

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability of a Draft Updated Recovery Plan for the Northeastern Population of the Roseate Tern (*Sterna dougallii dougallii*) for Review and Comment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability.

SUMMARY: The U.S. Fish and Wildlife Service announces the availability population of the roseate tern (*Sterna dougallii dougallii*). The roseate tern is a worldwide species that breeds in two discrete areas in the Western Hemisphere. One of those areas is the northeast where the species breeds on islands along the Atlantic Coast of the United States from New York to Maine and northward into adjacent portions of Canada. This population was listed as an endangered species in November 1987, and the initial recovery plan was completed in March 1989. This species was listed due to its rarity and population decline, which lead to a restricted breeding range with most roseates nesting on just a few islands. The primary threat to the roseate tern is considered to be loss of nesting sites and predation. Additional factors that can effect nesting productivity and overall population status include food availability near the colonies and storm events. The recovery objective is to reclassify the roseate tern to threatened status. The Service solicits review and comment from the public on this draft Plan update.

DATES: Comments on the draft Recovery Plan must be received May 1, 1998 to receive consideration by the Service.

ADDRESSES: Persons wishing to review the draft Recovery Plan can obtain a copy from the U.S. Fish and Wildlife Service, Northeast Region Endangered Species Program, 300 Westgate Center Drive, Hadley, Massachusetts 01035, telephone (413) 253-8628. Comments should be sent to Michael J. Bartlett, Field Supervisor, New England Field Office, 22 Bridge Street, Concord, New Hampshire 03301.

FOR FURTHER INFORMATION CONTACT: Michael Amaral (see above Address for New England Field Office, telephone 603/225-1411.)

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 the U.S. Fish and Wildlife Service's endangered species program. To help guide the recovery effort, the Service is working to prepare Recovery Plans for most of the listed species native to the United States. Recovery Plans describe actions considered necessary for conservation of the species, establish criteria for 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 (16 U.S.C. *et seq.*) requires the development of Recovery Plans for listed species unless such a Plan would not promote the conservation of a particular species. Section 4(f) of the Act requires that public notice and an opportunity for public review and comment be providing during the Recovery Plan development. The Service will consider all information presented during a public comment period prior to approval of each new, revised or, in this case, updated Recovery Plan. The Service and other federal agencies will also take these comments into account in the course of implementing Recovery Plans.

The document submitted for review is the draft Roseate Tern (*Sterna dougallii dougallii*) Updated Recovery Plan. Currently, 85 percent of the birds are concentrated in three colonies, two in Massachusetts and one in New York.

This temperate zone tern prefers to nest under or adjacent to objects that provide cover or shelter. These objects include clumps of vegetation, rocks, driftwood, or man-made objects. Roseate terns are exclusively marine, and usually breed on small islands, but occasionally on sand dunes at the end(s) of barrier beaches.

Since the roseate tern was listed in 1987, the sites that support the largest colonies of terns, and most of those that support medium-sized colonies, are owned by government agencies or private conservation organizations and are managed to protect the terns. Though most of the terrestrial habitat that the roseate tern occupies during the nesting season is "protected", threats such as predation, human disturbance, storm events, and habitat loss to erosion persist at most colonies.

Due to the continued vulnerability of this population, delisting of the roseate tern is inadvisable at this time. The immediate recovery objective for this species is to reclassify the species to threatened status. To achieve this objective, three criteria need to be met: (1) increase the northeast nesting population (U.S. and Canada) to 5,000 breeding pairs; (2) the 5,000 pairs occur

among 6 or more large colonies with high productivity within the current geographic distribution; and (3) institute long-term agreements to assure protection and management sufficient to maintain the population targets and average productivity in each breeding colony. Delisting of the population will be considered if the nesting population reaches the historic, 1930's level of 8,500 pairs. The preceding recovery objectives are the same as those in the 1989 Recovery Plan.

The draft Recovery Plan update is being submitted for agency and public review. After consideration of comments received during the review period, the revised Plan will be submitted for final approval.

Public Comments Solicited

The Service solicits written comments on the Recovery Plan described. All comments received by the date specified above will be considered prior to approval of the Plan.

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

Dated: March 20, 1998.

Adam O'Hara,

Acting Regional Director, Region 5.

[FR Doc. 98-8524 Filed 3-31-98; 8:45 am]

BILLING CODE 4310-55-M

Department of the Interior**Fish and Wildlife Service****Application for Approval of Tin Shot as Nontoxic for Waterfowl Hunting**

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of decision.

SUMMARY: The U.S. Fish and Wildlife Service (Service) has reviewed the International Tin Research Institute, Ltd.'s (ITRI) application for approval of tin shot as nontoxic for waterfowl hunting in the United States. The Service has found that the Tier 1 test results are inconclusive and Tier 2 testing is required before further consideration.

FOR FURTHER INFORMATION CONTACT: Paul R. Schmidt, Chief, or Carol Anderson, Wildlife Biologist, Office of Migratory Bird Management (MBMO), (703) 358-1714.

SUPPLEMENTARY INFORMATION: Since the mid-1970s, the Service has sought to identify shot that, when spent, does not pose a significant toxic hazard to migratory birds and other wildlife. Currently, only bismuth-tin and steel shot are approved by the Service as

nontoxic. Tungsten-iron shot received temporary conditional approval for the 1997–98 hunting season. The Service believes approval for other suitable candidate shot materials as nontoxic is feasible.

On February 10, 1998, the Service announced its intention to review ITRI's Tier 1 information for approval of pure tin shot as nontoxic pursuant to 50 CFR 20.134 (recently amended—see 62 FR 63608, December 1, 1997). The Service has determined that the Tier 1 test results are inconclusive. The Service requires that the Tier 2 test be completed before nontoxic approval of the tin shot can be considered. For a complete review of the tin shot application and review process, refer to the Supplementary Information Section of the February 10, 1998, **Federal Register** (63 FR 6766).

ITRI submitted a Tier 2 test protocol to conduct an *in vitro* test to determine the erosion rate of the candidate shot and an acute toxicity test to determine the short-term effects of the candidate shot on game-farm mallards (*Anas platyrhynchos*) using commercially available duck food. The test protocol has been reviewed and approved by the Service, with technical assistance provided by the U.S. Geological Survey's Biological Resources Division. The general outline of the *in vitro* and acute toxicity tests given below is not a complete description of the testing protocol, but gives the basic outline of the test procedures being conducted.

In vitro test procedures:

Five #4 each of tin, steel, and lead shot pellets were separately placed in 15 100 ml screw-top pyrex bottles. These bottles were filled with 100 ml of a sodium chloride-pepsin (20 g/l) solution. The samples were maintained at 42°C and continuously stirred using a magnetic stirrer for 14 days. Each day 1 ml of solution was sampled and analyzed for metal content. Tin solutions were analyzed using an ICP with dilutions of the samples at 10 and 20 times in 10 percent hydrochloric acid. The lead solutions were analyzed using flame atomic absorption spectroscopy with dilutions at 10 and 50 times in 5 percent nitric acid. Steel solutions were analyzed using flame atomic absorption spectroscopy with dilutions at 10 and 50 times in 10 percent hydrochloric acid.

In vitro results:

The average increase of metal concentration in solution per day was calculated to be 116 ppm for lead, 58.1 ppm for iron (from the steel shot), and 26.7 ppm for tin. Extrapolation of these

dissolution rates shows that complete dissolution of one #4 tin shot takes twice the time for dissolution of steel shot and over three times for dissolution of lead shot under conditions simulating a waterfowl gizzard.

Acute toxicity test procedures:

Two sets of eight pairs of mallards will be dosed with the candidate shot. One group will be fed a balanced diet, while the other is fed a nutritionally deficient (whole corn) diet. Another eight pairs will be dosed with steel shot, while three pairs each will be sham- and lead-dosed. All mallards will be housed outdoors during the winter at low temperatures. All groups, except the sham-dosed group, will be dosed with 8 #4 pellets of the appropriate shot type. Birds will be observed for 30 days for toxicological responses, shot retention will be monitored radiographically, and hematological and biochemical parameters will be monitored during the study. Selected tissues (liver, kidney, femur, and gonads) will be collected for histopathological evaluation and residue analysis.

If the Tier 2 data result in a preliminary determination that the candidate material does not impose a significant danger to migratory birds, other wildlife, and their habitats, the Service will propose to approve this shot based on the toxicological report and toxicity studies and explain why Tier 3 testing is unnecessary. If the results are not conclusive or as a result of the public comment period, the Service determines that the information does not establish that the shot does not impose a significant danger to migratory birds, other wildlife, and their habitats, Tier 3 testing will be required and a *Notice of Review* published in the **Federal Register**.

Authorship

The primary author of this notice of application is Carol Anderson, Wildlife Biologist, Office of Migratory Bird Management.

Dated: March 19, 1998.

Daniel M. Ashe,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 98–8552 Filed 3–31–98; 8:45 am]

BILLING CODE 4310–55–F

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WO–220–1060–00–24 1A]

Wild Horse and Burro Advisory Board; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Announcement of meeting.

SUMMARY: The Bureau of Land Management (BLM) announces that the Wild Horse and Burro Advisory Board will conduct a meeting on matters pertaining to management and protection of wild, free-roaming horses and burros on the Nation's public lands.

DATES: The advisory board will meet on April 24, 1998, from 8:00 a.m. to 5:00 p.m. local time.

Submit written comments no later than close of business April 30, 1998.

ADDRESSES: The advisory board will meet in The Virginian Suites, 1500 Arlington Boulevard, Arlington, Virginia.

Send written comments to Bureau of Land Management, WO–610, Mail Stop 406 LS, 1849 C Street, NW, Washington, DC 20240. See **SUPPLEMENTARY INFORMATION** section for electronic access and filing address.

FOR FURTHER INFORMATION CONTACT: Mary Knapp, Wild Horse and Burro Public Affairs Specialist, (202) 452–5176. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service at 1–800–877–8339 between 8:00 a.m. and 4:00 p.m. Eastern Daylight Time, Monday through Friday, excluding Federal holidays.

SUPPLEMENTARY INFORMATION:

I. Public Meeting

Under the authority of 43 CFR part 1784, the Wild Horse and Burro Advisory Board advises the Secretary of the Interior, the Director of the BLM, the Secretary of Agriculture, and the Chief, Forest Service, on matters pertaining to management and protection of wild, free-roaming horses and burros on the Nation's public lands. The tentative agenda for the meeting is:

Friday, April 24, 1998

- Welcome by BLM Director Pat Shea;
- Program Update;
- Breakout into small groups to address the following topics: horses on the range, horses off the range, science, and, burros;
- Presentation of comments by members of the public.

The meeting is open to the public. The advisory board will make detailed