could maintain habitat conditions at levels that are less than optimal for WCT.

We also are encouraged by ongoing State and local programs, most notably those in Montana, to protect and restore WCT within its historic range (U.S. Fish and Wildlife Service 1999). The U.S. Forest Service, State game and fish departments, and National Park Service reported more than 700 ongoing projects directed toward the protection and restoration of WCT and their habitats. In addition, on private lands in Montana's Columbia River basin, for example, Plum Creek Timber Company is working closely with us to develop a Native Fish Habitat Conservation Plan that includes provisions for the conservation of WCT on 1.5 million acres of Plum Creek property. Elsewhere in Montana, restoration activities under way as part of the Blackfoot Challenge, a cooperative endeavor between private landowners and public agencies to conserve and restore streams and riparian habitats in the Blackfoot River valley, include removal of fish-passage barriers, screening of irrigation diversions to prevent the loss of WCT to canals, and general improvement of instream fish habitat.

Finally, WCT also accrue some additional level of protection from the Act's section 7 consultation process in the numerous geographic areas where WCT distribution and habitat requirements overlap with the distributions of one or more fish species currently listed as threatened or endangered under the Act, specifically, bull trout (*Salvelinus confluentus*), steelhead (*Oncorhynchus mykiss*), and Pacific salmon species and their habitats on Federal lands in the Columbia River basin. Conservation efforts to protect these species, improve available habitat, and minimize adverse impacts on them would provide similar conservation benefits to WCT.

The Act identifies five factors of potential threats to a species: (1) The present or threatened destruction, modification, or curtailment of the species' habitat or range; (2) overutilization for commercial, recreational, scientific, or educational purposes; (3) disease or predation; (4) the inadequacy of existing regulatory mechanisms; and (5) other natural or manmade factors affecting the species' continued existence. The overall WCT population has been reduced from historic levels, and extant stocks of this subspecies face threats from some of these factors in several areas of the historic range. However, we find that the magnitude and imminence of those threats are small. WCT have a widespread distribution, and there are numerous robust populations throughout its range.

On the basis of the best available information, which is detailed and analyzed in the status review document (U.S. Fish and Wildlife Service 1999) and summarized in this notice, we conclude that the WCT is not likely to become a threatened or endangered species within the foreseeable future. Therefore, listing of the WCT as a threatened or endangered species under the Act is not warranted at this time.

References Cited

Behnke, R.J. 1992. Native trout of western North America. American Fisheries Society Monograph 6.

Interior Columbia River Basin Ecosystem Management Project. 1996. Key salmonid current-status database (CRBFISH6). Available at ICBEMP web site <www.icbemp.gov>.

U.S. Fish and Wildlife Service. 1999. Status review for westslope cutthroat trout in the United States. Regions 1 and 6. Available at our web site <<www.r6.fws.gov/cutthroat>.

Authors: The primary author of this document is Lynn R. Kaeding (see **ADDRESSES** section).

Authority

The authority for this action is the Endangered Species Act (16 U.S.C. 1531 *et seq.*).

Dated: April 5, 2000.

Jamie Rappaport Clark,

Director, Fish and Wildlife Service.

[FR Doc. 00–9259 Filed 4–13–00; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AF45

Endangered and Threatened Wildlife and Plants; Notice of 6-Month Extension on the Proposed Rule To List the Southwestern Washington/ Columbia River Coastal Cutthroat Trout in Washington and Oregon as Threatened

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of extension of deadline.

SUMMARY: We, the U.S. Fish and Wildlife Service, extend for 6 months the time to make a final determination on the proposal to list the distinct vertebrate population segment of the coastal cutthroat trout (*Onocorhynchus clarki clarki*) in the Southwestern Washington/Columbia River area as a threatened species. Under the Endangered Species Act (ESA) of 1973, as amended, the deadline for the final action on the proposed rule to list this population segment in Washington and Oregon is extended from April 5, 2000, to October 5, 2000. The 6-month extension is necessary for us to obtain and review new information needed to resolve substantial scientific disagreement about the status of this population.

DATES: Comments may be submitted until May 15, 2000.

ADDRESSES: The complete file for this notice is available for inspection, by appointment, during normal business hours at the Oregon Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2600 SE 98th Ave., Suite 100, Portland, Oregon 97266.

FOR FURTHER INFORMATION CONTACT: Kemper McMaster, State Supervisor, at the above address (telephone 503/231–6179; facsimile 503/231–6195).

SUPPLEMENTARY INFORMATION:

Background

In January 1999, the National Marine Fisheries Service (NMFS) published a document titled ''Status Review of Coastal Cutthroat Trout (*Oncorhynchus clarki clarki*) from Washington, Oregon, and California'' (Johnson *et al.* 1999). The status review document determined that there were six Evolutionarily Significant Units (ESUs) of coastal cutthroat trout along the coast of Washington, Oregon, and California. Subsequent to the completion of the status review, NMFS and the Fish and Wildlife Service (FWS) (jointly, the Services) published a proposed rule on April 5, 1999, (64 FR 16397) to list one of the six cutthroat trout ESUs as threatened under the Endangered Species Act (ESA). The proposed ESU consisted of coastal cutthroat trout populations in southwestern Washington and the Columbia River, excluding the Willamette River above Willamette Falls. This proposed rule was issued jointly due to a question regarding which agency (FWS or NMFS) had regulatory jurisdiction over coastal cutthroat trout. The proposal also proposed, based on newly available information, to delist the Umpqua River coastal cutthroat trout ESU previously listed by NMFS as endangered.

Since the joint proposal was published, agency jurisdiction has been determined to be with FWS. On November 22, 1999, the Services jointly signed a letter announcing FWS regulatory jurisdiction over Coastal

cutthroat trout (USDI & USDC 1999). This document clarified that NMFS would retain responsibility to reach a final determination, subject to our concurrence, on the proposal to delist the Umpqua population, and we would assume all other regulatory ESA responsibilities for coastal cutthroat trout (USDI & USDC 1999). A notice will soon be published in the **Federal Register** announcing this change in regulatory jurisdiction.

Under the timeframe established for listing decisions by the ESA (section 4(3)(b)(6)(A)), a final determination on the proposal to list the Southwestern Washington/Columbia River ESU of the coastal cutthroat trout in Washington and Oregon would normally be due by April 5, 2000. However, when substantial scientific disagreement occurs regarding the sufficiency or accuracy of the available data, as in this case, the Act allows for a 6-month extension of a final listing determination for the purpose of soliciting additional data (section 4(3)(b)(6)(B)(i)). The 6-month extension announced in this notice is based on this provision.

Substantial Scientific Disagreement

Two groups (hatchery populations and above-barrier populations of coastal cutthroat trout) were not fully examined in the NMFS status review. The proposed rule (64 FR 16397) stated:

> In the proposed [Southwestern Washington/Columbia River] ESU, only naturally spawned cutthroat trout are proposed for listing. Prior to the final listing determination, we will examine the relationship between hatchery and naturally spawned populations of cutthroat trout, and populations of cutthroat trout above barriers to assess whether any of these populations warrant listing. This may result in the inclusion of specific hatchery populations or populations above barriers as part of the listed ESU in the final listing determination.

In the section on the framework for ESUs, the NMFS status review document (Johnson *et al.* 1999) discussed the issue of barriers to migration (p. 125). The NMFS Biological Review Team (BRT) questioned the role played by above-barrier populations in ESUs immediately downstream, and found this analysis to be a challenging problem. Evidence of the challenge includes the fact that ''[t]he BRT was divided regarding whether populations above long-standing natural barriers (i.e., those that effectively preclude all migration for hundreds or thousands of years) should be included in ESUs.'' The BRT went on to discuss the reasons they might or might not choose to include populations above such barriers in ESUs, but failed to reach any resolution or pass on recommendations. The BRT also addressed the question of whether populations above barriers that permit some one-way migration should be included in an ESU downstream. A majority of BRT members felt that such populations should be included in the downstream ESU because these populations may ''* * * contribute demographically and genetically to populations below them * * *'', and ''* * * may represent genetic resources shared by populations below these barriers (and potentially a significant component of diversity for an ESU)'' (Johnson *et al.* 1999).

When the Services published the proposed rule, however, the question on whether to include above-barrier populations in downstream ESUs remained unresolved. Furthermore, the BRT unanimously decided that the guidance on including populations above one-way passable barriers into downstream ESUs should not be followed in the case of Willamette Falls, a barrier that allows some one-way (and possibly in rare instances, two-way) migration between the currently proposed Southwestern Washington/Lower Columbia River ESU and the upper Willamette ESU (for which the BRT made no status assessment). In fact, the BRT went so far as to conclude that the upper Willamette population deserved its own ESU status, based primarily on the fact that it ''* * * encompasses a large area with considerable habitat complexity * * *'' and that it ''* * * supports several different populations * * *'' of coastal cutthroat trout (Johnson *et al.* 1999). However, it is possible that, with additional analysis, the area identified by NMFS as the Upper Willamette ESU is actually part of the Southwestern Washington/Lower Columbia River ESU. Another issue that needs to be addressed is how the BRT handled other populations either above impassable barriers, or above barriers allowing one-way passage, and if any of these populations warrant recognition as distinct vertebrate population segments.

In addition, we are aware of additional information provided to the BRT by the Washington Department of Fish and Wildlife (WDFW) that indicates that some coastal Washington populations currently included within the Southwestern Washington/Lower Columbia River ESU should not be included. Although this information was presented to the BRT during the status review, it was not made available to the FWS until after the decision regarding regulatory jurisdiction over coastal cutthroat trout was resolved. The BRT has also recently alerted the FWS to a compilation of new genetic data that the BRT indicated ''* * * are relevant to the identification of distinct population segments in the Lower Columbia River and southwestern Washington coast'' (Waples, *in litt.* 2000). Therefore, with further review, the WDFW information, information concerning the role of above-barrier and hatchery populations of cutthroat trout, and the new genetic data may lead us to modify the boundaries of the ESU proposed for listing. Such modification may result in the need to repropose the distinct vertebrate population segment for listing, if we determine that the status of the segment warrants protection under the ESA.

Therefore, in consideration of all the above issues, we are providing notice that, according to section 4(b)(6)(B)(i) of the ESA, the 1-year timeframe allowed to make a final determination on a listing proposal will be extended an additional 6 months. The 6-month extension will enable us to evaluate new information regarding the status of above-barrier and hatchery populations, and allow the integration of this information into the final listing decision. With this 6-month extension, a final decision regarding the proposal to list the Southwestern Washington/Columbia River ESU of the coastal cutthroat trout (64 FR 16397) is due by October 5, 2000.

Comments Solicited

In order to resolve the substantial scientific disagreement, we are requesting comments from interested parties on the following three topics:

(1) The role of hatchery populations of coastal cutthroat trout within the Southwestern Washington/Columbia River ESU, and their importance to the conservation of this population;

(2) The role of above-barrier populations, including the area identified as the Upper Willamette ESU, within the Southwestern Washington/Columbia River ESU and their importance to the conservation of this ESU; and

(3) Genetic data or other information that may help resolve the identification of distinct population segments in the southwestern Washington coast, Lower Columbia River, and Upper Willamette River areas.

Literature Cited

Johnson, O.W., M.H. Ruckelshaus, W.S. Grant, F.W. Waknitz, A.M. Garrett, G.J. Bryant, K. Neely, and J.J. Hard. 1999. Status review of coastal cutthroat trout from Washington, Oregon, and California. U.S. Dept. Commer., NOAA Tech Memo. NMFS–NWFSC–37, 292 p.

USDI & USDC 1999. Letter from USFWS Director Jamie Rappaport Clark and NMFS Director Penelope D. Dalton to Anne Badgley, Regional Director, Region 1 USFWS and Will Stelle, Regional Administrator, Northwest Region NMFS, regarding Regulatory Jurisdiction over the Coastal Cutthroat Trout (*Oncorhynchus clarki clarki*). Dated November 22, 1999. 2 pages.

Waples, R.S. In Litt. Letter from Robin Waples of NMFS Northwest Fisheries Science Center to Anne Badgley, Regional Director, Region 1 USFWS regarding a request for assistance in completing Endangered Species Act status review for Coastal cutthroat trout. Dated February 22, 2000. 2 pages.

Author: The primary author of this document is Rollie White (see **ADDRESSES** section).

Authority

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

Dated: April 6, 2000.

Jamie Rappaport Clark,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 00–9258 Filed 4–13–00; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 21

RIN 1018–AF93

Migratory Bird Permits; Determination That the State of Delaware Meets Federal Falconry Standards and Amended List of States Meeting Federal Falconry Standards

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: We propose to add the State of Delaware to the list of States whose falconry laws meet or exceed Federal falconry standards. This action would enable residents of the State of Delaware to apply for a Federal/State falconry permit and to practice falconry in that State. We also propose to amend the list of States that participate in the cooperative Federal/State permit system by adding Delaware and Vermont. The State of Vermont has recently begun to participate in the cooperative program.

DATES: You may submit comments on or before May 15, 2000 at the location noted below under the heading **ADDRESSES.**

ADDRESSES: Comments must be submitted to the Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Room 634, Arlington, Virginia 22203. Copies of the environmental assessment (EA) and the State falconry rules for Delaware are available by writing to this same address. The public may inspect comments during normal business hours at this address.

FOR FURTHER INFORMATION CONTACT: Jon Andrew, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, telephone 703/358–1714.

SUPPLEMENTARY INFORMATION: Regulations in 50 CFR part 21 provide for review and approval of State falconry laws by the Fish and Wildlife Service. A list of States whose falconry laws are approved by the Service is found in 50 CFR 21.29(k). The practice of falconry is authorized in those States. As provided in 50 CFR 21.29 (a) and (c), the Director has reviewed certified copies of the falconry regulations adopted by the State of Delaware and has determined that they meet or exceed Federal falconry standards. Federal falconry standards contained in 50 CFR 21.29(d) through (i) include permit requirements, classes of permits, examination procedures, facilities and equipment standards, raptor marking, and raptor taking restrictions. Delaware regulations also meet or exceed all restrictions or conditions found in 50 CFR 21.29(j), which include requirements on the number, species, acquisition, and marking of raptors. Therefore, we are proposing that the State of Delaware be listed under § 21.29(k) as a State that meets Federal falconry standards. Inclusion of Delaware in this list would eliminate the current restriction that prohibits falconry within that State.

We are publishing the entire list of States that have met the Federal falconry standards, including the State of Delaware. We believe that publishing this list in its entirety will eliminate any confusion concerning which States have approval for falconry and further indicate which States participate in a cooperative Federal/State permit system program. We are adding asterisks to both Delaware and Vermont to identify them as participants in the cooperative permit program as explained below.

Why Is This Rulemaking Needed?

The need for the proposed changes to 50 CFR 21.29(k) arose from the expressed desire of the State of Delaware to institute a falconry program for the benefit of citizens interested in the sport of falconry and to participate in a cooperative Federal/State permit system. Accordingly, the State has promulgated regulations that meet or exceed Federal requirements protecting migratory birds. The proposed changes to 50 CFR 21.29(k) are necessary to allow, by inclusion within the listing of authorized falconry States, persons in the State of Delaware to practice falconry. We are also identifying the State of Vermont as a participant in a cooperative Federal/State permit system following that State's addition to the list of approved falconry States on September 7, 1999 (64 FR 48565).

NEPA Consideration

In compliance with the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4332(2)(C)), and the Council on Environmental Quality's regulations for implementing NEPA (40 CFR parts 1500–1508), the Service prepared an Environmental Assessment (EA) in July 1988 to support establishment of simpler, less restrictive regulations governing the use of most raptors. This EA is available to the public at the location indicated under the **ADDRESSES** caption. Based on review and evaluation of the proposed rule to amend 50 CFR 21.29(k) by adding Delaware to the list of States whose falconry laws meet or exceed Federal falconry standards, and Delaware and Vermont as participants in the cooperative application program, we have determined that the issuance of the proposed rule is categorically excluded from NEPA documentation under the Department of the Interior's NEPA procedures in 516 DM 2, Appendix 1.10.

Endangered Species Act Considerations

Section 7 of the Endangered Species Act (ESA) of 1972, as amended (16 U.S.C. 1531, *et seq.*), provides that, ''The Secretary [of the Interior] shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act'' [and] shall ''insure that any action authorized, funded, or carried * * * is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of [critical] habitat * * *'' Our review pursuant to section 7 concluded that this action is not likely to adversely affect listed species. A copy of this determination is available by contacting us at the address indicated under the **ADDRESSES** caption.

Other Required Determinations

This rule was not subject to the Office of Management and Budget (OMB) review under Executive Order 12866. The Department of the Interior has