

regulations on the 32nd or 33rd edition of the IATA LAR.

Third, IATA lists and names species differently from the way CITES lists and names species in the Appendices to the Convention. This may cause confusion and misunderstanding; IATA uses a combination of common English and scientific names, but CITES sometimes uses only the scientific name. If we amend current regulations, we will use both the common and scientific name of species whenever possible, although we intend to use just the common name when referring to groups of animals, such as "bears" or "parrots." This practice will make amended regulations similar to the 31st edition of the IATA LAR. In addition, many shippers transport CITES-listed and non-CITES-listed species on the same flights, and the IATA LAR refers to both CITES-listed and non-CITES-listed species. Therefore, it is important to provide common names to assist those individuals who may not be familiar with scientific names, even though we recognize that common names can refer to different species of animals.

Fourth, although the IATA LAR provide guidelines for air transport and can be used as guidelines for non-air transport (*i.e.* transport by road, rail, or sea), there are recommendations available from other sources (*e.g.* AATA) that specifically address the transport of species by road, rail or sea. Additionally, the CITES Parties are considering the addition of requirements specific for ground transportation of wildlife and we plan to propose amendments to our regulations based on those recommendations to standardize international ground shipping practices. Therefore, we are soliciting recommendations from the public and other interested parties regarding ground transportation recommendations for various types of animal groups.

As a result, we plan to change the regulations in 50 CFR Part 14, subpart J, in several ways.

First, we plan to propose to include more specific requirements such as number of animals per container, for the general transport of mammals and birds. In shipments where these numbers have been exceeded, our wildlife inspectors would have an objective and consistent method to determine whether the shipment was humane and healthful. The current regulations do not provide any detail in this regard. Also, while the current regulations specify that terminal facilities must have an effective program for the control of insects, ectoparasites and pests of mammals and birds, we propose to include specific methods to

be used by terminal facilities to control insect pests.

Second, we plan to propose changes to 50 CFR Part 14, subpart J, by adding new sections and expanding existing regulations that enact requirements concerned with the transport of particular taxa of mammals and birds. Since these regulations were last published in 1992, several changes have been made in the IATA LAR specifying different shipping arrangements for various species of mammals and birds. We plan to propose changes based upon the 32nd or 33rd edition of the IATA LAR for the transport of mammals and birds. In the IATA LAR 20th edition, for example, several small carnivores (genets, olingos, grison, and fаланouc) are included in the crate requirements for large gnawing rodents and marsupials. In the IATA LAR 31st edition, these same species have been included in the container requirements for animals more similar in behavior and form.

Third, we plan to propose changing the language and format of the old regulations to clear and plain language with an easier to follow outline format.

Finally, in order to be current with CITES transportation recommendations, we propose to add regulations specifically pertaining to international ground transportation of wildlife to the United States. The CITES Transport Working Group (TWG) is developing such guidelines and we will likely propose international ground transportation regulations that largely mirror those adopted by the CITES Parties. We also seek input on the spectrum of potential ground transport issues, particularly species or taxa-specific ones, and will consider that input during our revisions.

Other changes to the regulations will be based on comments and suggestions that we receive from the public.

#### Author

The author of this advance notice of proposed rulemaking is the staff of the Division of Management Authority (see **FOR FURTHER INFORMATION CONTACT** section).

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

Dated: August 19, 2005.

**Marshall Jones,**

*Acting Director.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

RIN 1018-A180

#### Endangered and Threatened Wildlife and Plants; Proposed Establishment of a Nonessential Experimental Population of Northern Aplomado Falcons in Southern New Mexico and Arizona

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

**ACTION:** Proposed rule; reopening of public comment period, notice of public hearings, and notice of availability of draft monitoring plan.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce the reopening of the public comment period for the proposed rule to establish, under section 10(j) of the Endangered Species Act of 1973, as amended (Act), an experimental population of northern aplomado falcons (*Falco femoralis septentrionalis*) into their historic habitat in southern New Mexico and Arizona. We are providing this notice to allow all interested parties to comment on the proposed reintroduction and the draft environmental assessment (notice of which published in the **Federal Register** on February 9, 2005). We are also announcing the availability of a draft monitoring plan for the reintroduction of the northern aplomado falcon for public comment. We will hold two public hearings (see **DATES** and **ADDRESSES** sections).

Through this notice and the public hearings, we are seeking comments or suggestions from the public, other concerned governmental agencies, Tribes, the scientific community, industry, or any other interested parties concerning the proposed experimental population and draft monitoring plan.

**DATES:** Comments must be submitted directly to the Service (see **ADDRESSES** section) on or before November 15, 2005, or at any of the public hearings to be held in October 2005. Any comments received after the closing date may not be considered in the final determination on the proposal.

We will hold two public hearings at the following dates and times:

1. October 11, 2005: Las Cruces, NM. Informal question and answer session: 6 p.m. Public hearing: 7 p.m.–8:45 p.m.
2. October 13, 2005: Albuquerque, NM. Informal question and answer session: 6 p.m. Public hearing: 7 p.m.–8:45 p.m.

**ADDRESSES:**

## Meetings

The public hearings will be held at the following locations:

1. Las Cruces, NM: Auditorium, Corbett Center Student Union, Jordan Street and University Avenue, New Mexico State University, Las Cruces, New Mexico 88003-8001. (505) 646-4804. Parking is located in Lot 27 off of Triviz and University Avenue.

2. Albuquerque, NM: Silver & Turquoise Room, Indian Pueblo Cultural Center, 2401 12th Street NW (1 block North of I-40), Albuquerque, New Mexico 87104. (505) 843-7270 or 1-800-766-4405.

Written information, comments, or questions related to preparation of the draft environmental assessment and the National Environmental Policy Act (NEPA) process should be submitted to Susan MacMullin, Field Supervisor, U.S. Fish and Wildlife Service, New Mexico Ecological Services Field Office, 2105 Osuna NE, Albuquerque, New Mexico 87113. Written comments may also be sent by facsimile to (505) 346-2542 or by e-mail to [R2FWE\\_AL@fws.gov](mailto:R2FWE_AL@fws.gov). For directions on how to submit electronic filing of comments, see the "Public Comments Solicited" section.

You may obtain copies of the proposed rule, draft environmental assessment, and draft monitoring plan from the above address, or by calling 505-346-2525. They are also available from our Web site at <http://ifw2es.fws.gov/NewMexico/>. All comments and materials received, as well as supporting documentation used in preparation of the proposed rule, will be available for public inspection, by appointment, during normal business hours at the New Mexico Ecological Services Field Office.

### FOR FURTHER INFORMATION CONTACT:

Questions regarding the development of the proposed rule designating an experimental population, the draft environmental assessment, or the draft monitoring plan may be directed to Susan MacMullin, Field Supervisor, New Mexico Ecological Services Field Office, telephone 505-346-2525 (see **ADDRESSES**). Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339, 24 hours a day, 7 days a week.

### SUPPLEMENTARY INFORMATION:

#### Background

We previously proposed to reintroduce northern aplomado falcons into their historic habitat in southern New Mexico with the purpose of establishing a viable resident population

(February 9, 2005, 70 FR 6819). If the proposed rule is finalized, we may release up to 150 captive-raised northern aplomado falcons annually in the summer and/or fall for 10 or more years, until a self-sustaining population is established. We propose to designate this reintroduced population as a nonessential experimental population, according to section 10(j) of the Endangered Species Act of 1973, as amended. The geographic boundary of the proposed nonessential experimental population includes all of New Mexico and Arizona. A draft environmental assessment was prepared for this proposed action and has been made available for comment (February 9, 2005, 70 FR 6819).

Pursuant to 50 CFR 424.16(c)(2), we may extend or reopen a comment period upon finding that there is good cause to do so. Our public hearing for this proposed rule was originally scheduled for Las Cruces, New Mexico, on March 15, 2005. However, this hearing had to be postponed because of widespread road closures on that date in northern and central New Mexico due to hazardous snow and ice conditions. In addition, we have now developed the draft monitoring plan for the proposed reintroduction of the northern aplomado falcon that was referred to in the proposed rule and draft environmental assessment (70 FR 6819). We announce the availability of this document and solicit data and comments from the public (please see **ADDRESSES** section). We also announce new public hearing dates concurrently with the availability of the draft monitoring plan. We deem these considerations as sufficient cause to reopen the comment period that closed on April 11, 2005 (70 FR 6819). For additional information on how to send comments, see "Public Comments Solicited" section.

Our proposal to reintroduce northern aplomado falcons in New Mexico and Arizona under section 10(j) of the Endangered Species Act requires the Service to periodically review and evaluate the reintroduction program. The monitoring plan will assist the Service in its evaluation of the release program described in the proposed rule and draft environmental assessment and will provide guidelines for northern aplomado falcon monitoring efforts in New Mexico and Arizona. Monitoring requirements and studies are described in two tiers. Tier 1 describes short-term monitoring, which includes basic monitoring requirements for newly released falcons and for nesting falcons beginning 3 years after their reintroduction. Tier 1 monitoring will primarily be the responsibility of The

Peregrine Fund, who will submit annual reports to the Service on northern aplomado falcon release monitoring results in New Mexico and Arizona. In addition, the Bureau of Land Management and U.S. Army Fort Bliss will be responsible for remote-sensing habitat monitoring relevant to the reintroduction program in New Mexico and Arizona. Tier 2 investigations include nonmandatory monitoring efforts subject to available funding. Annual stakeholder meetings will be conducted to review project data to determine if refinements to the program are needed. We will use the best scientific and commercial data available, including, but not limited to, results from this monitoring plan and stakeholder meetings to prepare 5-year evaluations of the New Mexico and Arizona falcon restoration program.

## Public Hearings

The Act provides for one or more public hearings on this proposed rule, if requested. We have been requested to conduct two public hearings in New Mexico. We will hold a public hearing in Las Cruces, New Mexico, on October 11, 2005, and one in Albuquerque, New Mexico, on October 13, 2005. Announcements for the public hearings will also be made in local newspapers.

Public hearings are designed to gather relevant information that the public may have that we should consider in our rulemaking. During the hearings, we will present information about the proposed action. We invite the public to submit information and comments at the hearings or in writing during the open public comment period. We encourage persons wishing to comment at the hearing to provide a written copy of their statement at the start of the hearing. This notice and the public hearings will allow all interested parties to submit comments on the proposed nonessential experimental population rule for the northern aplomado falcon. We are seeking comments from the public, other concerned governmental agencies, Tribes, the scientific community, industry, or any other interested parties concerning the proposal. Persons may send written comments to the New Mexico Ecological Services Field Office (see **ADDRESSES** section) at any time during the open comment period. We will give equal consideration to oral and written comments. For more information about commenting, see the "Public Comments Solicited" section.

## Public Comments Solicited

We intend for our draft environmental assessment (EA) to consider reasonable

alternatives for the establishment of an experimental population of the aplomado falcon. We also wish to ensure that any proposed rulemaking to establish an experimental population and the accompanying monitoring plan effectively evaluate all potential issues and impacts associated with this action. Therefore, we seek comment from Federal, State, local, or Tribal government agencies; the scientific or business community; landowners; or any other interested party. Comments should be as specific as possible.

In order to issue a final rule to implement this proposed action and to determine whether to prepare a finding of no significant impact or an environmental impact statement, we will take into consideration all comments and any additional information we receive. Such communications may lead to a final rule that differs from this proposal. All comments, including names and addresses, will become part of the supporting record.

If you wish to provide comments and/or information, you may submit your comments and materials by any one of several methods (see **ADDRESSES**).

Comments submitted electronically should be in the body of the e-mail message itself or attached as a text file (ASCII), and should not use special characters or encryption. Please also include "Attn: Falcon Proposed 10(j) Rule," your full name, and your return address in your e-mail message. If you do not receive a confirmation from the system that we have received your e-mail message, contact us directly by calling our New Mexico Ecological Services Field Office (see **ADDRESSES** section).

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Respondents may request that we withhold their home addresses, which we will honor to the extent allowable by law. There may also be circumstances in which we would withhold a respondent's identity, as allowable by law. If you wish for us to withhold your name and/or address, you must state this request prominently at the beginning of your comment. However, we will not consider anonymous comments. To the extent consistent with applicable law, we will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety. Comments and materials received will be available for public inspection, by appointment, during normal business hours at New Mexico Ecological Services Office in Albuquerque, New Mexico (see **ADDRESSES**).

#### **Paperwork Reduction Act**

Office of Management and Budget (OMB) regulations at 5 CFR part 1320, which implement provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) require that Federal agencies obtain approval from OMB before collecting information from the public. A Federal agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. OMB approval is required if information will be collected from 10 or more

persons (5 CFR 1320.3). "Ten or more persons" refers to the persons to whom a collection of information is addressed by the agency within any 12-month period, and to any independent entities to which the initial addressee may reasonably be expected to transmit the collection of information during that period, including independent State, territorial, Tribal or local entities and separately incorporated subsidiaries or affiliates. For the purposes of this definition, "persons" does not include employees of the respondent acting within the scope of their employment, contractors engaged by a respondent for the purpose of complying with the collection of information, or current employees of the Federal government when acting within the scope of their employment, but it does include former Federal employees. The draft monitoring plan for reestablishment of the falcon contains a requirement for information collection; however, it does not affect 10 or more persons. Therefore, OMB approval and a control number are not needed for the data collection forms appended to the monitoring plan. In the future, if it becomes necessary to collect this information from 10 or more respondents per year, we will first obtain approval from OMB.

#### **Authority**

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

Dated: September 1, 2005.

#### **Craig Manson,**

*Assistant Secretary for Fish and Wildlife and Parks.*

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