

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.

Persons wishing to review the EA/HCP may obtain a copy by written or telephone request to Tannika Engelhard, U.S. Fish and Wildlife Service, Ecological Services Office, 10711 Burnet Road, Suite 200, Austin, Texas 78758 (512/490-0057, extension 242). Documents will be available for public inspection by written request or by appointment only during normal business hours (8:00 to 4:30) at the U.S. Fish and Wildlife Service Office, Austin, Texas. Data or comments concerning the application and EA/HCP should be submitted in writing to the Field Supervisor, U.S. Fish and Wildlife Service Office, Austin, Texas at the above address. Please refer to permit number TE-024872-0 when submitting comments.

FOR FURTHER INFORMATION CONTACT: Tannika Engelhard at the above U.S. Fish and Wildlife Service Office, Austin, TX.

SUPPLEMENTARY INFORMATION: Section 9 of the Act prohibits the "taking" of endangered species such as the Houston toad. However, the Service, under limited circumstances, may issue permits to take endangered wildlife species incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for endangered species are at 50 CFR 17.22.

Applicant

Paula Hanks and Jason Sims plan to construct one single family residence on 0.5 acres of the 7.6-acre Lot 20, Section 2 in the Circle D Country Acres Subdivision, Bastrop County, Texas. This action will eliminate less than one acre of habitat and result in an unquantifiable amount of indirect impact. The applicants propose to compensate for this incidental take of the Houston Toad by providing \$1,500.00 to the National Fish and Wildlife Foundation for the specific purpose of land acquisition and management within Houston toad habitat, as identified by the Service.

Alternatives to this action were rejected because not developing the subject property with federally listed species present was not economically feasible and alteration of the project design would not alter the level of impacts.

Geoffrey L. Haskett,

*Acting Regional Director, Region 2,
Albuquerque, New Mexico.*

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV-050-1610-DG]

Notice of Intent To Revise the Nellis Air Force Range Resource Plan and Prepare a New Environmental Impact Statement

AGENCY: Department of the Interior, Bureau of Land Management in cooperation with the Department of Defense, Nellis Air Force Base and the United States Fish and Wildlife Service.

ACTION: Notice of Intent. The Bureau of Land Management is proposing to revise the existing Nellis Air Force Range Resource Plan based on specific direction within Public Law 106-65, section 3014. The BLM will include an amendment to the Tonopah Resource Management Plan which will prescribe management of the lands identified for return to public land management, all in one action.

SUMMARY: New issues have surfaced which require additional analysis to determine the best use of the existing resources. New issues include: (1) The Nellis Range is located in the serious non-attainment for PM 10 and Carbon Monoxide; (2) management of the Wild Horses on the range has caused much controversy over the past 10 years; (3) approximately 30,000 acres may be returned to public land management status provided it is hazardous materials free. The Bureau is interested in other issues the public will present as part of the record.

Due to an accelerated timeline set forth by Congress and the President, for completion of this revised Nellis Range Resource Plan, October 5, 2001, the BLM will ensure the process proceeds as quickly as possible.

COOPERATING AGENCY STATUS: This plan revision is being completed in full cooperation with the United States Fish and Wildlife Service and the Department of Defense. Based on other express interest by other State and Federal agencies as well as all three county's affected by this action, we anticipate additional interest in cooperating agency status. We will either wait until the Notice of Availability is sent to identify those additional cooperators or issue a separate **Federal Register** notice in the next 2 to 3 months.

DATES: Public scoping meeting are set for the week of May 1-5 as follows: Monday, May 1, 2000; 3-5pm at the Beatty Community Center, Beatty Nevada, 100 A Avenue South. Monday,

May 1, 2000; 7-9pm at the Tonopah Convention Center, 301 Brougner Avenue, Tonopah, Nevada. Tuesday, May 2, 2000; 7-9pm at the Bob Ruud Community Center, 150 N. Highway 160, Pahrump, Nevada. Wednesday, May 3, 2000; 7-9pm, at the Amargosa Valley Community Center, 821 E. Farm Road, Amargosa, Nevada. Thursday, May 4, 2000; 7-9pm at the New Alamo High School Multi-purpose Room, 151 S. Main, Alamo Nevada. Friday, May 5, 2000; 7-9pm at the BLM Las Vegas Field Office, 4765 W. Vegas Drive, Las Vegas Nevada. Other meetings may be planned in the future if a need is expressed.

ADDRESSES: For further information contact Jeffrey G. Steinmetz, Las Vegas Field Office Environmental Protection Specialist and Team Lead for the BLM at Bureau of Land Management, Las Vegas Field Office, 4765 W. Vegas Drive, Las Vegas, Nevada 89108, telephone (702)-647-5000.

FOR FURTHER INFORMATION CONTACT: Jeff Steinmetz, RMP Team Leader, at BLM's Las Vegas Field Office listed above or telephone (702) 647-5097.

Dated: April 5, 2000.

Mark T. Morse,

Field Manager.

[FR Doc. 00-9423 Filed 4-14-00; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT-929-1220-PA-002E]

Notice of Proposed Supplementary Rule Concerning Minors in Possession of Alcoholic Beverages on Public Lands Administered by the Bureau of Land Management (BLM); Montana, North Dakota, and South Dakota

AGENCY: Bureau of Land Management, DOT.

ACTION: Notice.

SUMMARY: Underage drinking is a growing problem on the public lands. Such activity poses a significant health and safety hazard to both underage violators and other users of the public lands and can result in the destruction of natural resources and property.

Therefore, the State Director is prohibiting the possession, or providing, of an intoxicating substance by, or to, a person under 21 years of age upon the public lands in Montana, North Dakota, and South Dakota. This action will allow BLM law enforcement officers to restrict the supply and possession and/or consumption of alcoholic beverages