1,800 animals in seven wild herds, and around 700 held in captivity. An additional 2,300 animals exist in free-ranging populations that originate from wood bison exposed to hybridization with plains bison (*Bison bison bison*) and disease (tuberculosis and brucellosis). As a result of these increases in population, the Canadian government opened regulated hunting of wood bison in 1988, with an annual quota of 47 animals to be allocated among native peoples, local residents, and non-resident trophy hunters accompanied by native people.

The Service also agrees that illegal trade in this subspecies does not appear to be a significant problem. CITES records reveal that a very small number of live wood bison or their parts have entered international trade since it was included in Appendix I of CITES in 1973.

When referring to the downlisting of the wood bison from Appendix I to Appendix II of CITES, the petitioner incorrectly states that the wood bison was reclassified as threatened under CITES. CITES Appendix II is not equivalent to threatened under ESA. Moreover, although Parties to CITES consider the level of threat when listing species, the listing criteria are different. Listing criteria adopted by Parties to CITES in November 1994 (Resolution 9.24) clearly state that a species can be placed in CITES appendices only if it is threatened or has the potential to be threatened by trade. The Canadian proposal to downlist the subspecies to Appendix II was adopted in June 1997 based on these new criteria.

Although over-hunting and illegal trade are no longer considered threats to the species, recovery of the species is still limited by habitat availability and quality. Approximately 34 percent of the wood bison's historical range is no longer available because of agriculture and urban development, a problem that is expected to increase. A further 27 percent is temporarily unavailable because of the presence of disease. Several reintroduced populations are threatened by the risk of infection with tuberculosis and brucellosis, including the largest at Mackenzie Bison Sanctuary in the Northwestern Territories, which contains 1,300 of the remaining 1,800 free-ranging non-hybridized wood bison. Therefore, buffer zones are currently being established to separate diseased and

disease-free herds. This leaves only about 39 percent of the species' historical range available for recovery.

The official Canadian recovery plan developed by the Wood Bison Recovery Team calls for the establishment of four or more free-ranging herds of wood bison in suitable habitat in the original range, each herd containing or exceeding the minimum viable population (MVP) of 400 animals. The Canadian CITES proposal states that only the population at Mackenzie Bison Sanctuary exceeds the MVP, with the other four reestablished herds having "the potential to meet or exceed that number by the year 2000."

When evaluating petitions for delisting or downlisting of species under the ESA, the Service's guidelines state that a "not-substantial information" finding be made when already established recovery objectives have not been met (see page 14, section 2(a)(1) of Endangered Species Petition Management Guidance—U.S. Fish and Wildlife Service and National Marine Fisheries Service, July 1996). The Canadian recovery plan goals for the wood bison have not been met yet. Therefore, the Service finds that the petitioner did not supply substantial information to indicate that the petitioned action may be warranted. At such time when the free-ranging disease-free populations of wood bison meet the recovery plan criteria, the Service may initiate such a downlisting. In the meantime and within available resources, the Service will evaluate the advisability of downlisting the captive population of wood bison from endangered to threatened, with a special rule to allow the import to the United States of captive-bred wood bison.

References Cited: 1997. Prop. 10.35. Proposal for the transfer of wood bison (*Bison bison athabasca*) from Appendix I to Appendix II of the Convention on International Trade in Endangered Species submitted by the Government of Canada at the Tenth Meeting of the Conferences of the Parties held in Harare, Zimbabwe, 9–20 June, 1997.

Author: The primary author of this document is Dr. Javier Alvarez (see ADDRESSES section).

Authority: The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: November 12, 1998.

John G. Rogers,

Director.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AF04

Endangered and Threatened Wildlife and Plants; Extension of Comment Period and Notice of Public Hearings on Proposed Rule To Remove the Peregrine Falcon in North America From the List of Endangered and Threatened Wildlife

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; extension of comment period and notice of public hearings.

SUMMARY: The U.S. Fish and Wildlife Service (Service) gives notice that the comment period on the proposed rule to remove the peregrine falcon (*Falco peregrinus*) in North America from the list of Endangered and Threatened Wildlife will be extended and that two public hearings will be held. The extension and hearings will allow all interested parties to submit oral or written comments on the proposal.

DATES: The comment period for this proposal will be extended an additional 60 days from November 24, 1998 to January 23, 1999. Comments must be received by the closing date. Any comments received after the closing date may not be considered in the final decision on the proposal. The public hearings will be held from 7 p.m. to 9 p.m. on December 3, 1998 in Madison, Wisconsin and December 8, 1998, in Concord, New Hampshire. Both meetings will be preceded by an informational session from 6 p.m. to 7 p.m..

ADDRESSES: The public hearings will be held at the Madison Area Technical College, 3550 Anderson Street, Room 129D, Madison, Wisconsin and the New Hampshire Department of Fish and Game East-West Conference Room, 2 Hazen Drive, Concord, New Hampshire. Written comments should be sent to Diane Noda, Field Supervisor, U.S. Fish and Wildlife Service, Ventura Fish and Wildlife Office, 2493 Portola Road, Suite B, Ventura, California 93003. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above Service address.

FOR FURTHER INFORMATION CONTACT: Robert Mesta, at the above Ventura, California address, phone 805/644-1766, facsimile 805/644-3958.

SUPPLEMENTARY INFORMATION:

Background

On August 26, 1998, the U.S. Fish and Wildlife Service (Service) published a proposal in the **Federal Register** to remove the peregrine falcon (*Falco peregrinus*) in North America from the List of Endangered and Threatened Wildlife (63 FR 45446). The Service proposed this action because the available data indicate that this species has recovered following restrictions on organochlorine pesticides in the United States and Canada, protections provided by the Endangered Species Act of 1973, as amended (Act), and the implementation of successful management activities, including the reintroduction of captive-bred and relocated wild hatchling peregrine falcons. Currently, a minimum of 1,388 American peregrine falcon pairs are found in Alaska, Canada, and the Western United States, and a minimum of 174 peregrine falcon pairs are found in the Eastern United States. At least 31 peregrine falcon pairs occur in 6 Midwestern States not covered by the Eastern Peregrine Falcon Recovery Plan or the two recovery plans for the American peregrine falcon in the Western United States. Overall productivity goals were met or exceeded in four American peregrine falcon recovery plans, and most recovery goals for the eastern peregrine falcon population have been met.

If made final, the action proposed will remove the American peregrine falcon (*Falco peregrinus anatum*) as an endangered species and will remove the designation of endangered due to similarity of appearance for any free-flying peregrine falcons within the 48 conterminous States from the List of Endangered and Threatened Wildlife. The action proposed will remove all Endangered Species Act protections from all subspecies and populations of *Falco peregrinus* in North America. The proposed action will not affect protection provided to this species by the Migratory Bird Treaty Act (MBTA). The proposal also includes a proposed minimum 5-year post delisting monitoring program as required for species that are delisted due to recovery. Monitoring will include population trends, productivity, contaminant exposure, and take for falconry.

Pursuant to 50 CFR 424.16(c)(2), the Service may extend or reopen a comment period upon finding that there is good cause to do so. Full participation of the affected public in a species' listing or delisting, allowing the Service to consider the best scientific and commercial data available in making a