



# Federal Register

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**Monday,  
December 13, 2004**

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**Part XI**

**Department of the  
Interior**

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**Semiannual Regulatory Agenda**

**DEPARTMENT OF THE INTERIOR (DOI)**

**DEPARTMENT OF THE INTERIOR**

**Office of the Secretary**

**25 CFR Ch. I**

**30 CFR Chs. II and VII**

**36 CFR Ch. I**

**43 CFR Subtitle A, Chs. I and II**

**48 CFR Ch. 14**

**50 CFR Chs. I and IV**

**Semiannual Regulatory Agenda**

**AGENCY:** Office of the Secretary, Interior.

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** This notice provides the semiannual agenda of rules scheduled for review or development between fall

2004 and spring 2005. The Regulatory Flexibility Act and Executive Order 12866 require publication of the agenda.

**ADDRESSES:** Unless otherwise indicated, all agency contacts are located at the Department of the Interior, 1849 C Street NW., Washington, DC 20240.

**FOR FURTHER INFORMATION CONTACT:** You should direct all comments and inquiries with regard to these rules to the appropriate agency contact. You should direct general comments relating to the agenda to the Office of Executive Secretariat, Department of the Interior, at the address above or on 202-208-5257 or 202-208-3071.

**SUPPLEMENTARY INFORMATION:** With this publication, the Department satisfies the requirement of Executive Order 12866 that the Department publish an agenda of rules that we have issued or expect to issue and of currently effective rules that we have scheduled for review.

Simultaneously, the Department meets the requirement of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) to publish an agenda in April and October of each year identifying rules that will have significant economic effects on a substantial number of small entities. We have specifically identified in the agenda rules that will have such effects.

For this edition of the Department's regulatory agenda, we have included the most important significant regulatory actions in the Regulatory Plan, which appears in part II of today's **Federal Register**. The table of contents below lists the Regulatory Plan entries and denotes them by a bracketed bold reference that directs the reader to the appropriate sequence number in part II.

**Dated:** October 29, 2004.  
**Richard A. Stephan,**  
*Federal Register Liaison Officer.*

**Assistant Secretary for Policy, Management and Budget—Proposed Rule Stage**

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1561	Hydropower Licensing: Conditions and Prescriptions .....	1090-AA91

**Assistant Secretary for Policy, Management and Budget—Long-Term Actions**

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1562	Natural Resource Damage Assessments: Type B Procedures .....	1090-AA29

**Office of Acquisition and Property Management—Completed Actions**

Sequence Number	Title	Regulation Identifier Number
1563	Woody Biomass Utilization .....	1084-AA00

**Office of Hearings and Appeals—Proposed Rule Stage**

Sequence Number	Title	Regulation Identifier Number
1564	Equal Access to Justice Act .....	1094-AA49
1565	Indian Probate Adjudication .....	1094-AA50

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1566	Procedures for Depositing Funds .....	1035-AA04

## Office of the Special Trustee—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1567	American Indian Trust Fund Management Reform Act .....	1035-AA05

## United States Fish and Wildlife Service—Prerule Stage

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1568	Endangered and Threatened Wildlife and Plants; Conservation Education; 50 CFR 17.21 .....	1018-AI66
1569	Migratory Bird Permits; Regulations Governing Possession of Migratory Birds for Educational Purposes .....	1018-AI97
1570	Humane and Healthful Transport of Wild Mammals, Birds, Reptiles, and Amphibians to the United States .....	1018-AJ24
1571	Listing of 7 Foreign Butterfly Species Under the Endangered Species Act .....	1018-AT83

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1573	Convention on International Trade in Endangered Species (CITES) .....	1018-AD87
1574	Migratory Bird Permits: Scientific Collecting Permits .....	1018-AE63
1575	U.S. Proposals for CITES Appendix III; American Eel .....	1018-AF09
1576	Endangered and Threatened Wildlife and Plants; Removing of the Bald Eagle in the Lower 48 States From the List of Endangered and Threatened Wildlife .....	1018-AF21
1577	Humane and Healthful Transport of Wild Mammals, Birds, Reptiles, and Amphibians to the United States .....	1018-AF27
1578	Importation, Exportation, and Transportation of Wildlife, 50 CFR Part 14 .....	1018-AF46
1579	Endangered and Threatened Wildlife and Plants; Proposed Reclassification of the Straight-Horned Markhor Population of the Torghar Region of Baluchistan, Pakistan, From Endangered to Threatened .....	1018-AG00
1580	Federal Falconry Standards and Falconry Permitting .....	1018-AG11
1581	Endangered and Threatened Wildlife and Plants; Delisting the Gulf Coast Distinct Population Segment of the Brown Pelican Population in the Southeastern United States .....	1018-AG40
1582	Wild Bird Conservation Act: Review of Approved List of Captive-Bred Species .....	1018-AG64
1583	Injurious Wildlife—Addition of Black Carp .....	1018-AG70
1584	Interagency Guidance for the Prescription of Fishways Pursuant to Section 18 of the Federal Power Act .....	1018-AH42
1585	Endangered and Threatened Wildlife and Plants; Establishment of a Nonessential Experimental Population for the Boulder Darter and the Spotfin Chub in Shoal Creek, Alabama and Tennessee .....	1018-AH44
1586	Endangered and Threatened Wildlife and Plants; Reclassification of the Gila Trout From Endangered to Threatened With a Special Rule .....	1018-AH57
1587	Corrections to Rights-of-Way Regulations .....	1018-AI12
1588	North American Wetlands Conservation Act and Neotropical Migratory Bird Conservation Act Grant Administration Policies .....	1018-AI13
1589	Subsistence Management Regulations for Public Lands in Alaska, Subpart C—Nonrural Determinations .....	1018-AI38
1590	Endangered and Threatened Wildlife and Plants; Reclassification of the American Crocodile From Endangered to Threatened .....	1018-AI41
1591	Import of Polar Bear Trophies From Canada; Finding for the Gulf of Boothia Population .....	1018-AI65
1592	Endangered and Threatened Wildlife and Plants; Delisting of the Arizona Agave .....	1018-AI79
1593	Endangered and Threatened Wildlife and Plants; Proposed Nonessential Experimental Population of the Northern Aplomado Falcon .....	1018-AI80
1594	Endangered and Threatened Wildlife and Plants; Downlisting the Wood Bison From Endangered to Threatened ...	1018-AI83
1595	U.S. Proposals for CITES Appendix III; Black Cohosh .....	1018-AI91

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1597	Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the San Jacinto Valley Crownscale .....	1018-AJ11
1598	Endangered and Threatened Wildlife and Plants; Listing the Salt Creek Tiger Beetle .....	1018-AJ13
1599	Injurious Wildlife; Silver Carp ( <i>Hypophthalmichthys Molitrix</i> ) .....	1018-AT29
1600	Wild Bird Conservation Act; Review of Regulations To Allow Imports of Exotic Wild Birds .....	1018-AT30
1601	Endangered and Threatened Wildlife and Plants; Delisting of Mexican Bobcat from List of Endangered Species ....	1018-AT31
1602	Marine Mammals; and Endangered and Threatened Wildlife and Plants; Proposed Termination of the Southern Sea Otter Translocation Program .....	1018-AT34
1603	Endangered and Threatened Wildlife and Plants; Amendment to the Nonessential Experimental Population Rule for the Mexican Gray Wolf .....	1018-AT36
1604	Endangered and Threatened Wildlife and Plants; Reclassification of the Virginia Northern Flying Squirrel From En- dangered to Threatened .....	1018-AT37
1605	Endangered and Threatened Wildlife and Plants; Removal of the Yellowstone Grizzly Bear Population From the List of Endangered and Threatened Species .....	1018-AT38
1606	Endangered and Threatened Wildlife and Plants; Listing the Boreal Toad .....	1018-AT43
1607	Subsistence Management Regulations for Public Lands in Alaska, Subpart A and Subpart B .....	1018-AT47
1608	Injurious Wildlife; Bighead Carp ( <i>Hypophthalmichthys Nobilis</i> ) .....	1018-AT49
1609	Revised Definition of "Destruction or Adverse Modification" for Endangered Species Act Section 7 Consultations ..	1018-AT50
1610	Listing the Miami Blue Butterfly as Endangered; Listing the Cassius Blue, Ceraunus Blue, and Nickerbean (Ammon) Blue Butterflies as Threatened Due to Similarity of Appearance to the Miami Blue .....	1018-AT51
1611	CITES Appendix III Listing of the Sea Cucumber ( <i>Isostichopus fuscus</i> ) by the Government of Ecuador .....	1018-AT55
1612	Special Rule Reclassifying Argentinian Broad-Snouted Caiman Population From Endangered to Threatened .....	1018-AT56
1613	Migratory Bird Permits; Changes in Regulations Governing Raptor Propagation .....	1018-AT60
1614	Listing of Six Foreign Birds Under the Endangered Species Act .....	1018-AT62
1615	Migratory Bird Permits; Federal Falconry Standards; Adding Connecticut to the List of States That Meet Federal Falconry Standards .....	1018-AT63
1616	Migratory Bird Hunting; Revision of Language Used in Regulations for Approving Nontoxic Shot for Use in Water- fowl Hunting .....	1018-AT67
1617	Regulations to Implement the Captive Wildlife Safety Act .....	1018-AT69
1618	Mosquito and Mosquito-Borne Disease Management .....	1018-AT72
1619	Strategic Growth of the National Wildlife Refuge System .....	1018-AT73
1620	Endangered and Threatened Wildlife and Plants; Coachella Valley Milk-Vetch Critical Habitat Designation .....	1018-AT74
1621	Endangered and Threatened Wildlife and Plants; Thread-Leaved Brodiaea Critical Habitat Designation .....	1018-AT75
1622	Migratory Bird Hunting; 2005-2006 Migratory Game Bird Hunting Regulations .....	1018-AT76
1623	Migratory Bird Subsistence Harvest in Alaska; Proposed Spring/Summer Subsistence Annual Harvest Regulations for Migratory Birds in Alaska During the 2005 Subsistence Season .....	1018-AT77
1624	Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the San Miguel Island Fox, Santa Rosa Island Fox, Santa Cruz Island Fox, and Santa Catalina Island Fox .....	1018-AT78
1625	Endangered and Threatened Wildlife and Plants; Salt Creek Tiger Beetle Critical Habitat Designation .....	1018-AT79
1626	Subsistence Management Regulations for Public Lands in Alaska; Southwestern Alaska Coastal Areas .....	1018-AT81
1627	Marine Mammals: Incidental Take During Specified Activities .....	1018-AT82
1628	Endangered and Threatened Wildlife and Plants; Critical Habitat for the Arkansas River Shiner .....	1018-AT84
1629	Endangered and Threatened Wildlife and Plants; Proposed Delisting of the Cui-ui From the List of Endangered and Threatened Species .....	1018-AT85
1630	Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Spreading Navarretia .....	1018-AT86
1631	Migratory Bird Hunting; Approval of 62 Percent Iron/25 Percent Tungsten/13 Percent Nickel Shot as Nontoxic for Hunting Waterfowl and Coots .....	1018-AT87
1632	Endangered and Threatened Wildlife and Plants; Designating Critical Habitat for Southwestern Willow Flycatcher .....	1018-AT88
1633	Endangered and Threatened Wildlife and Plants; Critical Habitat for Western Snowy Plover .....	1018-AT89
1634	Endangered and Threatened Wildlife and Plants; Designating Critical Habitat for the St. Andrew Beach Mouse ....	1018-AT90
1635	Endangered and Threatened Wildlife and Plants; Designating Critical Habitat for 3 Willamette Species: Willamette Daisy, Fender's Blue Butterfly, and Kincaid's Lupine .....	1018-AT91
1636	Endangered and Threatened Wildlife and Plants; Designating Critical Habitat for the Willoway Monardella .....	1018-AT92
1637	Endangered and Threatened Wildlife and Plants; Designating Critical Habitat for the Alameda Whipsnake .....	1018-AT93
1638	Protection of Bald Eagles and Definition .....	1018-AT94
1639	Captive-Bred Wildlife Regulation: Excluding the Captive-Bred Scimitar-Horned Oryx, Addax, and Dama Gazelle From Endangered Status .....	1018-AT95

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1641	Subsistence Management Regulations for Public Lands in Alaska, Subpart C and Subpart D; 2006-2007 Subsistence Taking of Wildlife Regulations .....	1018-AT98
1642	Subsistence Management Regulations for Public Lands in Alaska, Subpart C—Nonrural Determinations .....	1018-AT99
1643	Endangered and Threatened Wildlife and Plants; Establishment of a Nonessential Experimental Population for the Topeka Shiner .....	1018-AU00
1644	Endangered and Threatened Wildlife and Plants; Establishment of a Nonessential Experimental Population for 16 Freshwater Mussels, 1 Freshwater Snail, and 5 Fishes in Tennessee .....	1018-AU01

## United States Fish and Wildlife Service—Final Rule Stage

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1647	Importation of Captive-Bred Exotic Birds Into the United States From Breeding Facilities in Other Countries .....	1018-AF44
1648	Endangered and Threatened Wildlife and Plants; Tibetan Antelope .....	1018-AF49
1649	Policy on General Conservation Permits .....	1018-AF63
1650	U.S. Proposals for CITES Appendix III; Certain Turtle Species .....	1018-AF69
1651	National Wildlife Refuge System; Mission, Goals, and Purposes .....	1018-AG46
1652	Endangered and Threatened Wildlife and Plants; Removal of the Johnston's Frankenia From the List of Endangered and Threatened Species .....	1018-AH53
1653	Endangered and Threatened Wildlife; Reclassification from Endangered to Threatened Status for Mariana Fruit Bat (Guam), and Threatened Status for Mariana Fruit Bat (CNMI) .....	1018-AH55
1654	Addition of the Great White Shark and the Cape Stag Beetles to Appendix III Under CITES .....	1018-AH66
1655	Audit Resolution Policy .....	1018-AH69
1656	Importation of Exotic Wild Birds Into the United States; Adding Blue-Fronted Amazon Parrots From Argentina's Approved Sustainable Use Management Plan to the Approved List of Non-Captive Bred Species .....	1018-AH89
1657	Public Notice for CITES Appendix III Listing of Spanish Cedar and Bigleaf Mahogany by the Government of Peru .....	1018-AH99
1658	Endangered and Threatened Wildlife and Plants; Removal of Two Australian Parakeets From the List of Endangered and Threatened Species .....	1018-AI04
1659	Migratory Bird Hunting and Permits; Regulations for Managing Harvest of Light Goose Populations .....	1018-AI07
1660	Addition by Indonesia of Ramin to Appendix III Under the Convention on International Trade in Endangered Species of Wild Fauna and Flora .....	1018-AI08
1661	Migratory Bird Permits; Regulations for Managing Resident Canada Geese Populations .....	1018-AI32
1662	Endangered and Threatened Wildlife and Plants; Listing the Southwest Alaskan Distinct Population Segment of the Northern Sea Otter .....	1018-AI44
1663	Migratory Bird Permits; Eiderdown From Iceland .....	1018-AI64
1664	Endangered and Threatened Wildlife and Plants; Permits for Foreign Listed Species .....	1018-AI67
1665	Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the San Diego Fairy Shrimp .....	1018-AI71
1666	Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the California Gnatcatcher .....	1018-AI72
1667	Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for a Plant, the Lane Mountain Milk-Vetch .....	1018-AI78
1668	Endangered and Threatened Wildlife and Plants; Endangered Status for the Scimitar-Horned Oryx, Addax, and Dama Gazelle .....	1018-AI82
1669	Migratory Bird Permits; Military Readiness Exemption .....	1018-AI92
1670	Endangered and Threatened Wildlife and Plants; Delisting the Eastern Distinct Population Segment of the Gray Wolf .....	1018-AJ03
1671	Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Colorado Butterfly Plant .....	1018-AJ07
1672	Endangered and Threatened Wildlife and Plants; Removal of Eggert's Sunflower From the List of Endangered and Threatened Species .....	1018-AJ08
1673	Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Fish Slough Milk-Vetch .....	1018-AJ09
1674	Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Munz's Onion .....	1018-AJ10
1675	Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Coastal-Puget Sound, St. Mary-Belly River, and Jarbidge River Population Segments of Bull Trout .....	1018-AJ12
1676	Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Arroyo Toad .....	1018-AT42

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## United States Fish and Wildlife Service—Final Rule Stage (Continued)

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1678	Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Riverside Fairy Shrimp .....	1018-AT45
1679	Subsistence Management Regulations for Public Lands in Alaska, Subpart C and Subpart D; 2005-2006 Subsistence Taking of Fish and Shellfish Regulations .....	1018-AT46
1680	Marine Mammals: Revised Definition of "Authentic Native Articles of Handicrafts and Clothing" .....	1018-AT48
1681	Endangered and Threatened Wildlife and Plants; Special Rule to Control the Trade in Threatened Beluga Sturgeon .....	1018-AT54
1682	Endangered and Threatened Wildlife and Plants; Emergency Critical Habitat Designation for Santa Ana Sucker .....	1018-AT57
1683	Conferring Designated Port Status on Memphis, TN, Louisville, KY, and Houston, TX .....	1018-AT59
1684	Regulations for Nonessential Experimental Populations of the Western Distinct Population Segment of the Gray Wolf .....	1018-AT61
1685	Permit Revocation Regulations for Endangered Species Act Incidental Take Permits .....	1018-AT64
1686	Endangered and Threatened Wildlife and Plants; Designating Manatee Protection Areas in Lee County, FL .....	1018-AT65
1687	Endangered and Threatened Wildlife and Plants; Buena Vista Lake Shrew Critical Habitat Designation .....	1018-AT66
1688	Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for California Tiger Salamander, Central DPS; 50 CFR 17 .....	1018-AT68
1689	Seasons, Harvest Limits, Methods, and Means Related to Taking of Wildlife for Subsistence Uses During 2005-06 Regulatory Year (Subpart D) .....	1018-AT70
1690	Endangered and Threatened Wildlife and Plants; Listing and Critical Habitat for the Sacramento Mountains Checkerspot Butterfly .....	1018-AT96

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1692	Taking of Marine Mammals by Level B Harassment; Issuance of General Authorization for Scientific Research and Permits for Photography, Educational, and Commercial Purposes .....	1018-AF26
1693	Injurious Wildlife; Addition of the Asian Swamp Eel .....	1018-AF53
1694	Endangered and Threatened Wildlife and Plants; Determination of Endangered Status and Designation of Critical Habitat for the Gila Chub .....	1018-AG16
1695	Endangered and Threatened Wildlife and Plants; Endangered Status for 12 Species of Picture-Wing Flies From the Hawaiian Islands .....	1018-AG23
1696	Endangered and Threatened Wildlife and Plants; Listing the Dolly Varden as a Threatened Species in Washington Due to Similarity of Appearance to Bull Trout .....	1018-AH68
1697	Release of Captive-Reared Mallards .....	1018-AI05
1698	Endangered and Threatened Wildlife and Plants; Listing and Designation of Critical Habitat for Three Snails and One Amphipod .....	1018-AI15
1699	Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Cactus Ferruginous Pygmy Owl .....	1018-AI48
1700	Migratory Bird Permits; Revisions to General Exceptions .....	1018-AI96
1701	Revision of the Regulations Governing the Transport of Eagle Feathers .....	1018-AJ00
1702	Endangered and Threatened Wildlife and Plants; Delisting of the Western Distinct Population Segment of the Gray Wolf .....	1018-AJ04
1703	Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the California Red-Legged Frog .....	1018-AJ16
1704	Injurious Wildlife Species; Boiga Snakes .....	1018-AT28
1705	Endangered and Threatened Wildlife and Plants; Amendment to Manatee Protection Areas in Florida (Barge Canal Exception) .....	1018-AT39

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1706	Endangered and Threatened Wildlife and Plants; Listing of the Miami Blue Butterfly .....	1018-AH30
1707	Endangered and Threatened Wildlife and Plants; Revisions to the Regulations Applicable to Permits Issued Under the Endangered Species Act .....	1018-AH93
1708	Endangered and Threatened Wildlife and Plants; Removal of the Tinian Monarch Flycatcher From the List of Endangered and Threatened Species .....	1018-AI14
1709	Endangered and Threatened Wildlife and Plants; Critical Habitat for the Topeka Shiner .....	1018-AI20
1710	Endangered and Threatened Wildlife and Plants; Critical Habitat for 5 Guam Species .....	1018-AI25
1711	Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Columbia-Klamath Distinct Population Segment of the Bull Trout .....	1018-AI52
1712	Endangered and Threatened Wildlife and Plants; Listing Central California Distinct Population Segment of California Tiger Salamander as Threatened; Reclassifying Sonoma County and Santa Barbara County .....	1018-AI68
1713	Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for 11 Mobile River Basin Freshwater Mussels .....	1018-AI73
1714	Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Five Appalachian Mussels .....	1018-AI76
1715	Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for a Plant, the Pierson's Milk-Vetch .....	1018-AI77
1716	Changes in List of Species in Appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora .....	1018-AI90
1717	Endangered Species and Pesticide Regulation .....	1018-AI95
1718	Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Mexican Spotted Owl .....	1018-AJ15
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1721	Extension of Existing Amended 4(d) Rule for Preble's Meadow Jumping Mouse in Colorado and Wyoming .....	1018-AJ26
1722	Migratory Bird Hunting; Approval of Hevi-Steel as a Nontoxic Shot Material for Waterfowl Hunting .....	1018-AT32
1723	2004-2005 Refuge-Specific Hunting and Sport Fishing Regulations .....	1018-AT40
1724	Land Conservation Planning (Refuge Manual Chapter 602 FW 2) .....	1018-AT41
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1726	Subsistence Management Regulations for Public Lands in AK: Specifying Ratios of Interests/Qualifications of Members of Federal Subsistence Regional Advisory Councils .....	1018-AT58
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1729	Gateway National Recreation Area; Personal Watercraft .....	1024-AC95
1730	Curecanti Recreation Area; Personal Watercraft .....	1024-AC99
1731	Native American Graves Protection and Repatriation Act; Future Applicability .....	1024-AD05
1732	Revisions to Right-of-Way Regulations .....	1024-AD16
1733	Cost Recovery for Special Park Uses .....	1024-AD18
1734	Gulf Islands National Seashore: Personal Watercraft Use .....	1024-AD21
1735	Historic Preservation Certifications .....	1024-AD24
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1745	Apostle Islands; Off-Road Vehicles .....	1024-AD27
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1751	Chickasaw Recreation Area; Personal Watercraft .....	1024-AC98
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1753	Lake Roosevelt Recreation Area; Personal Watercraft .....	1024-AD01
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## Minerals Management Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1781	Requirements for Material, Personnel and Pipe Handling Operations .....	1010-AD14

## Minerals Management Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1782	Late and Overpayment Interest .....	1010-AC27
1783	Takes vs. Entitlements Reporting .....	1010-AC29
1784	Prepayment of Royalties .....	1010-AC31
1785	Royalty Relief Terms .....	1010-AC58
1786	Data Release and Definitions .....	1010-AC99
1787	Valuation of Oil From Indian Leases ( <b>Reg Plan Seq No. 84</b> ) .....	1010-AD00
1788	Reduction to Royalty Relief in Special Circumstances .....	1010-AD02
1789	Leasing of Sulphur or Oil and Gas in the Outer Continental Shelf .....	1010-AD06
1790	Suspension of Operations for Ultra-Deep Drilling .....	1010-AD09
1791	Protection of Marine Mammals and Endangered Species .....	1010-AD10
1792	Pipeline Safety Rule Phase I .....	1010-AD11
1793	Oil and Gas Production Rates .....	1010-AD12
1794	Safety Management Systems .....	1010-AD15
1795	Administrative Cost Recovery for OCS Oil and Gas Operations .....	1010-AD16
1796	Open and Nondiscriminatory Movement of Oil and Gas as Required by the Outer Continental Shelf Lands Act .....	1010-AD17

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

## Minerals Management Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1797	Plans and Information .....	1010-AC47
1798	Incident Reporting .....	1010-AC57
1799	Proprietary Terms and Data Disclosure .....	1010-AC81
1800	Documents Incorporated by Reference for Offshore Floating Production Facilities .....	1010-AC85

## DOI

## Minerals Management Service—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
1801	Document Incorporated by Reference—API 510—Pressure Vessel Inspection Code: Maintenance Inspection, Rating, Repair, and Alteration .....	1010-AC95
1802	Blowout Prevention for Production Tree Coiled Tubing Workover Operations .....	1010-AC96
1803	Federal Oil Valuation .....	1010-AD04
1804	Federal Gas Valuation .....	1010-AD05
1805	Rights of Use and Easement .....	1010-AD13

## Minerals Management Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1806	Accounting Relief for Marginal Properties .....	1010-AC30
1807	Appeals of Minerals Management Service Orders .....	1010-AC80
1808	Temporary Abandoned Wells .....	1010-AD08

## Office of Surface Mining Reclamation and Enforcement—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1809	Abandoned Coal Refuse Sites .....	1029-AB70
1810	Revegetation .....	1029-AC02
1811	Financial Assurances .....	1029-AC05
1812	Transfer, Assignment, or Sale of Permit Rights .....	1029-AC48

## Office of Surface Mining Reclamation and Enforcement—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1813	Indian Lands .....	1029-AB83
1814	Placement of Excess Spoil .....	1029-AC04
1815	Processing State Program Amendments .....	1029-AC06
1816	Ownership and Control Settlement Rule .....	1029-AC08
1817	Fee Allocation Rule .....	1029-AC47

## Office of Surface Mining Reclamation and Enforcement—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1818	Abandoned Mine Reclamation Fees .....	1029-AC46

## Bureau of Reclamation—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1819	Public Conduct on Bureau of Reclamation Facilities, Lands and Waterbodies .....	1006-AA45
1820	Implementation of the Truckee River Operating Agreement .....	1006-AA48

## DOI

## Bureau of Land Management—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1821	Desert Land Entries .....	1004-AC56
1822	Cost Recovery; Mineral Filings and Operations .....	1004-AC64
1823	Mineral Patent Applications; Adverse Claims, Protests, and Conflicts .....	1004-AD32
1824	Conservation; Helium Leasing .....	1004-AD35
1825	Oil and Gas Onshore Order No. 1 .....	1004-AD59
1826	Alaska Native Veteran Allotments .....	1004-AD60
1827	Marginal Oil/Gas Royalty Rate Reduction Program .....	1004-AD65

## Bureau of Land Management—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1828	Rights-of-Way, Principles and Procedures; Rights-of-Way Under the Mineral Leasing Act .....	1004-AC74
1829	Grazing Administration—Exclusive of Alaska ( <b>Reg Plan Seq No. 85</b> ) .....	1004-AD42
1830	Oil and Gas Leasing Operations; Bonding .....	1004-AD56
1831	Land Use Planning .....	1004-AD57

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

## Bureau of Land Management—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
1832	Appeals Procedures; Hearings Procedures .....	1004-AC99

## Bureau of Land Management—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1833	Leases, Permits, and Easements .....	1004-AB51
1834	Sales—Federal Land Policy and Management Act .....	1004-AB77
1835	Coalbed Methane Development .....	1004-AC27
1836	Disposal of Reserved Minerals Under the Stock Raising Homestead Act .....	1004-AC59
1837	Indian Allotments .....	1004-AC77
1838	Carey Act Grants .....	1004-AC80
1839	Oil and Gas Leasing and Operations .....	1004-AC94
1840	Hazardous Materials Compliance .....	1004-AD38
1841	Supplementary Rules for Public Demonstrations at Grand Staircase-Escalante National Monument .....	1004-AD40
1842	Wilderness Management .....	1004-AD46
1843	Mining Claims Under the General Mining Laws; Surface Management .....	1004-AD53
1844	Wilderness Management .....	1004-AD54
1845	Location, Recording, and Maintenance of Mining Claims or Sites .....	1004-AD62

## Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1846	Payment in Lieu of Taxes .....	1093-AA09

## Department of the Interior (DOI)

## Proposed Rule Stage

## Assistant Secretary for Policy, Management and Budget (ASPMB)

**1560. DEPARTMENT HEARINGS AND APPEALS; PROCEDURES APPLICABLE IN ADJUDICATIONS BEFORE THE HEARINGS DIVISION****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 571 to 583**CFR Citation:** 25 CFR 15; 30 CFR 301; 43 CFR 1850; 43 CFR 4**Legal Deadline:** None**Abstract:** This proposed rule would amend regulations governing case management and case processing by administrative law judges in OHA field offices. The rules are necessary to increase efficiency in case processing.**Timetable:**

Action	Date	FR Cite
NPRM	11/00/04	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:**

Undetermined

**Agency Contact:** Charles E. Breece, Deputy Director, Department of the Interior, Assistant Secretary for Policy,

Management and Budget, 801 N. Quincy Street Suite 300, Arlington, VA 22203

Phone: 703 235-3810

**RIN:** 1090-AA73**1561. HYDROPOWER LICENSING: CONDITIONS AND PRESCRIPTIONS****Priority:** Other Significant**Legal Authority:** 5 USC 301; 16 USC 3; 16 USC 668dd(d)(1); 25 USC 2; 25 USC 9; 43 USC 1201; 43 USC 1740**CFR Citation:** 43 CFR 25**Legal Deadline:** None**Abstract:** The Department of the Interior proposes a public review process for hydropower conditions and prescriptions established by the Department under the Federal Power Act. The Department also proposes to create an administrative appeals process for review of these measures. The Federal Power Act authorizes the Department to include in hydropower licenses issued by the Federal Energy Regulatory Commission conditions and

prescriptions necessary to protect Federal and tribal lands and resources when navigable waterways or Federal reservations are used for hydropower generation. These proposed processes are designed to coincide with and complement the commission's overall licensing process.

**Timetable:**

Action	Date	FR Cite
NPRM	09/09/04	69 FR 54602
NPRM Comment Period End	11/08/04	
Final Action	01/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** William Bettenberg, Director, Office of Policy Analysis, Department of the Interior, Room 4426 MIB 1849 C Street NW, Washington, DC 20240

Phone: 202 208-5978

Fax: 202 208-4867

**RIN:** 1090-AA91

## Department of the Interior (DOI)

## Long-Term Actions

## Assistant Secretary for Policy, Management and Budget (ASPMB)

**1562. NATURAL RESOURCE DAMAGE ASSESSMENTS: TYPE B PROCEDURES****Priority:** Other Significant**Legal Authority:** 42 USC 9651(c)**CFR Citation:** 43 CFR 11**Legal Deadline:** None**Abstract:** CERCLA and the Clean Water Act allow natural resource trustees to bring a claim against a potentially responsible party for resources that have been injured by a release of a hazardous substance. CERCLA requires that natural resource damage assessment regulations be promulgated and that the regulations be reviewed, and revised as appropriate, every two

years. This rulemaking is the biennial review of the administrative process for conducting assessments as well as the so-called type B procedures for determining injury and damages through scientific and economic studies. This rulemaking will also address the calculation of lost non-use values of natural resources, in compliance with State of Ohio v. Department of the Interior, 880 F.2d 432 (D.C. Cir. 1989), which ordered the Department to allow for the assessment of all reliably calculated values lost as a result of a natural resource injury.

**Timetable:**

Action	Date	FR Cite
ANPRM	07/16/96	61 FR 37031

Action	Date	FR Cite
ANPRM Comment Period End	09/16/96	
NPRM	To Be Determined	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:**

Undetermined

**Agency Contact:** Frank DeLuise, Assessment Program, Department of the Interior, Assistant Secretary for Policy, Management and Budget, Room 4449 1849 C Street NW., Washington, DC 20240

Phone: 202 208-4143

**RIN:** 1090-AA29

BILLING CODE 4310-RK-S

## Department of the Interior (DOI)

## Completed Actions

## Office of Acquisition and Property Management (OAPM)

## 1563. WOODY BIOMASS UTILIZATION

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 48 CFR 14

**Completed:**

Reason	Date	FR Cite
Interim Final Rule	08/27/04	69 FR 52607

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** John Stewart  
Phone: 202 606-0504

**RIN:** 1084-AA00

**BILLING CODE** 4310-RK-S

## Department of the Interior (DOI)

## Proposed Rule Stage

## Office of Hearings and Appeals (OHA)

## 1564. • EQUAL ACCESS TO JUSTICE ACT

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 96-481

**CFR Citation:** 43 CFR 4

**Legal Deadline:** None

**Abstract:** Under this Act, an eligible person may obtain reimbursement for attorney's fees when the person prevails over the Department in a legal proceeding. This rule establishes procedures for submitting and consideration of reimbursement requests.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Will A. Irwin, Administrative Judge, Department of the Interior, Office of Hearings and Appeals, Interior Board of Appeals, 801 N. Quincy Street, VA 20003  
Phone: 703 235-3750

**RIN:** 1094-AA49

## 1565. • INDIAN PROBATE ADJUDICATION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**CFR Citation:** 25 CFR 15; 43 CFR 4

**Legal Deadline:** None

**Abstract:** The Department has decided to move the attorney decision maker (ADM) probate adjudication function from BIA to OHA. This rule is needed to reflect that organizational realignment. The current regulations governing the ADM process would be removed from 25 CFR 15 and incorporated into 43 CFR 4. Consolidating probate adjudications in

one organization will improve communication and efficiency, allowing the Department to provide better service to heirs and beneficiaries. This consolidation was recommended by the Comprehensive Trust Model/To-Be Process working group, which included representatives from BIA, OST, OHA, and the tribes.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Teresa LeBlanc, Department of the Interior, Office of Hearings and Appeals, 4401 N. Fairfax Drive, Arlington, VA 22203  
Phone: 703 235-0188

**RIN:** 1094-AA50

**BILLING CODE** 4310-79-S

## Department of the Interior (DOI)

## Proposed Rule Stage

## Office of the Special Trustee (OST)

## 1566. • PROCEDURES FOR DEPOSITING FUNDS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 89 Stat 1145

**CFR Citation:** 25 CFR 124

**Legal Deadline:** None

**Abstract:** This rule will amend 25 CFR part 124 to update organizational references and to clarify procedures. We are publishing this document as a

direct final rule because it removes from the Code of Federal Regulations material that relates solely to internal procedures of the Office of the Special Trustee and the removal will not affect the public or Indian tribes.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/05	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** Thomasine Ross, Department of the Interior, Office of the Special Trustee, 4400 Masthead Ave. NE, Albuquerque, NM 87109  
Phone: 505 816-1098

**RIN:** 1035-AA04

**Department of the Interior (DOI)**  
**Office of the Special Trustee (OST)**

**Final Rule Stage**

**1567. ● AMERICAN INDIAN TRUST  
 FUND MANAGEMENT REFORM ACT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 25 USC 4001

**CFR Citation:** 25 CFR 1200

**Legal Deadline:** None

**Abstract:** Part 1200 describes the processes by which Indian tribes can manage tribal funds currently held in trust by the United States. It describes how tribes may withdraw their funds from trust status, how they may return

funds to trust status, and how they may request technical assistance or grants to help prepare or manage funds or to ensure capability to manage those funds. This rulemaking updates certain titles, addresses, and document references.

**Timetable:**

Action	Date	FR Cite
Final Action	04/00/05	

**Regulatory Flexibility Analysis  
 Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Tribal

**Agency Contact:** Sarah Yepa, Chief, Division of Quality Assurance, Department of the Interior, Office of the Special Trustee, Suite 1000, 505 Marquette Avenue, NW Suite 1000, Albuquerque, NM 87102  
 Phone: 505 248-5751  
 Fax: 505 248-5782

**RIN:** 1035-AA05

**BILLING CODE** 4310-RK-S

**Department of the Interior (DOI)**  
**United States Fish and Wildlife Service (FWS)**

**Prerule Stage**

**1568. ENDANGERED AND  
 THREATENED WILDLIFE AND  
 PLANTS; CONSERVATION  
 EDUCATION; 50 CFR 17.21**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1531 et seq

**CFR Citation:** 50 CFR 17.21(g)

**Legal Deadline:** None

**Abstract:** Section 17.21(g) of title 50 of the Code of Federal Regulations addresses education as a valid component of Endangered Species Act approved programs. An advanced notice of proposed rulemaking will request public input on conservation education requirements that will be used in the development of a proposed rule that will propose a Service position on conservation education.

**Timetable:**

Action	Date	FR Cite
ANPRM	05/00/05	

**Regulatory Flexibility Analysis  
 Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Timothy J. Van Norman, Chief, Branch of Permits, International, Division of Management Authority, Department of the Interior, United States Fish and Wildlife Service, Room 700, 4401 North Fairfax Drive, Arlington, VA 22203  
 Phone: 703 358-2350  
 Fax: 703 358-2281  
 Email: tim\_vannorman@fws.gov

**RIN:** 1018-AI66

**1569. MIGRATORY BIRD PERMITS;  
 REGULATIONS GOVERNING  
 POSSESSION OF MIGRATORY BIRDS  
 FOR EDUCATIONAL PURPOSES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 92 Stat 3112 (16 USC 712(2)); PL 95-616; PL 106-108; 16 USC 668a; 16 USC 703 to 712; ...

**CFR Citation:** 50 CFR 21

**Legal Deadline:** None

**Abstract:** This request for comments will generate input needed to develop a proposed regulation to amend migratory bird permit regulations to create a new permit category establishing conditions and criteria for obtaining a permit to possess migratory birds, including eagles, for educational purposes. Currently, this activity is authorized by a miscellaneous permit category.

**Timetable:**

Action	Date	FR Cite
ANPRM	11/00/04	

**Regulatory Flexibility Analysis  
 Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Brian Millsap, Chief, Division of Migratory Bird Management, Department of the Interior, United States Fish and Wildlife Service, Room 634, 4401 North Fairfax Drive, Arlington, VA 22203  
 Phone: 703 358-1714  
 Email: brian\_millsap@fws.gov

**RIN:** 1018-AI97

**1570. HUMANE AND HEALTHFUL  
 TRANSPORT OF WILD MAMMALS,  
 BIRDS, REPTILES, AND AMPHIBIANS  
 TO THE UNITED STATES**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Unfunded Mandates:** Undetermined

**Legal Authority:** 18 USC 42 ; 16 USC 3371 to 3378

**CFR Citation:** 50 CFR 14

**Legal Deadline:** None

**Abstract:** We plan to propose to publish an advance notice of proposed rulemaking to ask the public for comments and input into the best process and spectrum of updates needed to amend the regulations that establish standards for the humane and healthful transport of wild birds and mammals. These regulations have not been amended in more than 10 years and are currently not in accordance with international requirements.

**Timetable:**

Action	Date	FR Cite
ANPRM	01/00/05	

**Regulatory Flexibility Analysis  
 Required:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Peter Thomas, Chief, Division of Management Authority, Department of the Interior, United States Fish and Wildlife Service, Room 700, 4401 North Fairfax Drive, Arlington, VA 22203  
 Phone: 703 358-2095  
 Email: peter\_thomas@fws.gov

**RIN:** 1018-AJ24

## DOI—FWS

## Prerule Stage

**1571. • LISTING OF 7 FOREIGN BUTTERFLY SPECIES UNDER THE ENDANGERED SPECIES ACT****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1531 et seq**CFR Citation:** 50 CFR 17**Legal Deadline:** None**Abstract:** We plan to propose to list 7 foreign butterfly species under the Endangered Species Act.**Timetable:**

Action	Date	FR Cite
ANPRM	11/00/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Dr. Patricia S. De Angelis, Botanist, Division of Scientific

Authority; Chair, Plant Conserv. All., Medicinal Plant Workg. Gp., Department of the Interior, United States Fish and Wildlife Service, 4401 N Fairfax Dr., Arlington, VA 22203  
 Phone: 703 358-1708  
 Fax: 703 358-2276  
 Email: patricia\_deangelis@fws.gov

**RIN:** 1018-AT83

## Department of the Interior (DOI)

## Proposed Rule Stage

## United States Fish and Wildlife Service (FWS)

**1572. SEIZURE AND FORFEITURE PROCEDURES—50 CFR PART 12****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 3371 et seq**CFR Citation:** 50 CFR 12**Legal Deadline:** None**Abstract:** The Service proposes to amend regulations in 50 CFR part 12 that establish procedures relating to property seized and administrative forfeiture under various laws enforced by the Service. This revision is intended to provide uniform guidance for the bonded release, appraisal, administrative proceeding, petition for remission, and disposal of items subject to forfeiture. Also, these revisions are intended to provide for greater consistency of Service seizure and forfeiture procedures with those of the U.S. Customs Service. In August 2000, the Civil Asset Forfeiture Reform Act became law. CAFRA mandated many changes to 50 CFR 12 that are incorporated in this second proposed rule.**Timetable:**

Action	Date	FR Cite
NPRM	11/27/95	60 FR 58468
Second NPRM	12/00/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State**Agency Contact:** Kevin Adams, Chief, Office of Law Enforcement, Department of the Interior, United States Fish and Wildlife Service, MS-LE-3000 4401 North Fairfax Drive, Arlington, VA 22203  
 Phone: 703 358-1949  
 Fax: 703 358-1947

Email: kevin\_adams@fws.gov

**RIN:** 1018-AC89**1573. CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES (CITES)****Priority:** Other Significant**Legal Authority:** 16 USC 1531 et seq**CFR Citation:** 50 CFR 23**Legal Deadline:** None**Abstract:** This will be a revision to an existing rule that will incorporate decisions/interpretations made at the second through twelfth meetings of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora.**Timetable:**

Action	Date	FR Cite
NPRM	05/08/00	65 FR 26663
Correction	06/29/00	65 FR 40167
Second NPRM	06/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses, Organizations**Government Levels Affected:** Federal, State**Agency Contact:** Peter Thomas, Chief, Division of Management Authority, Department of the Interior, United States Fish and Wildlife Service, Room 700, 4401 North Fairfax Drive, Arlington, VA 22203  
 Phone: 703 358-2095  
 Email: peter\_thomas@fws.gov**RIN:** 1018-AD87**1574. MIGRATORY BIRD PERMITS: SCIENTIFIC COLLECTING PERMITS****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 712(2)**CFR Citation:** 50 CFR 21**Legal Deadline:** None**Abstract:** This rule would amend the regulations governing permits for scientific collecting of migratory birds under the Migratory Bird Treaty Act. The rule will establish standard conditions and criteria for permit issuance.**Timetable:**

Action	Date	FR Cite
NPRM	10/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Governmental Jurisdictions, Organizations**Government Levels Affected:** Federal, Local, State, Tribal**Agency Contact:** Brian Millsap, Chief, Division of Migratory Bird Management, Department of the Interior, United States Fish and Wildlife Service, Room 634, 4401 North Fairfax Drive, Arlington, VA 22203  
 Phone: 703 358-1714  
 Email: brian\_millsap@fws.gov**RIN:** 1018-AE63**1575. U.S. PROPOSALS FOR CITES APPENDIX III; AMERICAN EEL****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1531 et seq; 16 USC 4201; PL 99-625**CFR Citation:** 50 CFR 23**Legal Deadline:** None

## DOI—FWS

## Proposed Rule Stage

**Abstract:** Listing of native U.S. species in appendix III to CITES for more effective monitoring of trade, to ensure that traded specimens are legally acquired in their State(s) of origin, and to obtain the cooperation of other countries that are parties to CITES, in controlling the trade in such specimens.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/05	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:**

Undetermined

**Agency Contact:** Marie Maltese, Biologist, Division of Scientific Authority, Department of the Interior, United States Fish and Wildlife Service, 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-1708  
Email: marie\_maltese@fws.gov

**RIN:** 1018-AF09

**1576. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; REMOVING OF THE BALD EAGLE IN THE LOWER 48 STATES FROM THE LIST OF ENDANGERED AND THREATENED WILDLIFE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1531 et seq

**CFR Citation:** 50 CFR 17

**Legal Deadline:** None

**Abstract:** We plan to release additional supplementary information on the previous proposal to remove the bald eagle from the List of Endangered and Threatened Species. This action is based on continued recovery gains and increasing population trends.

**Timetable:**

Action	Date	FR Cite
NPRM	07/06/99	64 FR 36454
NPRM	12/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Patrick Leonard, Chief, Division of Consultation, Habitat Conservation Planning, Recovery and State Grants, Department of the Interior,

United States Fish and Wildlife Service, Room 420, 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-2171  
Fax: 703 358-1735  
Email: patrick\_leonard@fws.gov  
**RIN:** 1018-AF21

**1577. HUMANE AND HEALTHFUL TRANSPORT OF WILD MAMMALS, BIRDS, REPTILES, AND AMPHIBIANS TO THE UNITED STATES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 18 USC 42; 16 USC 3371 to 3378

**CFR Citation:** 50 CFR 14

**Legal Deadline:** None

**Abstract:** The proposed rule contains amendments designed to add numerous transport standards to part 14 for reptiles and amphibians. Standards have already been promulgated for mammals and birds.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/05	
Final Action	09/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Peter Thomas, Chief, Division of Management Authority, Department of the Interior, United States Fish and Wildlife Service, Room 700, 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-2095  
Email: peter\_thomas@fws.gov

**RIN:** 1018-AF27

**1578. IMPORTATION, EXPORTATION, AND TRANSPORTATION OF WILDLIFE, 50 CFR PART 14**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 668, 704, 712, 1382, 1538(d) to (f), and 1540(f); 16 USC 3371 to 3378, 4223 to 4244, and 4901 to 4916; 18 USC 42; 31 USC 9701

**CFR Citation:** 50 CFR 14

**Legal Deadline:** None

**Abstract:** This proposed rule will revise the importation, exportation, and transportation regulations pertaining to the movement of all wildlife and wildlife products into or out of the United States.

**Timetable:**

Action	Date	FR Cite
ANPRM	07/15/98	63 FR 38143
NPRM	04/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Kevin Adams, Chief, Office of Law Enforcement, Department of the Interior, United States Fish and Wildlife Service, MS-LE-3000 4401 North Fairfax Drive, Arlington, VA 22203

Phone: 703 358-1949

Fax: 703 358-1947

Email: kevin\_adams@fws.gov

**RIN:** 1018-AF46

**1579. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; PROPOSED RECLASSIFICATION OF THE STRAIGHT-HORNED MARKHOR POPULATION OF THE TORGHAR REGION OF BALUCHISTAN, PAKISTAN, FROM ENDANGERED TO THREATENED**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1531 et seq

**CFR Citation:** 50 CFR 17

**Legal Deadline:** None

**Abstract:** We received a petition to reclassify a certain population of the straight-horned markhor from endangered to threatened. We must determine whether a status review shows that the petitioned action is warranted; if so, we will propose to change the classification of the straight-horned markhor population of the Torghar Hills region of Baluchistan Province, Pakistan, from endangered to threatened under the Endangered Species Act of 1973. The markhor is a species of wild goat that occurs in small, isolated populations in rugged, arid mountain habitats in Afghanistan, India, Pakistan, Tajikistan, Turkmenistan, and Uzbekistan.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

## DOI—FWS

## Proposed Rule Stage

**Agency Contact:** Dr. Michael D. Kreger, Wildlife Biologist, Division of Scientific Authority, Department of the Interior, United States Fish and Wildlife Service, Rm. 750 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-1708  
Fax: 703 358-2276  
Email: michael\_kreger@fws.gov

**RIN:** 1018-AG00

### 1580. FEDERAL FALCONRY STANDARDS AND FALCONRY PERMITTING

**Priority:** Other Significant

**Legal Authority:** 16 USC 703 to 712

**CFR Citation:** 50 CFR 21.28; 50 CFR 21.29

**Legal Deadline:** None

**Abstract:** We will propose changes in the regulations governing the practice of falconry in the United States. We propose substantial reorganization of the current regulations, combining 50 CFR 21.28 and 21.29 and reorganizing the topics in those sections. We will add or change some provisions in the current regulations. The changes will make it easier to understand the requirements for falconry and the procedures for obtaining a falconry permit.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State, Tribal

**Agency Contact:** Brian Millsap, Chief, Division of Migratory Bird Management, Department of the Interior, United States Fish and Wildlife Service, Room 634, 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-1714  
Email: brian\_millsap@fws.gov

**RIN:** 1018-AG11

### 1581. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; DELISTING THE GULF COAST DISTINCT POPULATION SEGMENT OF THE BROWN PELICAN POPULATION IN THE SOUTHEASTERN UNITED STATES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1531 et seq

**CFR Citation:** 50 CFR 17

**Legal Deadline:** None

**Abstract:** We plan to remove the Gulf Coast population of the brown pelican (Texas, Louisiana, Mississippi) from the List of Endangered and Threatened Species. We propose this action because the available data indicate that the threats to the species in this range have been removed or reduced and, as a result, brown pelican breeding levels have been and continue to be at or above historical levels, and population numbers and productivity continue to increase.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Patrick Leonard, Chief, Division of Consultation, Habitat Conservation Planning, Recovery and State Grants, Department of the Interior, United States Fish and Wildlife Service, Room 420, 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-2171  
Fax: 703 358-1735  
Email: patrick\_leonard@fws.gov

**RIN:** 1018-AG40

### 1582. WILD BIRD CONSERVATION ACT: REVIEW OF APPROVED LIST OF CAPTIVE-BRED SPECIES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 4901 to 4916

**CFR Citation:** 50 CFR 15

**Legal Deadline:** None

**Abstract:** Under the Wild Bird Conservation Act, a species may be exempt from the prohibitions of the Act if it qualifies for inclusion in an approved list. One way for a species to be included is if the species occurs in trade only as captive-bred

specimens. We intend to seek information and consider whether to amend this approved list, which was established in 1994.

**Timetable:**

Action	Date	FR Cite
Notice	05/29/01	66 FR 29072
NPRM	03/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Dr. Michael D. Kreger, Wildlife Biologist, Division of Scientific Authority, Department of the Interior, United States Fish and Wildlife Service, Rm. 750 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-1708  
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**RIN:** 1018-AG64

### 1583. INJURIOUS WILDLIFE— ADDITION OF BLACK CARP

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 18 USC 42

**CFR Citation:** 50 CFR 16

**Legal Deadline:** None

**Abstract:** We will review economic and biological information on the black carp (*Mylopharyngodon piceus*) for possible addition to the list of injurious wildlife under the Lacey Act.

**Timetable:**

Action	Date	FR Cite
NPRM	07/30/02	67 FR 49280
NPRM Comment Period Reopened	06/04/03	68 FR 33431
Second NPRM— Notice of Draft Envir. Assess/Econ. Analysis	11/00/04	

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Businesses, Governmental Jurisdictions

**Government Levels Affected:** Undetermined

**Agency Contact:** Kari Jonell Duncan, Chief, Division of Environmental Quality, Branch of Invasive Species, Department of the Interior, United States Fish and Wildlife Service, Room 810B, 4401 North Fairfax Drive Room 810-B, Arlington, VA 22203

## DOI—FWS

## Proposed Rule Stage

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RIN: 1018-AG70

**1584. INTERAGENCY GUIDANCE FOR THE PRESCRIPTION OF FISHWAYS PURSUANT TO SECTION 18 OF THE FEDERAL POWER ACT**

**Priority:** Other Significant

**Legal Authority:** 16 USC 791(a) et seq

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** This will make publicly available, and describe the intent of, internal guidance for us (the Fish and Wildlife Service) and the National Marine Fisheries Service regarding the prescription of fishways under section 18 of the Federal Power Act, for non-Federal hydropower projects licensed by the Federal Energy Regulatory Commission. It will also provide clarification of the terms "fish" and "fishway." The guidance document will be reviewed following a 2-year trial period, and the information obtained will be used to support a final action.

**Timetable:**

Action	Date	FR Cite
Notice of Proposed Policy	12/22/00	65 FR 80898
NPRM	12/00/04	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State, Local, Tribal, Federal

**Agency Contact:** Robin Nims-Elliott, Chief, Branch of Advanced Planning & Habitat Restoration, Div. of Habitat & Resource Conservation, Department of the Interior, United States Fish and Wildlife Service, 4401 North Fairfax Drive, Arlington, VA 22203  
 Phone: 703 358-2161  
 Email: robin\_nimselliott@fws.gov

RIN: 1018-AH42

**1585. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; ESTABLISHMENT OF A NONESSENTIAL EXPERIMENTAL POPULATION FOR THE BOULDER DARTER AND THE SPOTFIN CHUB IN SHOAL CREEK, ALABAMA AND TENNESSEE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1531 et seq

**CFR Citation:** 50 CFR 17

**Legal Deadline:** None

**Abstract:** We plan to establish two nonessential experimental populations, the Boulder darter and Spotfin chub, in Shoal Creek, Alabama and Tennessee.

**Timetable:**

Action	Date	FR Cite
NPRM	10/21/04	69 FR 61774
NPRM Comment	12/20/04	
Period End		

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Patrick Leonard, Chief, Division of Consultation, Habitat Conservation Planning, Recovery and State Grants, Department of the Interior, United States Fish and Wildlife Service, Room 420, 4401 North Fairfax Drive, Arlington, VA 22203  
 Phone: 703 358-2171  
 Fax: 703 358-1735  
 Email: patrick\_leonard@fws.gov

RIN: 1018-AH44

**1586. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; RECLASSIFICATION OF THE GILA TROUT FROM ENDANGERED TO THREATENED WITH A SPECIAL RULE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1531 et seq

**CFR Citation:** 50 CFR 17

**Legal Deadline:** None

**Abstract:** We plan to reclassify the Gila trout from endangered to threatened, with a special rule. This action is based on recovery.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Patrick Leonard, Chief, Division of Consultation, Habitat Conservation Planning, Recovery and State Grants, Department of the Interior, United States Fish and Wildlife Service, Room 420, 4401 North Fairfax Drive, Arlington, VA 22203  
 Phone: 703 358-2171  
 Fax: 703 358-1735  
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RIN: 1018-AH57

**1587. CORRECTIONS TO RIGHTS-OF-WAY REGULATIONS**

**Priority:** Info./Admin./Other

**Legal Authority:** PL 101-475

**CFR Citation:** 50 CFR 29

**Legal Deadline:** None

**Abstract:** The Service proposes to make revisions to the Rights-of-Way General Regulations in 50 CFR 29 subpart B. The revisions will correct the address of our Region 5 Office in 50 CFR 29.21-2(c)(5). We will also implement section 1 of Public Law 101-475 by correcting the names of the House and Senate Committees we must notify upon receipt of an application for a right-of-way for an oil and gas pipeline that is 24 inches or more in diameter and again before granting right-of-way. Finally, the proposed revised regulation will delete the reference to a 60-day waiting period after notification of our intent to grant the right-of-way. (The waiting period was repealed by Congress.)

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Barbara Ann Wyman, Program Manager, Division of Realty, Department of the Interior, United States Fish and Wildlife Service, Room 622, 4401 North Fairfax Drive, Arlington, VA 22203  
 Phone: 703 358-1811  
 Fax: 703 358-2223  
 Email: barbara\_wyman@fws.gov

RIN: 1018-AI12

## DOI—FWS

## Proposed Rule Stage

**1588. NORTH AMERICAN WETLANDS CONSERVATION ACT AND NEOTROPICAL MIGRATORY BIRD CONSERVATION ACT GRANT ADMINISTRATION POLICIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 4401 et seq; 16 USC 6101 et seq**CFR Citation:** None**Legal Deadline:** None

**Abstract:** The Grant Administration Policies document is being published to explain the North American Wetlands Conservation Act (NAWCA) and Neotropical Migratory Bird Conservation Act (NMBCA) grants programs and to guide the grants administration process.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State, Tribal

**Agency Contact:** Dr. Keith A. Morehouse, Department of the Interior, United States Fish and Wildlife Service, MS 110, Div. of Bird Habitat Conservation MS MB4075, Arlington Square 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-1784  
Fax: 703 358-2282  
Email: keith\_morehouse@fws.gov

**RIN:** 1018-AI13**1589. SUBSISTENCE MANAGEMENT REGULATIONS FOR PUBLIC LANDS IN ALASKA, SUBPART C—NONRURAL DETERMINATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 3124**CFR Citation:** 50 CFR 100; 36 CFR 242**Legal Deadline:** None

**Abstract:** This rule will revise the rural/nonrural determinations based on 2000 Federal census data. This review/revision is called for in 50 CFR 100.15 and 36 CFR 242.15.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal

**Agency Contact:** William W. Knauer, Office of Subsistence Management, Department of the Interior, United States Fish and Wildlife Service, 3601 C Street, Suite 1030, Anchorage, AK 99503

Phone: 907 786-3873

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Email: bill\_knauer@fws.gov

**RIN:** 1018-AI38**1590. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; RECLASSIFICATION OF THE AMERICAN CROCODILE FROM ENDANGERED TO THREATENED****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1531 et seq**CFR Citation:** 50 CFR 17**Legal Deadline:** None

**Abstract:** We plan to reclassify the American crocodile from endangered to threatened. This action is based on the substantial improvement in the species' status and improved understanding of the species' biology and management needs. Since its listing in 1975, the population of the American crocodile in Florida has more than doubled and its distribution has expanded. Land acquisition has also provided protection for many important nesting areas.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Patrick Leonard, Chief, Division of Consultation, Habitat Conservation Planning, Recovery and State Grants, Department of the Interior, United States Fish and Wildlife Service, Room 420, 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-2171  
Fax: 703 358-1735  
Email: patrick\_leonard@fws.gov

**RIN:** 1018-AI41**1591. IMPORT OF POLAR BEAR TROPHIES FROM CANADA; FINDING FOR THE GULF OF BOOTHIA POPULATION****Priority:** Other Significant**Legal Authority:** 16 USC 1361 et seq**CFR Citation:** 50 CFR 18.30**Legal Deadline:** None

**Abstract:** This rule announces proposed findings on the import of polar bears (*Ursus maritimus*) taken in sport hunts from the Canadian Gulf of Boothia polar bear population under the Marine Mammal Protection Act.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/05	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None

**Agency Contact:** Peter Thomas, Chief, Division of Management Authority, Department of the Interior, United States Fish and Wildlife Service, Room 700, 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-2095  
Email: peter\_thomas@fws.gov

**RIN:** 1018-AI65**1592. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; DELISTING OF THE ARIZONA AGAVE****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1531 et seq**CFR Citation:** 50 CFR 17**Legal Deadline:** None

**Abstract:** We plan to remove the Arizona agave (*Agave arizonica*), a plant, from the list of threatened and endangered species. Since the listing, a growing body of evidence has led to the determination that the succulent—found only where the range of Toumey's agave (*Agave toumeyana* var. *bella*) and the golden-flowered agave (*Agave chrysantha*) overlap—is indeed a hybrid of the two parent-species. Controlled experiments on the reproductive limitations of the Arizona agave conducted at the Desert Botanical Garden in Phoenix have confirmed that the plant is a hybrid. Hybrid plants—a phenomenon common among agaves—are not eligible for protection under the Endangered Species Act.

## DOI—FWS

## Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/04	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Patrick Leonard, Chief, Division of Consultation, Habitat Conservation Planning, Recovery and State Grants, Department of the Interior, United States Fish and Wildlife Service, Room 420, 4401 North Fairfax Drive, Arlington, VA 22203  
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**RIN:** 1018-AI79

**1593. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; PROPOSED NONESSENTIAL EXPERIMENTAL POPULATION OF THE NORTHERN APLOMADO FALCON**

**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1531 et seq**CFR Citation:** 50 CFR 17**Legal Deadline:** None

**Abstract:** We plan to establish a nonessential experimental population for the Northern aplomado falcon, to facilitate the recovery of this endangered species and to ensure that its reintroduction will not impose new restrictions.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Patrick Leonard, Chief, Division of Consultation, Habitat Conservation Planning, Recovery and State Grants, Department of the Interior, United States Fish and Wildlife Service, Room 420, 4401 North Fairfax Drive, Arlington, VA 22203  
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**RIN:** 1018-AI80

**1594. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; DOWNLISTING THE WOOD BISON FROM ENDANGERED TO THREATENED**

**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1531 et seq**CFR Citation:** 50 CFR 17**Legal Deadline:** None

**Abstract:** We plan to publish a proposed rule to downlist the Wood bison from endangered to threatened. This action is being considered because of progress in the recovery of this species.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Robert Gabel, Chief, Division of Scientific Authority, Department of the Interior, United States Fish and Wildlife Service, Room 750, 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-1708  
Fax: 703 358-2276  
Email: roddy\_gabel@fws.gov

**RIN:** 1018-AI83

**1595. U.S. PROPOSALS FOR CITES APPENDIX III; BLACK COHOSH**

**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1531 et seq; 16 USC 4201; PL 99-625**CFR Citation:** 50 CFR 23**Legal Deadline:** None

**Abstract:** This rule would list black cohosh in appendix III to CITES, for the purposes of more effective monitoring of trade, ensuring that traded specimens are legally acquired in their state(s) of origin, and obtaining the cooperation of other countries that are parties to CITES in controlling the trade in such specimens.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:**

Undetermined

**Agency Contact:** Dr. Patricia S. De Angelis, Botanist, Division of Scientific Authority; Chair, Plant Conserv. All., Medicinal Plant Workg. Gp., Department of the Interior, United States Fish and Wildlife Service, 4401 N Fairfax Dr., Arlington, VA 22203  
Phone: 703 358-1708  
Fax: 703 358-2276  
Email: patricia\_deangelis@fws.gov

**RIN:** 1018-AI91

**1596. REVISION OF MIGRATORY BIRD HUNTING REGULATIONS**

**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 703 to 712; 16 USC 742a to 742j; PL 106-108**CFR Citation:** 50 CFR 20**Legal Deadline:** None

**Abstract:** We will revise and update a significant portion of the regulations governing migratory game bird hunting. This rule will also use plain language to clarify these regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/05	

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, State

**Agency Contact:** Kevin Adams, Chief, Office of Law Enforcement, Department of the Interior, United States Fish and Wildlife Service, MS-LE-3000 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-1949  
Fax: 703 358-1947  
Email: kevin\_adams@fws.gov

**RIN:** 1018-AI98

**1597. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; DESIGNATION OF CRITICAL HABITAT FOR THE SAN JACINTO VALLEY CROWNSCALE**

**Priority:** Other Significant**Legal Authority:** 16 USC 1531 et seq**CFR Citation:** 50 CFR 17**Legal Deadline:** None

**Abstract:** We will designate critical habitat for the San Jacinto Valley

## DOI—FWS

## Proposed Rule Stage

Crownscale. On October 13, 1998, the San Jacinto Valley Crownscale, a plant species endemic to California, was listed as an endangered species.

**Timetable:**

Action	Date	FR Cite
NPRM	10/06/04	69 FR 59844
NPRM Comment Period End	12/06/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Chris Nolin, Chief, Office of Conservation and Classification, Department of the Interior, United States Fish and Wildlife Service, Room 452, 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-2171  
Fax: 703 358-1735  
Email: chris\_nolin@fws.gov

**RIN:** 1018-AJ11

**1598. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; LISTING THE SALT CREEK TIGER BEETLE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1531 et seq

**CFR Citation:** 50 CFR 17

**Legal Deadline:** NPRM, Judicial, September 30, 2005, Settlement Agreement.

**Abstract:** We will list the Salt Creek tiger beetle (*Cicindela nevadica lincolniana*) as endangered pursuant to the Endangered Species Act of 1973, as amended (Act). This subspecies is endemic to eastern Nebraska saline wetlands and associated streams in the northern third of Lancaster County and southern margin of Saunders County in Nebraska.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Chris Nolin, Chief, Office of Conservation and Classification, Department of the Interior, United States Fish and Wildlife Service, Room 452, 4401 North Fairfax Drive, Arlington, VA 22203

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**Related RIN:** Related to 1018-AT79

**RIN:** 1018-AJ13

**1599. INJURIOUS WILDLIFE; SILVER CARP (HYPOPHthalmichthys MOLITRIX)**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Unfunded Mandates:** Undetermined

**Legal Authority:** 18 USC 42

**CFR Citation:** 50 CFR 16

**Legal Deadline:** None

**Abstract:** The Service will review economic and biological information on silver carp for possible addition to the list of injurious wildlife under the Lacey Act.

**Timetable:**

Action	Date	FR Cite
ANPRM	07/23/03	68 FR 43482
NPRM-Draft EA/Economic Analysis	11/00/04	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses, Governmental Jurisdictions

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Agency Contact:** Kari Jonell Duncan, Chief, Division of Environmental Quality, Branch of Invasive Species, Department of the Interior, United States Fish and Wildlife Service, Room 810B, 4401 North Fairfax Drive Room 810-B, Arlington, VA 22203  
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**RIN:** 1018-AT29

**1600. WILD BIRD CONSERVATION ACT; REVIEW OF REGULATIONS TO ALLOW IMPORTS OF EXOTIC WILD BIRDS**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 16 USC 4901 to 4916

**CFR Citation:** 50 CFR 15.41; 50 CFR 15.42

**Legal Deadline:** None

**Abstract:** We will review the existing Wild Bird Conservation Act regulations to allow imports of exotic wild birds and make modifications as appropriate. On the basis of our experience and the feedback of applicants, we will streamline procedures and make the regulations more user-friendly.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Dr. Michael D. Kreger, Wildlife Biologist, Division of Scientific Authority, Department of the Interior, United States Fish and Wildlife Service, Rm. 750 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-1708  
Fax: 703 358-2276  
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**RIN:** 1018-AT30

**1601. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; DELISTING OF MEXICAN BOBCAT FROM LIST OF ENDANGERED SPECIES**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 16 USC 1531 et seq

**CFR Citation:** 50 CFR 17

**Legal Deadline:** None

**Abstract:** We received a petition to delist the Mexican bobcat (*Lynx rufus escuinapae*). If we determine as a result of our status review, based on our review of the best available scientific information, that the species does not meet the definitions of endangered or threatened in the ESA (i.e., that delisting is warranted), we will propose a rule to delist the Mexican bobcat and remove it from the List of Endangered Species.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

## DOI—FWS

## Proposed Rule Stage

**Government Levels Affected:** Federal

**Agency Contact:** Robert Gabel, Chief, Division of Scientific Authority, Department of the Interior, United States Fish and Wildlife Service, Room 750, 4401 North Fairfax Drive, Arlington, VA 22203  
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**RIN:** 1018-AT31

**1602. MARINE MAMMALS; AND ENDANGERED AND THREATENED WILDLIFE AND PLANTS; PROPOSED TERMINATION OF THE SOUTHERN SEA OTTER TRANSLOCATION PROGRAM**

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 16 USC 1531 et seq

**CFR Citation:** 50 CFR 17

**Legal Deadline:** None

**Abstract:** The Service will propose to terminate the southern sea otter translocation program and change regulations to allow sea otters residing in designated translocation and management zones to remain after the zones are abolished. The southern sea otter translocation program, established under authority of Public Law 99-625, has failed to meet its established goals and objectives. A draft supplemental environmental impact statement (SEIS), to be released for public comment concurrent with the proposed rule, includes a full evaluation of the southern sea otter translocation program and alternatives for the future of the program. The proposed rule describes the actions necessary to implement the proposed action identified in the SEIS. This decision is consistent with recommendations from the southern sea otter recovery team and resolves conflicts that have arisen between Fish and Wildlife Service mandates under the ESA and PL 99-625.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/04	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:**

Undetermined

**Agency Contact:** Martin Kodis, Chief, Branch of Resource Management

Support, Division of Habitat and Resource Conservation, Department of the Interior, United States Fish and Wildlife Service, U.S. Fish and Wildlife Service 400 ARL SQ 4401 North Fairfax Drive, Arlington, VA 22203  
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Fax: 703 358-1869  
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**RIN:** 1018-AT34

**1603. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; AMENDMENT TO THE NONESSENTIAL EXPERIMENTAL POPULATION RULE FOR THE MEXICAN GRAY WOLF**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1531 et seq

**CFR Citation:** 50 CFR 17

**Legal Deadline:** None

**Abstract:** The Service is exploring a revision to the Mexican gray wolf nonessential experimental population rule. In 2000, a panel of scientists recommended a revision to the experimental population rule after conducting a 3-year review of the program. The Service intends to allow for the direct release of wolves into an expanded release area, but still within the area where wolves are currently authorized to occur. The Service also plans to expand upon the designated recovery area, allowing for greater management flexibility when a wolf travels outside of this area.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:**

Undetermined

**Agency Contact:** Patrick Leonard, Chief, Division of Consultation, Habitat Conservation Planning, Recovery and State Grants, Department of the Interior, United States Fish and Wildlife Service, Room 420, 4401 North Fairfax Drive, Arlington, VA 22203  
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Fax: 703 358-1735  
Email: patrick\_leonard@fws.gov

**RIN:** 1018-AT36

**1604. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; RECLASSIFICATION OF THE VIRGINIA NORTHERN FLYING SQUIRREL FROM ENDANGERED TO THREATENED**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1531 et seq

**CFR Citation:** 50 CFR 17

**Legal Deadline:** None

**Abstract:** The Service will reclassify the Virginia northern flying squirrel from endangered to threatened.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Patrick Leonard, Chief, Division of Consultation, Habitat Conservation Planning, Recovery and State Grants, Department of the Interior, United States Fish and Wildlife Service, Room 420, 4401 North Fairfax Drive, Arlington, VA 22203  
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Email: patrick\_leonard@fws.gov

**RIN:** 1018-AT37

**1605. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; REMOVAL OF THE YELLOWSTONE GRIZZLY BEAR POPULATION FROM THE LIST OF ENDANGERED AND THREATENED SPECIES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1531 et seq

**CFR Citation:** 50 CFR 17

**Legal Deadline:** None

**Abstract:** The Service will remove the Yellowstone population of grizzly bears from the List of Endangered and Threatened Species. This population has reached its recovery goals.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Patrick Leonard, Chief, Division of Consultation, Habitat

## DOI—FWS

## Proposed Rule Stage

Conservation Planning, Recovery and State Grants, Department of the Interior, United States Fish and Wildlife Service, Room 420, 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-2171  
Fax: 703 358-1735  
Email: patrick\_leonard@fws.gov

RIN: 1018-AT38

### 1606. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; LISTING THE BOREAL TOAD

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 16 USC 1531 et seq  
**CFR Citation:** 50 CFR 17

**Legal Deadline:** Final, Judicial, September 30, 2005, Settlement agreement (final listing due 09/30/05).

**Abstract:** We plan to issue a proposed listing rule to list the boreal toad (*Bufo boreas boreas*) pursuant to the Endangered Species Act of 1973, as amended. This subspecies occurs in western North America, in Alaska, Alberta, British Columbia, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, and the Yukon.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** Chris Nolin, Chief, Office of Conservation and Classification, Department of the Interior, United States Fish and Wildlife Service, Room 452, 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-2171  
Fax: 703 358-1735  
Email: chris\_nolin@fws.gov

RIN: 1018-AT43

### 1607. SUBSISTENCE MANAGEMENT REGULATIONS FOR PUBLIC LANDS IN ALASKA, SUBPART A AND SUBPART B

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 16 USC 3124

**CFR Citation:** 50 CFR 100; 36 CFR 242

**Legal Deadline:** None

**Abstract:** This rule will revise the saltwater areas of jurisdiction, certain definitions, and clarify portions of the existing regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** William W. Knauer, Office of Subsistence Management, Department of the Interior, United States Fish and Wildlife Service, 3601 C Street, Suite 1030, Anchorage, AK 99503

Phone: 907 786-3873

Fax: 907 786-3898

Email: bill\_knauer@fws.gov

RIN: 1018-AT47

### 1608. INJURIOUS WILDLIFE; BIGHEAD CARP (HYPOPHthalmichthys nobilis)

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Unfunded Mandates:** Undetermined

**Legal Authority:** 18 USC 42

**CFR Citation:** 50 CFR 16

**Legal Deadline:** None

**Abstract:** The Service will review economic and biological information on bighead carp for possible addition to the list of injurious wildlife under the Lacey Act.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/17/03	68 FR 54409
NPRM-Draft EA/Economic Analysis	11/00/04	

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Businesses, Governmental Jurisdictions

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Agency Contact:** Kari Jonell Duncan, Chief, Division of Environmental Quality, Branch of Invasive Species, Department of the Interior, United States Fish and Wildlife Service, Room

810B, 4401 North Fairfax Drive Room 810-B, Arlington, VA 22203  
Phone: 703 358-2464  
Fax: 703 358-1800  
Email: kari\_duncan@fws.gov

RIN: 1018-AT49

### 1609. REVISED DEFINITION OF "DESTRUCTION OR ADVERSE MODIFICATION" FOR ENDANGERED SPECIES ACT SECTION 7 CONSULTATIONS

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 16 USC 1531 et seq

**CFR Citation:** 50 CFR 402.02

**Legal Deadline:** None

**Abstract:** Fish and Wildlife Service and National Marine Fisheries Service will revise definition of "destruction or adverse modification" to reflect the 5th Circuit Court of Appeals' 2001 decision that the existing regulation is invalid.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Richard E Sayers Jr., Chief, Branch of Consultation and Habitat Conservation Planning, Department of the Interior, United States Fish and Wildlife Service, ARLSQ-420, 4401 N. Fairfax Drive Mailstop ARL-SQ 420, Arlington, VA 22203

Phone: 703 358-2106

Fax: 703 358-1735

Email: rick\_sayers@fws.gov

RIN: 1018-AT50

### 1610. LISTING THE MIAMI BLUE BUTTERFLY AS ENDANGERED; LISTING THE CASSIUS BLUE, CERAUNUS BLUE, AND NICKERBEAN (AMMON) BLUE BUTTERFLIES AS THREATENED DUE TO SIMILARITY OF APPEARANCE TO THE MIAMI BLUE

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 16 USC 1361 to 1407; 16 USC 1531 to 1544; 16 USC 4201 to 4245; PL 99-625, 100 Stat 3500

## DOI—FWS

## Proposed Rule Stage

**CFR Citation:** 50 CFR 17

**Legal Deadline:** None

**Abstract:** FWS proposes to emergency list the Miami blue butterfly as endangered under the Endangered Species Act of 1973, as amended. The geographic range of this butterfly has been severely reduced and is now restricted to Bahia Honda Key, Monroe County, Florida. The wild population of Miami blue is estimated at 45 to 50 adults. We also determine the cassius blue butterfly (*Leptotes cassius theonus*), ceraunus blue butterfly (*Hemiargus ceraunus antibubastus* or *Hemiargus hanno antibubastus*), and nickerbean (ammon) blue butterfly (*Cyclargus (Hemiargus) ammon ammon*) to be threatened due to similarity of appearance to the Miami blue, with a special rule pursuant to section 4(e) of the ESA.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, Local, State

**Agency Contact:** Chris Nolin, Chief, Office of Conservation and Classification, Department of the Interior, United States Fish and Wildlife Service, Room 452, 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-2171  
Fax: 703 358-1735  
Email: chris\_nolin@fws.gov

**RIN:** 1018-AT51

**1611. CITES APPENDIX III LISTING OF THE SEA CUCUMBER (*ISOSTICHOPUS FUSCUS*) BY THE GOVERNMENT OF ECUADOR**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 16 USC 1531 et seq

**CFR Citation:** 50 CFR 17

**Legal Deadline:** None

**Abstract:** We announce listing by Ecuador of a sea cucumber species (*Isostichopus fuscus*) in Appendix III of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** John Field, Biologist, Division of Scientific Authority, Department of the Interior, United States Fish and Wildlife Service, 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-1708  
Email: john\_field@fws.gov

**RIN:** 1018-AT55

**1612. SPECIAL RULE RECLASSIFYING ARGENTINIAN BROAD-SNOURED CAIMAN POPULATION FROM ENDANGERED TO THREATENED**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 16 USC 1531 et seq

**CFR Citation:** 50 CFR 17

**Legal Deadline:** None

**Abstract:** We plan to propose to downlist the broad-snouted caiman (*Caiman latirostris*) population in Argentina from endangered to threatened under the Endangered Species Act, with a special rule (under section 4(d) of ESA) allowing the importation into the United States of skins and products from the Argentinian population of broad-snouted caiman, if certain conditions are satisfied.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Dr. Michael D. Kreger, Wildlife Biologist, Division of Scientific Authority, Department of the Interior, United States Fish and Wildlife Service, Rm. 750 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-1708  
Fax: 703 358-2276  
Email: michael\_kreger@fws.gov

**RIN:** 1018-AT56

**1613. MIGRATORY BIRD PERMITS; CHANGES IN REGULATIONS GOVERNING RAPTOR PROPAGATION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 703 to 712

**CFR Citation:** 50 CFR 21.30

**Legal Deadline:** None

**Abstract:** We propose reorganization of current regulations, and adding or changing of some provisions therein. The changes will make it easier to understand the requirements for raptor propagation and the procedures for obtaining a propagation permit.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

**Agency Contact:** Brian Millsap, Chief, Division of Migratory Bird Management, Department of the Interior, United States Fish and Wildlife Service, Room 634, 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-1714  
Email: brian\_millsap@fws.gov

**Related RIN:** Related to 1018-AG11

**RIN:** 1018-AT60

**1614. LISTING OF SIX FOREIGN BIRDS UNDER THE ENDANGERED SPECIES ACT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1531 et seq.

**CFR Citation:** 50 CFR 17

**Legal Deadline:** None

**Abstract:** We propose to list six foreign bird species under the Endangered Species Act.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Marie Maltese, Biologist, Division of Scientific Authority, Department of the Interior, United States Fish and Wildlife

## DOI—FWS

## Proposed Rule Stage

Service, 4401 North Fairfax Drive,  
Arlington, VA 22203  
Phone: 703 358-1708  
Email: marie\_\_maltese@fws.gov  
**RIN:** 1018-AT62

**1615. MIGRATORY BIRD PERMITS;  
FEDERAL FALCONRY STANDARDS;  
ADDING CONNECTICUT TO THE LIST  
OF STATES THAT MEET FEDERAL  
FALCONRY STANDARDS**

**Priority:** Substantive, Nonsignificant.  
Major status under 5 USC 801 is  
undetermined.

**Legal Authority:** 16 USC 712(2)

**CFR Citation:** 50 CFR 21

**Legal Deadline:** None

**Abstract:** We propose to add  
Connecticut to the list of States in  
which the practice of falconry is  
approved.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/04	

**Regulatory Flexibility Analysis  
Required:** No

**Government Levels Affected:** Federal,  
State

**Agency Contact:** Brian Millsap, Chief,  
Division of Migratory Bird  
Management, Department of the  
Interior, United States Fish and  
Wildlife Service, Room 634, 4401 North  
Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-1714  
Email: brian\_\_millsap@fws.gov

**RIN:** 1018-AT63

**1616. MIGRATORY BIRD HUNTING:  
REVISION OF LANGUAGE USED IN  
REGULATIONS FOR APPROVING  
NONTOXIC SHOT FOR USE IN  
WATERFOWL HUNTING**

**Priority:** Substantive, Nonsignificant.  
Major status under 5 USC 801 is  
undetermined.

**Legal Authority:** 16 USC 742a to 742j

**CFR Citation:** 50 CFR 20.134

**Legal Deadline:** None

**Abstract:** We propose plain-language  
revision of 50 CFR 20.134 to make it  
easier for the public to read and  
understand. The language governing  
determination of Expected  
Environmental Concentrations (EEC) in  
terrestrial and aquatic ecosystems is

altered to make clear the shot size and  
number of shot to be used in  
calculating the EECs. We also added  
language specifying the pH levels to be  
used in calculating the EEC in water.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/04	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**URL For More Information:**  
migratorybirds.fws.gov

**URL For Public Comments:**  
migratorybirds.fws.gov

**Agency Contact:** Dr. George T Allen,  
Wildlife Biologist, Department of the  
Interior, United States Fish and  
Wildlife Service, 4401 N. Fairfax Dr.,  
MS 4107, Arlington, VA 22203-1610  
Phone: 703 358-1825

Fax: 703-358-2217

Email: george\_t\_\_allen@fws.gov

**RIN:** 1018-AT67

**1617. REGULATIONS TO IMPLEMENT  
THE CAPTIVE WILDLIFE SAFETY ACT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 18 USC 42

**CFR Citation:** 50 CFR 14

**Legal Deadline:** Final, Statutory, June  
19, 2004.

**Abstract:** We plan to propose to  
implement the Captive Wildlife Safety  
Act (CWSA) by adding subpart K to 50  
CFR 14. The CWSA amends the Lacey  
Act by making it illegal to buy, sell,  
transport, receive, or acquire live lions,  
tigers, leopards, cheetahs, jaguars, and  
cougars or any hybrid of these species  
across State lines, or to import or  
export any of these species.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/04	

**Regulatory Flexibility Analysis  
Required:** Undetermined

**Government Levels Affected:** Federal

**Agency Contact:** Kevin Adams, Chief,  
Office of Law Enforcement, Department  
of the Interior, United States Fish and  
Wildlife Service, MS-LE-3000 4401  
North Fairfax Drive, Arlington, VA  
22203

Phone: 703 358-1949

Fax: 703 358-1947

Email: kevin\_\_adams@fws.gov

**RIN:** 1018-AT69

**1618. MOSQUITO AND  
MOSQUITO-BORNE DISEASE  
MANAGEMENT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 668dd to  
668ee

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** This draft Service Manual  
chapter (606 FW 2) provides policy for  
refuge managers to apply when  
determining how and when mosquito  
populations may be managed on lands  
administered within the National  
Wildlife Refuge System. This draft  
chapter is based on science and  
includes a requirement for data-  
gathering both prior to and after  
management actions. The draft chapter  
also includes a provision for actions  
taken during emergencies. This chapter  
applies to all units of the Refuge  
System where we have jurisdiction over  
such actions, whether mosquito  
management is performed by the  
Service or by an outside agency.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/05	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal,  
Local, State, Tribal

**Agency Contact:** Michael Higgins,  
Mosquito Coordinator, Department of  
the Interior, United States Fish and  
Wildlife Service, 4401 N. Fairfax Dr.,  
Ste. 670, Arlington, VA 22204  
Phone: 410 573-4520

**RIN:** 1018-AT72

**1619. STRATEGIC GROWTH OF THE  
NATIONAL WILDLIFE REFUGE  
SYSTEM**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 668dd to  
668ee

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** This Service Manual chapter  
(602 FW 5) outlines the process and

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decision points for the consideration of lands proposed for inclusion in the National Wildlife Refuge System (System). It explains in detail the various steps in taking a proposal from the initial idea stage to the Director's decision on whether a Region should proceed with the detailed planning and public involvement required for a new national wildlife refuge or major addition to an existing refuge, and ultimately, to approval of a new refuge or substantial addition.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Dirck Byler, Department of the Interior, United States Fish and Wildlife Service, 4401 N. Fairfax Dr., Ste. 670, Arlington, VA 22203

Phone: 703 358-2337

**RIN:** 1018-AT73

**1620. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; COACHELLA VALLEY MILK-VETCH CRITICAL HABITAT DESIGNATION**

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

**Unfunded Mandates:** Undetermined

**Legal Authority:** 16 USC 1531 et seq

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** We plan to propose critical habitat for the Coachella Valley milk-vetch, which occurs in California.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/04	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Agency Contact:** Chris Nolin, Chief, Office of Conservation and Classification, Department of the Interior, United States Fish and Wildlife Service, Room 452, 4401 North Fairfax Drive, Arlington, VA 22203

Phone: 703 358-2171  
Fax: 703 358-1735  
Email: chris\_\_nolin@fws.gov

**RIN:** 1018-AT74

**1621. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; THREAD-LEAVED BRODIAEA CRITICAL HABITAT DESIGNATION**

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

**Unfunded Mandates:** Undetermined

**Legal Authority:** 16 USC 1531 et seq

**CFR Citation:** 50 CFR 17

**Legal Deadline:** None

**Abstract:** We plan to propose critical habitat for the Thread-Leaved Brodiaea, which occurs in California.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/04	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Agency Contact:** Chris Nolin, Chief, Office of Conservation and Classification, Department of the Interior, United States Fish and Wildlife Service, Room 452, 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-2171  
Fax: 703 358-1735  
Email: chris\_\_nolin@fws.gov

**RIN:** 1018-AT75

**1622. MIGRATORY BIRD HUNTING; 2005-2006 MIGRATORY GAME BIRD HUNTING REGULATIONS**

**Priority:** Economically Significant. Major under 5 USC 801.

**Legal Authority:** 16 USC 703 to 712; 16 USC 742(a) to 742(j)

**CFR Citation:** 50 CFR 20

**Legal Deadline:** None

**Abstract:** This action establishes annual migratory game bird hunting regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/05	
Final Action	09/00/05	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal, State, Tribal

**Agency Contact:** Brian Millsap, Chief, Division of Migratory Bird Management, Department of the Interior, United States Fish and Wildlife Service, Room 634, 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-1714  
Email: brian\_\_millsap@fws.gov

**RIN:** 1018-AT76

**1623. MIGRATORY BIRD SUBSISTENCE HARVEST IN ALASKA; PROPOSED SPRING/SUMMER SUBSISTENCE ANNUAL HARVEST REGULATIONS FOR MIGRATORY BIRDS IN ALASKA DURING THE 2005 SUBSISTENCE SEASON**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 703 to 712

**CFR Citation:** 50 CFR 92

**Legal Deadline:** None

**Abstract:** This action establishes annual spring/summer migratory bird subsistence harvest regulations in Alaska for the 2005 subsistence season.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/04	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Fred Armstrong, Department of the Interior, United States Fish and Wildlife Service, 10011 E. Tudor Rd., MS 201, Anchorage, AK 99503  
Phone: 907 786-3887

**RIN:** 1018-AT77

**1624. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; DESIGNATION OF CRITICAL HABITAT FOR THE SAN MIGUEL ISLAND FOX, SANTA ROSA ISLAND FOX, SANTA CRUZ ISLAND FOX, AND SANTA CATALINA ISLAND FOX**

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 16 USC 1531 et seq

**CFR Citation:** 50 CFR 17

**Legal Deadline:** None

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## Proposed Rule Stage

**Abstract:** We plan to propose critical habitat for four island fox species, which occur on the Channel Islands off California.

**Timetable:**

Action	Date	FR Cite
NPRM	10/07/04	69 FR 60134
NPRM Comment Period End	12/06/04	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Undetermined

**Agency Contact:** Chris Nolin, Chief, Office of Conservation and Classification, Department of the Interior, United States Fish and Wildlife Service, Room 452, 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-2171  
Fax: 703 358-1735  
Email: chris\_nolin@fws.gov

**Related RIN:** Related to 1018-AI28

**RIN:** 1018-AT78

#### 1625. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; SALT CREEK TIGER BEETLE CRITICAL HABITAT DESIGNATION

**Priority:** Other Significant

**Legal Authority:** 16 USC 1531 et seq

**CFR Citation:** 50 CFR 17

**Legal Deadline:** None

**Abstract:** We will designate critical habitat for the Salt Creek tiger beetle, a subspecies endemic to eastern Nebraska saline wetlands and associated streams in the northern third of Lancaster County and southern margin of Saunders County in Nebraska.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Chris Nolin, Chief, Office of Conservation and Classification, Department of the Interior, United States Fish and Wildlife Service, Room 452, 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-2171

Fax: 703 358-1735  
Email: chris\_nolin@fws.gov

**Related RIN:** Related to 1018-AJ13

**RIN:** 1018-AT79

#### 1626. • SUBSISTENCE MANAGEMENT REGULATIONS FOR PUBLIC LANDS IN ALASKA; SOUTHWESTERN ALASKA COASTAL AREAS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 3101-3126

**CFR Citation:** 50 CFR 100; 36 CFR 242

**Legal Deadline:** None

**Abstract:** We plan to propose to revise and clarify the jurisdiction of the Federal Subsistence Management Program in coastal areas in southwestern Alaska.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/04	
Final Action	02/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** William W. Knauer, Office of Subsistence Management, Department of the Interior, United States Fish and Wildlife Service, 3601 C Street, Suite 1030, Anchorage, AK 99503

Phone: 907 786-3873

Fax: 907 786-3898

Email: bill\_knauer@fws.gov

**RIN:** 1018-AT81

#### 1627. • MARINE MAMMALS: INCIDENTAL TAKE DURING SPECIFIED ACTIVITIES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1361 et seq.

**CFR Citation:** 50 CFR 18

**Legal Deadline:** None

**Abstract:** The Marine Mammal Protection Act authorizes issuance of regulations to allow the incidental unintentional take of small numbers of marine mammals in activities (other than commercial fishing) in specific geographical areas. These regulations would authorize incidental take of polar bears and Pacific walrus in the Beaufort Sea and adjacent northern coast of Alaska during oil and gas

industry activities for 5 years, after the current regulations expire on March 28, 2005.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Martin Kodis, Chief, Branch of Resource Management Support, Division of Habitat and Resource Conservation, Department of the Interior, United States Fish and Wildlife Service, U.S. Fish and Wildlife Service 400 ARL SQ 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-5496

Fax: 703 358-1869

Email: martin\_kodis@fws.gov

**RIN:** 1018-AT82

#### 1628. • ENDANGERED AND THREATENED WILDLIFE AND PLANTS; CRITICAL HABITAT FOR THE ARKANSAS RIVER SHINER

**Priority:** Other Significant

**Legal Authority:** 16 USC 1531 et seq

**CFR Citation:** 50 CFR 17

**Legal Deadline:** NPRM, Judicial, September 30, 2004.

Final, Statutory, September 30, 2005.

Final, Judicial, September 30, 2005.

**Abstract:** We plan to propose critical habitat for the Arkansas River shiner, a fish, in portions of the Canadian River in New Mexico, Texas, and Oklahoma.

**Timetable:**

Action	Date	FR Cite
NPRM	10/06/04	69 FR 59859
NPRM Comment Period End	04/30/05	
Final Action	09/00/05	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Marjorie Nelson, Chief, Branch of Listing, Endangered Species Program, Department of the Interior, United States Fish and Wildlife Service, Room 435 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-2105  
Fax: 703 358-2434

## DOI—FWS

## Proposed Rule Stage

Email: marjorie\_nelson@fws.gov

RIN: 1018-AT84

**1629. ● ENDANGERED AND THREATENED WILDLIFE AND PLANTS; PROPOSED DELISTING OF THE CUI-UI FROM THE LIST OF ENDANGERED AND THREATENED SPECIES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1531 et seq

**CFR Citation:** 50 CFR 17

**Legal Deadline:** None

**Abstract:** The Service is planning to remove the Cui-ui, a fish, from the List of Endangered and Threatened Species based on recovery of this species. Threats to the species have been reduced, and the population has rebounded and surpassed recovery levels.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Patrick Leonard, Chief, Division of Consultation, Habitat Conservation Planning, Recovery and State Grants, Department of the Interior, United States Fish and Wildlife Service, Room 420, 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-2171  
Fax: 703 358-1735  
Email: patrick\_leonard@fws.gov

RIN: 1018-AT85

**1630. ● ENDANGERED AND THREATENED WILDLIFE AND PLANTS; DESIGNATION OF CRITICAL HABITAT FOR THE SPREADING NAVARRETIA**

**Priority:** Other Significant

**Legal Authority:** 16 USC 1531 et seq

**CFR Citation:** 50 CFR 17

**Legal Deadline:** None

**Abstract:** We will designate critical habitat for the spreading navarretia. On October 13, 1998, the spreading navarretia, a plant species native to California and Mexico, was listed as a threatened species.

**Timetable:**

Action	Date	FR Cite
NPRM	10/07/04	69 FR 60110
NPRM Comment	11/22/04	
Period End		

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Chris Nolin, Chief, Office of Conservation and Classification, Department of the Interior, United States Fish and Wildlife Service, Room 452, 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-2171  
Fax: 703 358-1735  
Email: chris\_nolin@fws.gov

RIN: 1018-AT86

**1631. ● MIGRATORY BIRD HUNTING; APPROVAL OF 62 PERCENT IRON/25 PERCENT TUNGSTEN/13 PERCENT NICKEL SHOT AS NONTOXIC FOR HUNTING WATERFOWL AND COOTS**

**Priority:** Info./Admin./Other

**Legal Authority:** 40 Stat. 755; 16 U.S.C. 703 to 712; 16 USC 742a-j; PL 106-108; 113 Stat. 1491; ...

**CFR Citation:** 50 CFR 20

**Legal Deadline:** None

**Abstract:** On August 26, 2004, we received an application from Environ-Metal Inc. for approval of "Hevi-Steel with Nickel" for use in waterfowl hunting. We are obligated under regulations at 50 CFR 20.134 to consider all such applications.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State, Tribal

**Agency Contact:** Dr. George T Allen, Wildlife Biologist, Department of the Interior, United States Fish and Wildlife Service, 4401 N. Fairfax Dr., MS 4107, Arlington, VA 22203-1610  
Phone: 703 358-1825  
Fax: 703-358-2217  
Email: george\_t\_allen@fws.gov

RIN: 1018-AT87

**1632. ● ENDANGERED AND THREATENED WILDLIFE AND PLANTS; DESIGNATING CRITICAL HABITAT FOR SOUTHWESTERN WILLOW FLYCATCHER**

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

**Unfunded Mandates:** Undetermined

**Legal Authority:** 16 USC 1531 et seq

**CFR Citation:** 50 CFR 17

**Legal Deadline:** NPRM, Judicial, September 30, 2004.  
Final, Statutory, September 30, 2005.  
Final, Judicial, September 30, 2005.

**Abstract:** We plan to propose critical habitat for the Southwestern Willow Flycatcher.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/04	
Final Action	09/00/05	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Agency Contact:** Marjorie Nelson, Chief, Branch of Listing, Endangered Species Program, Department of the Interior, United States Fish and Wildlife Service, Room 435 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-2105  
Fax: 703 358-2434  
Email: marjorie\_nelson@fws.gov

RIN: 1018-AT88

**1633. ● ENDANGERED AND THREATENED WILDLIFE AND PLANTS; CRITICAL HABITAT FOR WESTERN SNOWY PLOVER**

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

**Unfunded Mandates:** Undetermined

**Legal Authority:** 16 USC 1531 et seq

**CFR Citation:** 50 CFR 17

**Legal Deadline:** NPRM, Judicial, December 1, 2004.  
Final, Statutory, September 20, 2005.  
Final, Judicial, September 20, 2005.

**Abstract:** We plan to propose critical habitat for the Western Snowy Plover.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	

## DOI—FWS

## Proposed Rule Stage

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined

**Agency Contact:** Marjorie Nelson, Chief, Branch of Listing, Endangered Species Program, Department of the Interior, United States Fish and Wildlife Service, Room 435 4401 North Fairfax Drive, Arlington, VA 22203  
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Email: marjorie\_nelson@fws.gov

**RIN:** 1018-AT89

**1634. ● ENDANGERED AND THREATENED WILDLIFE AND PLANTS; DESIGNATING CRITICAL HABITAT FOR THE ST. ANDREW BEACH MOUSE**

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**Legal Authority:** 16 USC 1531 et seq**CFR Citation:** 50 CFR 17

**Legal Deadline:** NPRM, Judicial, September 30, 2005.  
Final, Statutory, September 30, 2006.  
Final, Judicial, September 30, 2006.

**Abstract:** We plan to propose critical habitat for the St. Andrew Beach mouse.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/05	

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined

**Agency Contact:** Marjorie Nelson, Chief, Branch of Listing, Endangered Species Program, Department of the Interior, United States Fish and Wildlife Service, Room 435 4401 North Fairfax Drive, Arlington, VA 22203  
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Fax: 703 358-2434  
Email: marjorie\_nelson@fws.gov

**Related RIN:** Related to 1018-AE41**RIN:** 1018-AT90

**1635. ● ENDANGERED AND THREATENED WILDLIFE AND PLANTS; DESIGNATING CRITICAL HABITAT FOR 3 WILLAMETTE SPECIES: WILLAMETTE DAISY, FENDER'S BLUE BUTTERFLY, AND KINCAID'S LUPINE**

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**Legal Authority:** 16 USC 1531 et seq**CFR Citation:** 50 CFR 17

**Legal Deadline:** NPRM, Judicial, October 15, 2005.  
Final, Statutory, October 15, 2006.  
Final, Judicial, October 15, 2006.

**Abstract:** We plan to propose critical habitat for 3 Willamette Species (Willamette Daisy, Fender's Blue Butterfly, and Kincaid's Lupine).

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/05	

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined

**Agency Contact:** Marjorie Nelson, Chief, Branch of Listing, Endangered Species Program, Department of the Interior, United States Fish and Wildlife Service, Room 435 4401 North Fairfax Drive, Arlington, VA 22203  
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Email: marjorie\_nelson@fws.gov

**Related RIN:** Related to 1018-AE53**RIN:** 1018-AT91

**1636. ● ENDANGERED AND THREATENED WILDLIFE AND PLANTS; DESIGNATING CRITICAL HABITAT FOR THE WILLOWY MONARDELLA**

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**Legal Authority:** 16 USC 1531 et seq**CFR Citation:** 50 CFR 17

**Legal Deadline:** NPRM, Judicial, October 30, 2005.  
Final, Statutory, October 30, 2006.  
Final, Judicial, October 30, 2006.

**Abstract:** We plan to propose critical habitat for the Willowy monardella.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/05	

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined

**Agency Contact:** Marjorie Nelson, Chief, Branch of Listing, Endangered Species Program, Department of the Interior, United States Fish and Wildlife Service, Room 435 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-2105  
Fax: 703 358-2434  
Email: marjorie\_nelson@fws.gov

**Related RIN:** Related to 1018-AD38**RIN:** 1018-AT92

**1637. ● ENDANGERED AND THREATENED WILDLIFE AND PLANTS; DESIGNATING CRITICAL HABITAT FOR THE ALAMEDA WHIPSNAKE**

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**Legal Authority:** 16 USC 1531 et seq**CFR Citation:** 50 CFR 17

**Legal Deadline:** NPRM, Judicial, October 1, 2005.  
Final, Statutory, October 1, 2006.  
Final, Judicial, October 1, 2006.  
Previous critical habitat, established 10/03/2000 (65 FR 58933; 1018-AF98), is remanded by court.

**Abstract:** We plan to propose critical habitat for the Alameda whipsnake.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/05	

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined

**Agency Contact:** Marjorie Nelson, Chief, Branch of Listing, Endangered Species Program, Department of the Interior, United States Fish and Wildlife Service, Room 435 4401 North Fairfax Drive, Arlington, VA 22203  
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Fax: 703 358-2434

## DOI—FWS

## Proposed Rule Stage

Email: marjorie\_nelson@fws.gov

**Related RIN:** Related to 1018-AF98

**RIN:** 1018-AT93

### 1638. ● PROTECTION OF BALD EAGLES AND DEFINITION

**Priority:** Other Significant

**Legal Authority:** 16 USC 668a

**CFR Citation:** 50 CFR 22.3

**Legal Deadline:** None

**Abstract:** This proposed rule would establish a regulatory definition of “disturb.” The Bald and Golden Eagle Protection Act prohibits take of eagle. Take is defined by the Act to include “disturb.” This rule is necessary in the event the bald eagle is removed from the list of threatened species under the Endangered Species Act. The BGEPA will become the primary law protecting bald eagles.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, Local, State, Tribal

**URL For More Information:** migratorybirds.fws.gov

**Agency Contact:** Eliza Savage, Regulatory Analyst, Department of the Interior, United States Fish and Wildlife Service, Rm. 4000 4501 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-2329  
Email: eliza\_savage@fws.gov

**Related RIN:** Previously reported as 1018-AH74

**RIN:** 1018-AT94

### 1639. ● CAPTIVE-BRED WILDLIFE REGULATION: EXCLUDING THE CAPTIVE-BRED SCIMITAR-HORNED ORYX, ADDAX, AND DAMA GAZELLE FROM ENDANGERED STATUS

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** Undetermined

**Legal Authority:** 16 USC 4201 to 4245

**CFR Citation:** 50 CFR 17.21

**Legal Deadline:** None

**Abstract:** We propose to amend the Endangered Species Act regulations by

adding a new subsection that would authorize otherwise-prohibited acts that enhance the propagation or survival of captive-bred populations of three antelope that have been proposed for listing as endangered: Scimitar-Horned oryx, Addax, and Dama gazelle. These species would not be exempted from the permit requirements of the Convention on International Trade in Endangered Species of Wild Flora and Fauna.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/04	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Dr. Michael D. Kreger, Wildlife Biologist, Division of Scientific Authority, Department of the Interior, United States Fish and Wildlife Service, Rm. 750 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-1708  
Fax: 703 358-2276  
Email: michael\_kreger@fws.gov

**RIN:** 1018-AT95

### 1640. ● SUBSISTENCE MANAGEMENT REGULATIONS FOR PUBLIC LANDS IN ALASKA, SUBPART C AND SUBPART D; 2006-2007 SUBSISTENCE TAKING OF FISH AND SHELLFISH REGULATIONS

**Priority:** Routine and Frequent. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 16 USC 3124

**CFR Citation:** 50 CFR 100; 36 CFR 242

**Legal Deadline:** None

**Abstract:** This proposed rule will revise the regulations for seasons, harvest limits, methods, and means for the subsistence taking of fish and shellfish during the 2006-07 regulatory year. Rulemaking is necessary because subpart D is subject to an annual review cycle.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** William W. Knauer, Office of Subsistence Management, Department of the Interior, United States Fish and Wildlife Service, 3601 C Street, Suite 1030, Anchorage, AK 99503

Phone: 907 786-3873

Fax: 907 786-3898

Email: bill\_knauer@fws.gov

**RIN:** 1018-AT97

### 1641. ● SUBSISTENCE MANAGEMENT REGULATIONS FOR PUBLIC LANDS IN ALASKA, SUBPART C AND SUBPART D; 2006-2007 SUBSISTENCE TAKING OF WILDLIFE REGULATIONS

**Priority:** Routine and Frequent. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 16 USC 3124

**CFR Citation:** 50 CFR 100; 36 CFR 242

**Legal Deadline:** None

**Abstract:** This proposed rule will revise the regulations for seasons, harvest limits, methods, and means for the subsistence taking of wildlife during the 2006-07 regulatory year. This rulemaking is necessary because subpart D is subject to an annual review cycle.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** William W. Knauer, Office of Subsistence Management, Department of the Interior, United States Fish and Wildlife Service, 3601 C Street, Suite 1030, Anchorage, AK 99503

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Email: bill\_knauer@fws.gov

**RIN:** 1018-AT98

### 1642. ● SUBSISTENCE MANAGEMENT REGULATIONS FOR PUBLIC LANDS IN ALASKA, SUBPART C—NONRURAL DETERMINATIONS

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 16 USC 3124

## DOI—FWS

## Proposed Rule Stage

**CFR Citation:** 50 CFR 100; 36 CFR 242**Legal Deadline:** None**Abstract:** This proposed rule will revise the rural/nonrural determinations based on 2000 Federal census data. This review/revision is called for in 50 CFR 100.15 and 36 CFR 242.15.**Timetable:**

Action	Date	FR Cite
NPRM	02/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** William W. Knauer, Office of Subsistence Management, Department of the Interior, United States Fish and Wildlife Service, 3601 C Street, Suite 1030, Anchorage, AK 99503

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Email: bill\_knauer@fws.gov

**RIN:** 1018-AT99**1643. ● ENDANGERED AND THREATENED WILDLIFE AND PLANTS; ESTABLISHMENT OF A NONESSENTIAL EXPERIMENTAL POPULATION FOR THE TOPEKA SHINER****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1531 et seq**CFR Citation:** 50 CFR 17**Legal Deadline:** None**Abstract:** The Service is planning to establish a nonessential experimental population for the Topeka shiner.**Timetable:**

Action	Date	FR Cite
NPRM	05/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Patrick Leonard, Chief, Division of Consultation, Habitat Conservation Planning, Recovery and State Grants, Department of the Interior, United States Fish and Wildlife Service, Room 420, 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-2171  
Fax: 703 358-1735  
Email: patrick\_leonard@fws.gov**RIN:** 1018-AU00**1644. ● ENDANGERED AND THREATENED WILDLIFE AND PLANTS; ESTABLISHMENT OF A NONESSENTIAL EXPERIMENTAL POPULATION FOR 16 FRESHWATER MUSSELS, 1 FRESHWATER SNAIL, AND 5 FISHES IN TENNESSEE****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1531 et seq**CFR Citation:** 50 CFR 17**Legal Deadline:** None**Abstract:** The Service is planning to establish a nonessential experimental population for 16 freshwater mussels, 1 freshwater snail, and 5 fishes in the Lower French Broad River and in the Lower Holston River, Tennessee.**Timetable:**

Action	Date	FR Cite
NPRM	03/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Patrick Leonard, Chief, Division of Consultation, Habitat Conservation Planning, Recovery and State Grants, Department of the Interior, United States Fish and Wildlife Service, Room 420, 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-2171  
Fax: 703 358-1735  
Email: patrick\_leonard@fws.gov**RIN:** 1018-AU01

## Department of the Interior (DOI)

## Final Rule Stage

## United States Fish and Wildlife Service (FWS)

**1645. LIST OF MIGRATORY BIRDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 704; 16 USC 712**CFR Citation:** 50 CFR 10.13**Legal Deadline:** None**Abstract:** The List of Migratory Birds found at 50 CFR 10.13 is being revised to (1) bring the list into conformity with generally accepted taxonomy and nomenclature—English (common) and scientific names, as reflected in four published supplements to the 6th (1983) edition of the American Ornithologists' Union Checklist of North American Birds; and (2) add species that are of regular occurrence

in the United States that are not included on the current list.

**Timetable:**

Action	Date	FR Cite
NPRM	05/09/95	60 FR 24686
Second NPRM	10/12/01	66 FR 52281
Final Action	11/00/04	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Brian Millsap, Chief, Division of Migratory Bird Management, Department of the Interior, United States Fish and Wildlife Service, Room 634, 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-1714

Email: brian\_millsap@fws.gov

**RIN:** 1018-AB72**1646. GENERAL PROVISIONS AND GENERAL PERMIT PROCEDURES—50 CFR PART 13****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 668a; 16 USC 704; 16 USC 712; 16 USC 742j-1; 16 USC 1382; 16 USC 1538(d); 16 USC 1539; 16 USC 1540(f); 16 USC 3374; 16 USC 4901 to 4916; 18 USC 42; 19 USC 1202; 31 USC 9701**CFR Citation:** 50 CFR 13**Legal Deadline:** None**Abstract:** The Service proposes to amend 50 CFR part 13, which provides

## DOI—FWS

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uniform permit procedures relating to the general administration of Service permits, to update the permit application fee schedule. Permit fees have not been revised since 1982. This change is necessary in order to recover a larger percentage of the cost of processing the permits.

**Timetable:**

Action	Date	FR Cite
NPRM	08/26/03	68 FR 51222
Final Action	11/00/04	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** Local

**Agency Contact:** Peter Thomas, Chief, Division of Management Authority, Department of the Interior, United States Fish and Wildlife Service, Room 700, 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-2095  
Email: peter\_\_thomas@fws.gov

**RIN:** 1018-AC57

### 1647. IMPORTATION OF CAPTIVE-BRED EXOTIC BIRDS INTO THE UNITED STATES FROM BREEDING FACILITIES IN OTHER COUNTRIES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 4901 to 4916

**CFR Citation:** 50 CFR 15

**Legal Deadline:** None

**Abstract:** We will establish the information requirements and approval criteria for the import of captive-bred wild exotic birds from overseas breeding facilities. This rule applies primarily to species listed in the appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), which are otherwise prohibited from import by the Wild Bird Conservation Act of 1992. The rule also describes the process for handling petitions to approve qualifying facilities, establishes the duration of approval, provides for the suspension and revocation of approval, and provides for notice of approved facilities in the Federal Register.

**Timetable:**

Action	Date	FR Cite
NPRM	03/17/94	59 FR 12784
Final Action	01/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Robert Gabel, Chief, Division of Scientific Authority, Department of the Interior, United States Fish and Wildlife Service, Room 750, 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-1708  
Fax: 703 358-2276  
Email: roddy\_\_gabel@fws.gov

**RIN:** 1018-AF44

### 1648. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; TIBETAN ANTELOPE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1531 et seq

**CFR Citation:** 50 CFR 17

**Legal Deadline:** None

**Abstract:** We propose to list the Tibetan antelope, or chiru, as endangered. The antelope is native to Tibet, Kashmir, and north-central China. It is threatened by illegal trade in its wool, known as shahtoosh, which is exceptionally fine. The species has experienced dramatic declines in recent years despite efforts by range countries to control poaching, as well as a prohibition on international commercial trade through listing in appendix I of CITES.

**Timetable:**

Action	Date	FR Cite
Notice	04/25/00	65 FR 24171
NPRM	10/06/03	68 FR 57646
Final Action	12/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Dr. Michael D. Kreger, Wildlife Biologist, Division of Scientific Authority, Department of the Interior, United States Fish and Wildlife Service, Rm. 750 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-1708  
Fax: 703 358-2276  
Email: michael\_\_kreger@fws.gov

**RIN:** 1018-AF49

### 1649. POLICY ON GENERAL CONSERVATION PERMITS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1531 et seq; 16 USC 1361 et seq; 16 USC 703 et seq

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** This policy will contain provisions to issue permits under a number of wildlife and plant laws and treaties to qualified organizations to conduct general conservation activities over a specified period of time instead of issuing multiple permits for each activity. This policy recognizes scientific and conservation professionals and institutions as partners in resource conservation and management and provides incentives for them to work with protected species and their habitats.

**Timetable:**

Action	Date	FR Cite
Notice of Proposed Policy	10/28/99	64 FR 58086
Final Action	09/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** None

**Agency Contact:** Peter Thomas, Chief, Division of Management Authority, Department of the Interior, United States Fish and Wildlife Service, Room 700, 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-2095  
Email: peter\_\_thomas@fws.gov

**RIN:** 1018-AF63

### 1650. U.S. PROPOSALS FOR CITES APPENDIX III; CERTAIN TURTLE SPECIES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1531 et seq

**CFR Citation:** 50 CFR 23

**Legal Deadline:** None

**Abstract:** This action would add certain native turtle species to Appendix III of the Convention on International Trade in Endangered Species of Wild Fauna and Flora. If adopted, exports of the species would require CITES documentation from the Service to ensure that foreign countries

## DOI—FWS

## Final Rule Stage

accept the shipments. This action is necessary to monitor the impact of trade on the species in an effort to maintain healthy populations.

**Timetable:**

Action	Date	FR Cite
NPRM	01/26/00	65 FR 4217
Final Action	01/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Marie Maltese, Biologist, Division of Scientific Authority, Department of the Interior, United States Fish and Wildlife Service, 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-1708  
Email: marie\_maltese@fws.gov

**RIN:** 1018-AF69

**1651. NATIONAL WILDLIFE REFUGE SYSTEM; MISSION, GOALS, AND PURPOSES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 668(dd) to 668(ee)

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** This proposed policy (FWS Manual) will address the mission, goals, and purposes of the National Wildlife Refuge System in the context of the National Wildlife Refuge System Improvement Act of 1997. This RIN also reflects Wildlife-Dependent Recreation Uses, Appropriate Refuge Uses, and Wilderness Stewardship.

**Timetable:**

Action	Date	FR Cite
Proposed Policy	01/16/01	66 FR 3668
Comment Period Extended	03/15/01	66 FR 15136
NPRM Comment Period Reopened	05/15/01	66 FR 26879
NPRM Comment Period Reopened	06/21/01	66 FR 33268
Final Action	12/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Federal, State

**Agency Contact:** James W. Kurth, Deputy Chief, National Wildlife Refuge System, Department of the Interior, United States Fish and Wildlife

Service, MS 670 ARLSQ, Washington, DC 20240

Phone: 703 358-1744

**RIN:** 1018-AG46

**1652. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; REMOVAL OF THE JOHNSTON'S FRANKENIA FROM THE LIST OF ENDANGERED AND THREATENED SPECIES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1531 et seq

**CFR Citation:** 50 CFR 17

**Legal Deadline:** None

**Abstract:** We plan to make a final determination on the proposed rule to remove the Johnston's frankenia from the List of Endangered and Threatened Plants. This action is based on new information.

**Timetable:**

Action	Date	FR Cite
NPRM	05/22/03	68 FR 27961
Final Action	11/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Patrick Leonard, Chief, Division of Consultation, Habitat Conservation Planning, Recovery and State Grants, Department of the Interior, United States Fish and Wildlife Service, Room 420, 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-2171  
Fax: 703 358-1735  
Email: patrick\_leonard@fws.gov

**RIN:** 1018-AH53

**1653. ENDANGERED AND THREATENED WILDLIFE; RECLASSIFICATION FROM ENDANGERED TO THREATENED STATUS FOR MARIANA FRUIT BAT (GUAM), AND THREATENED STATUS FOR MARIANA FRUIT BAT (CNMI)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1531 et seq

**CFR Citation:** 50 CFR 17

**Legal Deadline:** Final, Judicial, December 31, 2004.

**Abstract:** We plan to finalize the listing of the Mariana fruit bat.

**Timetable:**

Action	Date	FR Cite
NPRM	03/26/98	63 FR 14641
NPRM—Correction of FR Section of Publication (Not Substantive)	04/02/98	63 FR 16294
NPRM Comment Period Reopened	05/27/04	69 FR 30277
Final Action	12/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Marjorie Nelson, Chief, Branch of Listing, Endangered Species Program, Department of the Interior, United States Fish and Wildlife Service, Room 435 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-2105  
Fax: 703 358-2434  
Email: marjorie\_nelson@fws.gov

**Related RIN:** Previously reported as 1018-AE83

**RIN:** 1018-AH55

**1654. ADDITION OF THE GREAT WHITE SHARK AND THE CAPE STAG BEETLES TO APPENDIX III UNDER CITES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1531 et seq

**CFR Citation:** 50 CFR 23

**Legal Deadline:** None

**Abstract:** This action will amend the regulations in 50 CFR part 23 by adding the great white shark and Cape Stag beetles to appendix III under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	11/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Pat Ford, Biologist, Division of Scientific Authority, Department of the Interior, United States Fish and Wildlife Service, 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-1708

DOI—FWS

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Email: pat\_ford@fws.gov

RIN: 1018-AH66

**1655. AUDIT RESOLUTION POLICY****Priority:** Substantive, Nonsignificant**Legal Authority:** OMB Circular A-133**CFR Citation:** 50 CFR 80; 43 CFR 12**Legal Deadline:** None**Abstract:** We will publish six USFWS Manual chapters regarding Federal Government auditing standards as they pertain to State grantees.**Timetable:**

Action	Date	FR Cite
Policy	12/14/01	66 FR 64845
Policy—Request for Comments	10/29/03	68 FR 61681
Policy—Final Chapters	11/00/04	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State**Agency Contact:** Kim Galvan, Management Analyst, Division of Federal Aid, Department of the Interior, United States Fish and Wildlife Service, MS 140, 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-1851  
Email: kim\_galvan@fws.gov

RIN: 1018-AH69

**1656. IMPORTATION OF EXOTIC WILD BIRDS INTO THE UNITED STATES; ADDING BLUE-FRONTED AMAZON PARROTS FROM ARGENTINA'S APPROVED SUSTAINABLE USE MANAGEMENT PLAN TO THE APPROVED LIST OF NON-CAPTIVE BRED SPECIES****Priority:** Other Significant**Legal Authority:** 16 USC 4901 to 4916**CFR Citation:** 50 CFR 15**Legal Deadline:** None**Abstract:** This rule would allow the import into the United States of parrots removed from the wild in Argentina under an approved sustainable use management plan. This is the first such plan that, if approved, would contribute to the goals of the Wild Bird Conservation Act to promote the conservation of exotic birds through sustainable use.**Timetable:**

Action	Date	FR Cite
NPRM	08/06/03	68 FR 46559
Final Action	12/00/04	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Peter Thomas, Chief, Division of Management Authority, Department of the Interior, United States Fish and Wildlife Service, Room 700, 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-2095  
Email: peter\_thomas@fws.govDr. Michael D. Kreger, Wildlife Biologist, Division of Scientific Authority, Department of the Interior, United States Fish and Wildlife Service, Rm. 750 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-1708  
Fax: 703 358-2276  
Email: michael\_kreger@fws.gov

RIN: 1018-AH89

**1657. PUBLIC NOTICE FOR CITES APPENDIX III LISTING OF SPANISH CEDAR AND BIGLEAF MAHOGANY BY THE GOVERNMENT OF PERU****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1531 et seq; 16 USC 4201; PL 99-625**CFR Citation:** 50 CFR 23**Legal Deadline:** None**Abstract:** This notice advises the public that, by unilateral action provided for in the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the Government of Peru has listed Spanish cedar and bigleaf mahogany in CITES appendix III. This listing invokes certain permitting requirements to assist Peru in controlling trade in these species.**Timetable:**

Action	Date	FR Cite
Direct Final Rule	11/00/04	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Pat Ford, Biologist, Division of Scientific Authority,

Department of the Interior, United States Fish and Wildlife Service, 4401 North Fairfax Drive, Arlington, VA 22203

Phone: 703 358-1708

Email: pat\_ford@fws.gov

RIN: 1018-AH99

**1658. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; REMOVAL OF TWO AUSTRALIAN PARAKEETS FROM THE LIST OF ENDANGERED AND THREATENED SPECIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1531 et seq; 16 USC 4201; PL 99-625**CFR Citation:** 50 CFR 17**Legal Deadline:** None**Abstract:** We propose to reclassify the turquoise parakeet (*Neophema pulchella*) and the scarlet-chested parakeet (*Neophema splendida*) from endangered to threatened under the Endangered Species Act.**Timetable:**

Action	Date	FR Cite
NPRM	09/02/03	68 FR 52169
Final Rule	12/00/04	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Dr. Michael D. Kreger, Wildlife Biologist, Division of Scientific Authority, Department of the Interior, United States Fish and Wildlife Service, Rm. 750 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-1708  
Fax: 703 358-2276  
Email: michael\_kreger@fws.gov

RIN: 1018-AI04

**1659. MIGRATORY BIRD HUNTING AND PERMITS; REGULATIONS FOR MANAGING HARVEST OF LIGHT GOOSE POPULATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 703 to 712; 16 USC 742(a) to 742(j)**CFR Citation:** 50 CFR 20; 50 CFR 21 subpart E**Legal Deadline:** None**Abstract:** This rule authorizes new methods of take for light goose hunting

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under 50 CFR part 20 and revises subpart E of 50 CFR part 21 for the management of overabundant light goose populations. It also modifies the conservation order that will increase take of such populations under the authority of this subpart.

**Timetable:**

Action	Date	FR Cite
NPRM	10/12/01	66 FR 52077
NPRM Correction	11/07/01	66 FR 56266
NPRM Comment Period Extended	12/10/01	66 FR 63665
Final Action	01/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** State, Tribal

**Agency Contact:** Brian Millsap, Chief, Division of Migratory Bird Management, Department of the Interior, United States Fish and Wildlife Service, Room 634, 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-1714  
Email: brian\_millsap@fws.gov

**RIN:** 1018-AI07**1660. ADDITION BY INDONESIA OF RAMIN TO APPENDIX III UNDER THE CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1531 et seq; 16 USC 4201; PL 99-625**CFR Citation:** 50 CFR 23**Legal Deadline:** None

**Abstract:** This direct final rule notifies the public that, by unilateral action provided for in the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the Government of Indonesia has listed the tree species, Ramin, in CITES appendix III. This listing invokes certain permitting requirements to assist Indonesia in controlling trade in this species.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	11/00/04	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal

**Agency Contact:** Pat Ford, Biologist, Division of Scientific Authority, Department of the Interior, United States Fish and Wildlife Service, 4401 North Fairfax Drive, Arlington, VA 22203

Phone: 703 358-1708

Email: pat\_ford@fws.gov

**RIN:** 1018-AI08**1661. MIGRATORY BIRD PERMITS; REGULATIONS FOR MANAGING RESIDENT CANADA GEESE POPULATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 703 to 712; 16 USC 742(a) to 742(j)**CFR Citation:** 50 CFR 20**Legal Deadline:** None

**Abstract:** This rule would establish a regulation authorizing State wildlife agencies to conduct indirect and/or direct population control management activities on resident Canada geese, including the take of birds. The intent of this rule is to allow State wildlife management agencies sufficient flexibility to deal with problems caused by resident Canada geese and to guide and direct Canada goose population growth and management activities in the coterminous United States.

**Timetable:**

Action	Date	FR Cite
NPRM	08/21/03	68 FR 50496
Final Action	11/00/04	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** State, Tribal

**Agency Contact:** Brian Millsap, Chief, Division of Migratory Bird Management, Department of the Interior, United States Fish and Wildlife Service, Room 634, 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-1714  
Email: brian\_millsap@fws.gov

**RIN:** 1018-AI32**1662. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; LISTING THE SOUTHWEST ALASKAN DISTINCT POPULATION SEGMENT OF THE NORTHERN SEA OTTER****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1531 et seq**CFR Citation:** 50 CFR 17**Legal Deadline:** None

**Abstract:** We propose listing the southwest Alaskan distinct population segment of the Northern sea otter, found mostly in the Aleutian Islands and the Alaska peninsula and adjacent waters.

**Timetable:**

Action	Date	FR Cite
NPRM	02/11/04	69 FR 6600
NPRM; Announcement of Public Hearing	05/05/04	69 FR 25055
Final Action	05/00/05	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** Federal

**Agency Contact:** Chris Nolin, Chief, Office of Conservation and Classification, Department of the Interior, United States Fish and Wildlife Service, Room 452, 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-2171  
Fax: 703 358-1735  
Email: chris\_nolin@fws.gov

**RIN:** 1018-AI44**1663. MIGRATORY BIRD PERMITS; EIDERDOWN FROM ICELAND****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 95-616; 16 USC 712(2); PL 106-108**CFR Citation:** 50 CFR 21**Legal Deadline:** None

**Abstract:** This rulemaking will allow the importation into the United States of processed Icelandic eiderdown.

**Timetable:**

Action	Date	FR Cite
NPRM	09/05/03	68 FR 52727
Final Action	02/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal

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**Agency Contact:** Brian Millsap, Chief, Division of Migratory Bird Management, Department of the Interior, United States Fish and Wildlife Service, Room 634, 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-1714  
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**RIN:** 1018-AI64

#### 1664. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; PERMITS FOR FOREIGN LISTED SPECIES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1531 et seq

**CFR Citation:** 50 CFR 17

**Legal Deadline:** None

**Abstract:** We will issue a policy clarifying the process used for issuing Endangered Species Act permits for foreign listed species.

**Timetable:**

Action	Date	FR Cite
Notice of Proposed Policy	08/18/03	68 FR 49512
Final Action	01/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Timothy J. Van Norman, Chief, Branch of Permits, International, Division of Management Authority, Department of the Interior, United States Fish and Wildlife Service, Room 700, 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-2350  
Fax: 703 358-2281  
Email: tim\_vannorman@fws.gov

**RIN:** 1018-AI67

#### 1665. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; DESIGNATION OF CRITICAL HABITAT FOR THE SAN DIEGO FAIRY SHRIMP

**Priority:** Other Significant

**Unfunded Mandates:** Undetermined

**Legal Authority:** 16 USC 1531 et seq

**CFR Citation:** 50 CFR 17

**Legal Deadline:** None

**Abstract:** We propose designation of critical habitat for the endangered San Diego Fairy shrimp, a freshwater

crustacean found in southern California.

**Timetable:**

Action	Date	FR Cite
NPRM	04/22/03	68 FR 19888
NPRM Comment	04/08/04	69 FR 18516
Period Reopened; Draft Economic Analysis; Notice of Public Hearing		
Final Action	11/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** Chris Nolin, Chief, Office of Conservation and Classification, Department of the Interior, United States Fish and Wildlife Service, Room 452, 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-2171  
Fax: 703 358-1735  
Email: chris\_nolin@fws.gov

**RIN:** 1018-AI71

#### 1666. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; DESIGNATION OF CRITICAL HABITAT FOR THE CALIFORNIA GNATCATCHER

**Priority:** Other Significant

**Unfunded Mandates:** Undetermined

**Legal Authority:** 16 USC 1531 et seq

**CFR Citation:** 50 CFR 17

**Legal Deadline:** NPRM, Judicial, April 11, 2003, Court order.

**Abstract:** We plan to finalize critical habitat for the Coastal California gnatcatcher, a threatened bird found in southern California.

**Timetable:**

Action	Date	FR Cite
NPRM	04/24/03	68 FR 20228
NPRM Comment	04/08/04	69 FR 18515
Period Reopen, Draft Econ Analysis Avail, Public Hearing		
Final Action	11/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** Chris Nolin, Chief, Office of Conservation and Classification, Department of the Interior, United States Fish and Wildlife Service, Room 452, 4401 North Fairfax Drive, Arlington, VA 22203

Phone: 703 358-2171  
Fax: 703 358-1735  
Email: chris\_nolin@fws.gov

**RIN:** 1018-AI72

#### 1667. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; DESIGNATION OF CRITICAL HABITAT FOR A PLANT, THE LANE MOUNTAIN MILK-VETCH

**Priority:** Other Significant

**Unfunded Mandates:** Undetermined

**Legal Authority:** 16 USC 1531 et seq

**CFR Citation:** 50 CFR 17

**Legal Deadline:** None

**Abstract:** We will propose designation of critical habitat for the Lane Mountain milk-vetch, an endangered plant found in California.

**Timetable:**

Action	Date	FR Cite
NPRM	04/06/04	69 FR 18018
Final Action	04/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** Chris Nolin, Chief, Office of Conservation and Classification, Department of the Interior, United States Fish and Wildlife Service, Room 452, 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-2171  
Fax: 703 358-1735  
Email: chris\_nolin@fws.gov

**RIN:** 1018-AI78

#### 1668. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; ENDANGERED STATUS FOR THE SCIMITAR-HORNED ORYX, ADDAX, AND DAMA GAZELLE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1531 et seq

**CFR Citation:** 50 CFR 17

**Legal Deadline:** None

**Abstract:** Based on comments received, we may finalize a rule to list three species of antelope (Scimitar-Horned oryx, addax, and the Dama gazelle) as endangered.

**Timetable:**

Action	Date	FR Cite
NPRM	11/05/91	56 FR 56491
NPRM Comment	07/24/03	68 FR 43706
Period Reopened		

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Action	Date	FR Cite
NPRM Comment Period Reopened	11/26/03	68 FR 66395
Final Action	03/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Robert Gabel, Chief, Division of Scientific Authority, Department of the Interior, United States Fish and Wildlife Service, Room 750, 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-1708  
Fax: 703 358-2276  
Email: roddy\_gabel@fws.gov

**RIN:** 1018-AI82**1669. MIGRATORY BIRD PERMITS; MILITARY READINESS EXEMPTION****Priority:** Other Significant**Legal Authority:** PL 107-314**CFR Citation:** 50 CFR 21**Legal Deadline:** None

**Abstract:** The 2003 Defense Authorization Bill, signed by the President on December 2, 2002, requires the U.S. Fish and Wildlife Service to develop and issue regulations that exempt the Armed Forces from incidental take of migratory birds during authorized military readiness activities. The Department of Defense must concur with these regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	06/02/04	69 FR 31074
NPRM Comment Period End	08/02/04	
Final Action	11/00/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal

**Agency Contact:** Brian Millsap, Chief, Division of Migratory Bird Management, Department of the Interior, United States Fish and Wildlife Service, Room 634, 4401 North Fairfax Drive, Arlington, VA 22203  
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Email: brian\_millsap@fws.gov

**RIN:** 1018-AI92**1670. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; DELISTING THE EASTERN DISTINCT POPULATION SEGMENT OF THE GRAY WOLF****Priority:** Other Significant**Legal Authority:** 16 USC 1531 et seq**CFR Citation:** 50 CFR 17**Legal Deadline:** None

**Abstract:** We are planning to remove the eastern Distinct Population Segment (DPS) of the gray wolf, consisting of 21 States, from the List of Endangered and Threatened Species. The reasons for this action are the following: the achievement of all recovery criteria and completion of suitable state wolf management plans by Minnesota, Wisconsin, and Michigan.

**Timetable:**

Action	Date	FR Cite
ANPRM	04/01/03	68 FR 15876
NPRM	07/21/04	69 FR 43664
NPRM and Notice of Public Hearings	08/13/04	69 FR 50147
NPRM/Notice of Public Hearing	09/29/04	69 FR 58119
Final Action	07/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State, Tribal

**Agency Contact:** Patrick Leonard, Chief, Division of Consultation, Habitat Conservation Planning, Recovery and State Grants, Department of the Interior, United States Fish and Wildlife Service, Room 420, 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-2171  
Fax: 703 358-1735  
Email: patrick\_leonard@fws.gov

**Related RIN:** Related to 1018-AF20**RIN:** 1018-AJ03**1671. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; DESIGNATION OF CRITICAL HABITAT FOR THE COLORADO BUTTERFLY PLANT****Priority:** Other Significant**Legal Authority:** 16 USC 1531 et seq**CFR Citation:** 50 CFR 17

**Legal Deadline:** Final, Judicial, December 30, 2004, Settlement agreement.

**Abstract:** We will designate critical habitat for the Colorado butterfly plant. A short-lived perennial, the Colorado butterfly plant is endemic to moist soils in mesic or wet meadows of floodplain areas in northcentral Colorado, extreme western Nebraska, and southeastern Wyoming.

**Timetable:**

Action	Date	FR Cite
NPRM	08/06/04	69 FR 47834
NPRM Comment Period Extended	09/24/04	69 FR 57250
Final Action	12/00/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal

**Agency Contact:** Chris Nolin, Chief, Office of Conservation and Classification, Department of the Interior, United States Fish and Wildlife Service, Room 452, 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-2171  
Fax: 703 358-1735  
Email: chris\_nolin@fws.gov

**RIN:** 1018-AJ07**1672. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; REMOVAL OF EGGERT'S SUNFLOWER FROM THE LIST OF ENDANGERED AND THREATENED SPECIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1531 et seq**CFR Citation:** 50 CFR 17**Legal Deadline:** None

**Abstract:** We plan to make a final determination on a proposal to remove the Eggert's sunflower from the List of Endangered and Threatened Species. This action is based on the recent completion of population and distribution studies, the commitment of land managers to the protection and management of several populations, and the discovery of previously undocumented populations throughout the species' range. On May 22, 1997, the Eggert's sunflower was designated as a threatened species. This species is known to occur in Alabama, Kentucky, and Tennessee.

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**Timetable:**

Action	Date	FR Cite
NPRM	04/05/04	69 FR 17627
Final Action	03/00/05	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**Agency Contact:** Patrick Leonard, Chief, Division of Consultation, Habitat Conservation Planning, Recovery and State Grants, Department of the Interior, United States Fish and Wildlife Service, Room 420, 4401 North Fairfax Drive, Arlington, VA 22203  
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Email: patrick\_leonard@fws.gov

RIN: 1018-AJ08

**1673. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; DESIGNATION OF CRITICAL HABITAT FOR THE FISH SLOUGH MILK-VETCH**

Priority: Other Significant

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: None

**Abstract:** We will designate critical habitat for the Fish Slough milk-vetch. On October 6, 1998, the Fish Slough milk-vetch, a plant species native to California, was listed as a threatened species.

**Timetable:**

Action	Date	FR Cite
NPRM	06/04/04	69 FR 31552
Final Action	06/00/05	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

**Agency Contact:** Chris Nolin, Chief, Office of Conservation and Classification, Department of the Interior, United States Fish and Wildlife Service, Room 452, 4401 North Fairfax Drive, Arlington, VA 22203  
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Email: chris\_nolin@fws.gov

RIN: 1018-AJ09

**1674. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; DESIGNATION OF CRITICAL HABITAT FOR THE MUNZ'S ONION**

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: NPRM, Judicial, May 30, 2004.

**Abstract:** We will designate critical habitat for Munz's onion. On October 13, 1998, the Munz's onion, a plant native to California, was listed as endangered.

**Timetable:**

Action	Date	FR Cite
NPRM	06/04/04	69 FR 31569
Final Rule	05/00/05	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

**Agency Contact:** Chris Nolin, Chief, Office of Conservation and Classification, Department of the Interior, United States Fish and Wildlife Service, Room 452, 4401 North Fairfax Drive, Arlington, VA 22203  
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Email: chris\_nolin@fws.gov

RIN: 1018-AJ10

**1675. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; DESIGNATION OF CRITICAL HABITAT FOR THE COASTAL-PUGET SOUND, ST. MARY-BELLY RIVER, AND JARBIDGE RIVER POPULATION SEGMENTS OF BULL TROUT**

Priority: Other Significant

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: None

**Abstract:** We will designate critical habitat for the Coastal-Puget Sound, St. Mary-Belly River, and Jarbidge River population segments of bull trout. The Coastal-Puget Sound bull trout population segment encompasses all Pacific Coast drainages within Washington, including Puget Sound. The St. Mary-Belly River bull trout population segment occurs in northwest Montana. The Jarbidge River population segment occurs in Nevada.

**Timetable:**

Action	Date	FR Cite
NPRM	06/25/04	69 FR 35767
NPRM—Correction	07/19/04	69 FR 43058
Final Action	06/00/05	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

**Agency Contact:** Chris Nolin, Chief, Office of Conservation and Classification, Department of the Interior, United States Fish and Wildlife Service, Room 452, 4401 North Fairfax Drive, Arlington, VA 22203  
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Email: chris\_nolin@fws.gov

RIN: 1018-AJ12

**1676. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; DESIGNATION OF CRITICAL HABITAT FOR THE ARROYO TOAD**

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: NPRM, Judicial, April 1, 2004, Settlement agreement.

**Abstract:** We will propose designation of critical habitat for the arroyo toad, an endangered species known from California and Mexico.

**Timetable:**

Action	Date	FR Cite
NPRM	04/28/04	69 FR 23254
Correction to NPRM	05/17/04	69 FR 27886
Final Action	05/00/05	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: Federal

**Agency Contact:** Chris Nolin, Chief, Office of Conservation and Classification, Department of the Interior, United States Fish and Wildlife Service, Room 452, 4401 North Fairfax Drive, Arlington, VA 22203  
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Fax: 703 358-1735  
Email: chris\_nolin@fws.gov

RIN: 1018-AT42

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**1677. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; DESIGNATION OF CRITICAL HABITAT FOR THE CALIFORNIA TIGER SALAMANDER SANTA BARBARA COUNTY DISTINCT POPULATION SEGMENT****Priority:** Other Significant**Legal Authority:** 16 USC 1531 et seq**CFR Citation:** 50 CFR 17**Legal Deadline:** NPRM, Judicial, January 15, 2004, Court Order.**Abstract:** We will propose designation of critical habitat for the Santa Barbara County Distinct Population Segment of the California tiger salamander, an endangered species in California.**Timetable:**

Action	Date	FR Cite
NPRM	01/22/04	69 FR 3064
NPRM—Reopen Comment, Public Hearing Announcement	04/13/04	69 FR 19364
NPRM—Reopen Comment Period, NOA Draft Econ Analysis	10/07/04	69 FR 60138
Final Action	11/00/04	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal**Agency Contact:** Chris Nolin, Chief, Office of Conservation and Classification, Department of the Interior, United States Fish and Wildlife Service, Room 452, 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-2171  
Fax: 703 358-1735  
Email: chris\_nolin@fws.gov**RIN:** 1018-AT44**1678. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; DESIGNATION OF CRITICAL HABITAT FOR THE RIVERSIDE FAIRY SHRIMP****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**Legal Authority:** 16 USC 1531 et seq**CFR Citation:** 50 CFR 17**Legal Deadline:** NPRM, Judicial, April 1, 2004, Court order.**Abstract:** We will propose designation of critical habitat for the Riverside fairy

shrimp, an endangered species in California.

**Timetable:**

Action	Date	FR Cite
NPRM	04/27/04	69 FR 23023
NPRM: NOA, Draft Econ Analysis and Reopen Comment Period	10/19/04	69 FR 61461
Final Action	03/00/05	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal**Agency Contact:** Chris Nolin, Chief, Office of Conservation and Classification, Department of the Interior, United States Fish and Wildlife Service, Room 452, 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-2171  
Fax: 703 358-1735  
Email: chris\_nolin@fws.gov**RIN:** 1018-AT45**1679. SUBSISTENCE MANAGEMENT REGULATIONS FOR PUBLIC LANDS IN ALASKA, SUBPART C AND SUBPART D; 2005-2006 SUBSISTENCE TAKING OF FISH AND SHELLFISH REGULATIONS****Priority:** Routine and Frequent. Major status under 5 USC 801 is undetermined.**Legal Authority:** 16 USC 3124**CFR Citation:** 50 CFR 100; 36 CFR 242**Legal Deadline:** None**Abstract:** This rule will revise the regulations for seasons, harvest limits, methods, and means for the subsistence taking of fish and shellfish during the 2005-06 regulatory year. This rulemaking is necessary because subpart D is subject to an annual review cycle.**Timetable:**

Action	Date	FR Cite
NPRM	02/03/04	69 FR 5105
Final Action	03/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** William W. Knauer, Office of Subsistence Management, Department of the Interior, United States Fish and Wildlife Service, 3601 C Street, Suite 1030, Anchorage, AK 99503Phone: 907 786-3873  
Fax: 907 786-3898  
Email: bill\_knauer@fws.gov**RIN:** 1018-AT46**1680. MARINE MAMMALS: REVISED DEFINITION OF "AUTHENTIC NATIVE ARTICLES OF HANDICRAFTS AND CLOTHING"****Priority:** Info./Admin./Other. Major status under 5 USC 801 is undetermined.**Legal Authority:** 16 USC 1631**CFR Citation:** 50 CFR 18.3**Legal Deadline:** None**Abstract:** A final rulemaking action that removes language put into place by an FWS interim rule intended to govern the taking of northern sea otters by Alaska Natives for use in creating and selling handicrafts and clothing under section 101(b), the Native exemption section of the Marine Mammal Protection Act (MMPA). The proposed rule was published on June 4, 2004. Our interim rule revised the definition of "authentic native articles of handicrafts and clothing" in 50 CFR 18.3, to limit takes to the period "on or before December 21, 1972" and precluded the take of sea otters by Alaska Natives for use in creating and selling handicrafts and clothing under section 101(b).**Timetable:**

Action	Date	FR Cite
NPRM	06/04/04	69 FR 31582
NPRM Comment Period End	08/03/04	
Final Action	11/00/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Tribal**Agency Contact:** Martin Kodis, Chief, Branch of Resource Management Support, Division of Habitat and Resource Conservation, Department of the Interior, United States Fish and Wildlife Service, U.S. Fish and Wildlife Service 400 ARL SQ 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-5496  
Fax: 703 358-1869  
Email: martin\_kodis@fws.gov**RIN:** 1018-AT48

## DOI—FWS

## Final Rule Stage

**1681. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; SPECIAL RULE TO CONTROL THE TRADE IN THREATENED BELUGA STURGEON**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 16 USC 1531 et seq

**CFR Citation:** 50 CFR 17

**Legal Deadline:** None

**Abstract:** Proposed special rule (under section 4(d) of ESA) allowing the importation into the United States of products from Beluga sturgeon (*Huso huso*) populations listed as threatened under the Act and in Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), if certain conditions are satisfied by the exporting (i.e., range country) or re-exporting country.

**Timetable:**

Action	Date	FR Cite
NPRM	06/29/04	69 FR 38863
Final Action	11/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** John Field, Biologist, Division of Scientific Authority, Department of the Interior, United States Fish and Wildlife Service, 4401 North Fairfax Drive, Arlington, VA 22203

Phone: 703 358-1708

Email: john\_field@fws.gov

**Related RIN:** Related to 1018-AI11

**RIN:** 1018-AT54

**1682. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; EMERGENCY CRITICAL HABITAT DESIGNATION FOR SANTA ANA SUCKER**

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 16 USC 1531 et seq

**CFR Citation:** 50 CFR 17

**Legal Deadline:** None

**Abstract:** We will designate critical habitat for the Santa Ana Sucker, known from California, on an emergency basis.

**Timetable:**

Action	Date	FR Cite
NPRM	02/26/04	69 FR 8911
NPRM Comment Period Reopened	08/19/04	69 FR 51416
Final Rule	02/26/04	69 FR 8839
NPRM-NOA-Draft Econ Analysis and Reopen Comment Period	10/01/04	69 FR 58876
NPRM Comment Period Reopened	10/25/04	69 FR 62238
Final Action	11/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Chris Nolin, Chief, Office of Conservation and Classification, Department of the Interior, United States Fish and Wildlife Service, Room 452, 4401 North Fairfax Drive, Arlington, VA 22203

Phone: 703 358-2171

Fax: 703 358-1735

Email: chris\_nolin@fws.gov

**RIN:** 1018-AT57

**1683. CONFERRING DESIGNATED PORT STATUS ON MEMPHIS, TN, LOUISVILLE, KY, AND HOUSTON, TX**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** Not Yet Determined

**CFR Citation:** 50 CFR 14

**Legal Deadline:** None

**Abstract:** We propose to make Houston, TX, Louisville, KY, and Memphis, TN, designated ports under section 9(f) of the Endangered Species Act. This action would allow the direct importation and exportation of wildlife and wildlife products through these growing international ports. We are proposing to amend the regulations in 50 CFR 14 to reflect this designation.

**Timetable:**

Action	Date	FR Cite
NPRM	04/22/04	69 FR 21806
Final Action	12/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Kevin Adams, Chief, Office of Law Enforcement, Department

of the Interior, United States Fish and Wildlife Service, MS-LE-3000 4401 North Fairfax Drive, Arlington, VA 22203

Phone: 703 358-1949

Fax: 703 358-1947

Email: kevin\_adams@fws.gov

**RIN:** 1018-AT59

**1684. REGULATIONS FOR NONESSENTIAL EXPERIMENTAL POPULATIONS OF THE WESTERN DISTINCT POPULATION SEGMENT OF THE GRAY WOLF**

**Priority:** Other Significant

**Legal Authority:** 16 USC 1531 et seq

**CFR Citation:** 50 CFR 17

**Legal Deadline:** None

**Abstract:** We plan to make a final determination on the proposal to reduce regulatory restrictions for gray wolves within the nonessential experimental populations in ID and MT on private lands. These relaxed regulations will result in minor positive economic benefits to private landowners. Additionally, we are defining a process for voluntary and cooperative transfer of management responsibilities for wolves back to the States of ID and MT.

**Timetable:**

Action	Date	FR Cite
NPRM	03/09/04	69 FR 10956
NPRM; Notice of Public Hearing	04/06/04	69 FR 18035
Final Action	01/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** State

**Federalism:** This action may have federalism implications as defined in EO 13132.

**Agency Contact:** Patrick Leonard, Chief, Division of Consultation, Habitat Conservation Planning, Recovery and State Grants, Department of the Interior, United States Fish and Wildlife Service, Room 420, 4401 North Fairfax Drive, Arlington, VA 22203

Phone: 703 358-2171

Fax: 703 358-1735

Email: patrick\_leonard@fws.gov

**RIN:** 1018-AT61

## DOI—FWS

## Final Rule Stage

**1685. PERMIT REVOCATION REGULATIONS FOR ENDANGERED SPECIES ACT INCIDENTAL TAKE PERMITS**

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

**Unfunded Mandates:** Undetermined

**Legal Authority:** 16 USC 1531 et seq

**CFR Citation:** 50 CFR 17.22(b)(5); 50 CFR 17.32(b)(5); 50 CFR 13.28

**Legal Deadline:** None

**Abstract:** We propose to repromulgate regulations that were vacated by the District Court for the District of Columbia due to failure to provide adequate notice and comment on the rule. The rule will establish specific provisions for revoking incidental take permits issued under the authority of section 10(a)(1)(B) of the Endangered Species Act, as amended.

**Timetable:**

Action	Date	FR Cite
Final Rule	05/25/04	69 FR 29669
Final Rule Effective	05/25/04	69 FR 29669
NPRM	05/25/04	69 FR 29681
Final Action	11/00/04	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:**

Undetermined

**Agency Contact:** Richard E Sayers Jr., Chief, Branch of Consultation and Habitat Conservation Planning, Department of the Interior, United States Fish and Wildlife Service, ARLSQ-420, 4401 N. Fairfax Drive Mailstop ARL-SQ 420, Arlington, VA 22203

Phone: 703 358-2106

Fax: 703 358-1735

Email: rick\_sayers@fws.gov

**RIN:** 1018-AT64

**1686. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; DESIGNATING MANATEE PROTECTION AREAS IN LEE COUNTY, FL**

**Priority:** Other Significant

**Legal Authority:** 16 USC 1531 et seq

**CFR Citation:** 50 CFR 17

**Legal Deadline:** None

**Abstract:** We are planning to put an emergency rule in place to designate several new manatee protection areas in Lee County, FL.

**Timetable:**

Action	Date	FR Cite
Emergency Final Rule	04/07/04	69 FR 18279
Emergency Final Rule Effective	04/07/04	69 FR 18279
NPRM	08/06/04	69 FR 48101
Final Action	03/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Patrick Leonard, Chief, Division of Consultation, Habitat Conservation Planning, Recovery and State Grants, Department of the Interior, United States Fish and Wildlife Service, Room 420, 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-2171  
Fax: 703 358-1735  
Email: patrick\_leonard@fws.gov

**RIN:** 1018-AT65

**1687. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; BUENA VISTA LAKE SHREW CRITICAL HABITAT DESIGNATION**

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

**Unfunded Mandates:** Undetermined

**Legal Authority:** 16 USC 1531 et seq

**CFR Citation:** 50 CFR 17

**Legal Deadline:** None

**Abstract:** We plan to propose to designate critical habitat for the Buena Vista Lake Shrew, which occurs in California.

**Timetable:**

Action	Date	FR Cite
NPRM	08/19/04	69 FR 51417
Final Action	01/00/05	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined

**Agency Contact:** Chris Nolin, Chief, Office of Conservation and Classification, Department of the Interior, United States Fish and Wildlife Service, Room 452, 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-2171  
Fax: 703 358-1735  
Email: chris\_nolin@fws.gov

**RIN:** 1018-AT66

**1688. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; DESIGNATION OF CRITICAL HABITAT FOR CALIFORNIA TIGER SALAMANDER, CENTRAL DPS; 50 CFR 17**

**Priority:** Other Significant

**Legal Authority:** 16 USC 703 to 712

**CFR Citation:** 50 CFR 21.29

**Legal Deadline:** None

**Abstract:** We propose to designate critical habitat for the California tiger salamander (*Ambystoma californiense*), Central California population (Central population).

**Timetable:**

Action	Date	FR Cite
NPRM	08/10/04	69 FR 48569
Final Action	08/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

**Additional Information:** The NPRM that published 08/10/2004 (69 FR 48569) used the wrong RIN: it used 1018-AF68. It should have used 1018-AT68.

**Agency Contact:** Chris Nolin, Chief, Office of Conservation and Classification, Department of the Interior, United States Fish and Wildlife Service, Room 452, 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-2171  
Fax: 703 358-1735  
Email: chris\_nolin@fws.gov

**RIN:** 1018-AT68

**1689. SEASONS, HARVEST LIMITS, METHODS, AND MEANS RELATED TO TAKING OF WILDLIFE FOR SUBSISTENCE USES DURING 2005-06 REGULATORY YEAR (SUBPART D)**

**Priority:** Routine and Frequent. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 16 USC 3124

**CFR Citation:** 50 CFR 100; 36 CFR 100

**Legal Deadline:** None

**Abstract:** We will revise the regulations for seasons, harvest limits, methods, and means related to the taking of wildlife for subsistence uses during the 2005-06 regulatory year. This rulemaking is necessary because subpart D is subject to annual review.

## DOI—FWS

## Final Rule Stage

## Timetable:

Action	Date	FR Cite
NPRM	08/31/04	69 FR 53023
Final Action	06/00/05	

## Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

**Agency Contact:** William W. Knauer, Office of Subsistence Management, Department of the Interior, United States Fish and Wildlife Service, 3601 C Street, Suite 1030, Anchorage, AK 99503

Phone: 907 786-3873

Fax: 907 786-3898

Email: bill\_knauer@fws.gov

RIN: 1018-AT70

**1690. ● ENDANGERED AND THREATENED WILDLIFE AND PLANTS; LISTING AND CRITICAL HABITAT FOR THE SACRAMENTO MOUNTAINS CHECKERSPOT BUTTERFLY**

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

**Unfunded Mandates:** Undetermined

**Legal Authority:** 16 USC 1531 et seq

**CFR Citation:** 50 CFR 17

**Legal Deadline:** Final, Judicial, December 31, 2004.

**Abstract:** We plan to finalize the listing of and designation of critical habitat for the Sacramento Mountains Checkerspot butterfly.

## Timetable:

Action	Date	FR Cite
NPRM	09/06/01	66 FR 46575

Action	Date	FR Cite
NPRM; Public Hearing and Extension of Public Comment Period	09/26/01	66 FR 49158
Final Action	12/00/04	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Agency Contact:** Marjorie Nelson, Chief, Branch of Listing, Endangered Species Program, Department of the Interior, United States Fish and Wildlife Service, Room 435 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-2105  
Fax: 703 358-2434  
Email: marjorie\_nelson@fws.gov

**Related RIN:** Previously reported as 1018-AH40

RIN: 1018-AT96

## Department of the Interior (DOI)

## United States Fish and Wildlife Service (FWS)

## Long-Term Actions

**1691. IMPLEMENTATION OF THE 1994 AMENDMENTS TO THE MARINE MAMMAL PROTECTION ACT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1361 to 1374

**CFR Citation:** 50 CFR 18

**Legal Deadline:** None

**Abstract:** Section 104 of the Marine Mammal Protection Act authorizes the Director of the Service, acting on behalf of the Secretary of the Interior, to issue permits for activities otherwise prohibited by the Act. Regulations will be developed for issuance of permits and the 1994 amendments to the Act.

## Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

## Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

**Agency Contact:** Peter Thomas, Chief, Division of Management Authority, Department of the Interior, United States Fish and Wildlife Service, Room 700, 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-2095

Email: peter\_thomas@fws.gov

RIN: 1018-AE72

**1692. TAKING OF MARINE MAMMALS BY LEVEL B HARASSMENT; ISSUANCE OF GENERAL AUTHORIZATION FOR SCIENTIFIC RESEARCH AND PERMITS FOR PHOTOGRAPHY, EDUCATIONAL, AND COMMERCIAL PURPOSES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 103-238; 16 USC 1361 to 1407

**CFR Citation:** 50 CFR 18

**Legal Deadline:** None

**Abstract:** The Service proposes to issue regulations that would allow us to authorize harassment but not injury or death of marine mammals under our jurisdiction, for scientific research and for photography for educational or commercial purposes. This rule would further implement the 1994 Amendments to the Marine Mammal Protection Act.

## Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Peter Thomas, Chief, Division of Management Authority, Department of the Interior, United States Fish and Wildlife Service, Room 700, 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-2095  
Email: peter\_thomas@fws.gov

RIN: 1018-AF26

**1693. INJURIOUS WILDLIFE; ADDITION OF THE ASIAN SWAMP EEL**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 18 USC 42

**CFR Citation:** 50 CFR 16

**Legal Deadline:** None

**Abstract:** We will review economic and biologic information on the 17 species in the swamp eel family, Synbranchidae, for possible addition to the list of injurious wildlife under the Lacey Act.

## DOI—FWS

## Long-Term Actions

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** Federal

**Agency Contact:** Kari Jonell Duncan, Chief, Division of Environmental Quality, Branch of Invasive Species, Department of the Interior, United States Fish and Wildlife Service, Room 810B, 4401 North Fairfax Drive Room 810-B, Arlington, VA 22203  
Phone: 703 358-2464  
Fax: 703 358-1800  
Email: kari\_duncan@fws.gov

**RIN:** 1018-AF53

**1694. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; DETERMINATION OF ENDANGERED STATUS AND DESIGNATION OF CRITICAL HABITAT FOR THE GILA CHUB**

**Priority:** Other Significant**Legal Authority:** 16 USC 1531 et seq**CFR Citation:** 50 CFR 17**Legal Deadline:** None

**Abstract:** We are proposing endangered status and the designation of critical habitat for the Gila chub.

**Timetable:**

Action	Date	FR Cite
NPRM	08/09/02	67 FR 51947
Final Action	To Be	Determined

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal

**Agency Contact:** Chris Nolin, Chief, Office of Conservation and Classification, Department of the Interior, United States Fish and Wildlife Service, Room 452, 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-2171  
Fax: 703 358-1735  
Email: chris\_nolin@fws.gov

**RIN:** 1018-AG16

**1695. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; ENDANGERED STATUS FOR 12 SPECIES OF PICTURE-WING FLIES FROM THE HAWAIIAN ISLANDS**

**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1531 et seq**CFR Citation:** 50 CFR 17**Legal Deadline:** None

**Abstract:** We propose endangered status pursuant to the Endangered Species Act of 1973, as amended, for 12 species of Hawaiian picture-wing flies—*Drosophila aglaia*, *D. differens*, *D. hemipeza*, *D. heteroneura*, *D. montgomeryi*, *D. mulli*, *D. musaphilia*, *D. neoclavisetae*, *D. obatai*, *D. ochrobasis*, *D. substenoptera*, and *D. tarphytrichia*. These species are found on one or more of the following Hawaiian Islands: Kauai, Oahu, Molokai, Maui, and Hawaii. These 12 species face substantial threats from one or more of the following: habitat degradation, loss of host plants, biological pest control, and predation from alien arthropods.

**Timetable:**

Action	Date	FR Cite
NPRM	01/17/01	66 FR 3964
Final Action	To Be	Determined

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal

**Agency Contact:** Chris Nolin, Chief, Office of Conservation and Classification, Department of the Interior, United States Fish and Wildlife Service, Room 452, 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-2171  
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Email: chris\_nolin@fws.gov

**RIN:** 1018-AG23

**1696. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; LISTING THE DOLLY VARDEN AS A THREATENED SPECIES IN WASHINGTON DUE TO SIMILARITY OF APPEARANCE TO BULL TROUT**

**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1531 et seq**CFR Citation:** 50 CFR 17**Legal Deadline:** None

**Abstract:** We propose to list the Dolly Varden (*Salvelinus malma*) as threatened under the "Similarity of Appearance" provision of the Endangered Species Act in Washington, due to its similarity of appearance to the bull trout.

**Timetable:**

Action	Date	FR Cite
NPRM	01/09/01	66 FR 1628
Final Action	To Be	Determined

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal

**Agency Contact:** Chris Nolin, Chief, Office of Conservation and Classification, Department of the Interior, United States Fish and Wildlife Service, Room 452, 4401 North Fairfax Drive, Arlington, VA 22203  
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Fax: 703 358-1735  
Email: chris\_nolin@fws.gov

**RIN:** 1018-AH68

**1697. RELEASE OF CAPTIVE-REARED MALLARDS**

**Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 703 to 712; 16 USC 742(a) to 742(j)**CFR Citation:** 50 CFR 21**Legal Deadline:** None

**Abstract:** We are resuming review of all aspects of regulations pertaining to the release and harvest of captive-reared mallards.

**Timetable:**

Action	Date	FR Cite
Notice of Intent	08/28/01	66 FR 45274
Notice of Availability	08/26/03	68 FR 51231
Final Action	To Be	Determined

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal, State

**Agency Contact:** Brian Millsap, Chief, Division of Migratory Bird Management, Department of the Interior, United States Fish and Wildlife Service, Room 634, 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-1714  
Email: brian\_millsap@fws.gov

**RIN:** 1018-AI05

## DOI—FWS

## Long-Term Actions

**1698. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; LISTING AND DESIGNATION OF CRITICAL HABITAT FOR THREE SNAILS AND ONE AMPHIPOD****Priority:** Other Significant**Legal Authority:** 16 USC 1361 to 1407; 16 USC 1531 to 1544; 16 USC 4201 to 4245; PL 99–625; 100 Stat. 3500**CFR Citation:** 50 CFR 17**Legal Deadline:** NPRM, Judicial, February 6, 2002, Settlement agreement.**Abstract:** We propose to list and designate critical habitat for Koster's tyronia, Noel's amphipod, Pecos assiminea, and the Roswell springsnail in New Mexico and Texas.**Timetable:**

Action	Date	FR Cite
NPRM	02/12/02	67 FR 6459
NPRM Comment Period Reopened	05/31/02	67 FR 38059
Final Action	To Be	Determined

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** Federal, Local, State, Tribal**Agency Contact:** Chris Nolin, Chief, Office of Conservation and Classification, Department of the Interior, United States Fish and Wildlife Service, Room 452, 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358–2171  
Fax: 703 358–1735  
Email: chris\_nolin@fws.gov**RIN:** 1018–AI15**1699. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; DESIGNATION OF CRITICAL HABITAT FOR THE CACTUS FERRUGINOUS PYGMY OWL****Priority:** Other Significant**Legal Authority:** 16 USC 1531 et seq**CFR Citation:** 50 CFR 17**Legal Deadline:** None**Abstract:** We will propose a new designation of critical habitat for the Cactus ferruginous pygmy owl distinct population segment found in Arizona.**Timetable:**

Action	Date	FR Cite
NPRM	11/27/02	67 FR 71031
NPRM Comment Period Reopened	02/25/03	68 FR 8730

Action	Date	FR Cite
NPRM Comment Period Reopened	04/28/03	68 FR 22353
Final Action	To Be	Determined

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** Federal**Agency Contact:** Chris Nolin, Chief, Office of Conservation and Classification, Department of the Interior, United States Fish and Wildlife Service, Room 452, 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358–2171  
Fax: 703 358–1735  
Email: chris\_nolin@fws.gov**RIN:** 1018–AI48**1700. MIGRATORY BIRD PERMITS; REVISIONS TO GENERAL EXCEPTIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 95–616; 92 Stat 3112 (16 USC 712(2)); PL 106–108**CFR Citation:** 50 CFR 21**Legal Deadline:** None**Abstract:** Under this rule, some public institutions which are now exempted from permit requirements would be required to obtain permits in order to possess migratory birds. It would create new exemptions for State and Federal resource managers and it would establish husbandry requirements applicable to exempt facilities.**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Governmental Jurisdictions, Organizations, Businesses**Government Levels Affected:** State, Federal**Agency Contact:** Brian Millsap, Chief, Division of Migratory Bird Management, Department of the Interior, United States Fish and Wildlife Service, Room 634, 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358–1714  
Email: brian\_millsap@fws.gov**RIN:** 1018–AI96**1701. REVISION OF THE REGULATIONS GOVERNING THE TRANSPORT OF EAGLE FEATHERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 668a; 16 USC 703 to 712; 16 USC 1531 to 1544**CFR Citation:** 50 CFR 22**Legal Deadline:** None**Abstract:** We will develop regulations that allow the temporary transport of eagle feathers to and from the United States by Indian people of Canada and regulations that will streamline the permit process that allows transport of eagle feathers to and from Canada and Mexico by members of federally recognized Indian tribes.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Tribal**Agency Contact:** Kevin Adams, Chief, Office of Law Enforcement, Department of the Interior, United States Fish and Wildlife Service, MS–LE–3000 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358–1949  
Fax: 703 358–1947  
Email: kevin\_adams@fws.gov**RIN:** 1018–AJ00**1702. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; DELISTING OF THE WESTERN DISTINCT POPULATION SEGMENT OF THE GRAY WOLF****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 1531 et seq**CFR Citation:** 50 CFR 17**Legal Deadline:** None**Abstract:** We plan to remove the western Distinct Population Segment (DPS) of the gray wolf from the List of Endangered and Threatened Species. The reason for this action is the following: On the basis of estimates compiled in December 2002, we conclude that the wolf population has achieved the required third year of its population recovery criteria.

## DOI—FWS

## Long-Term Actions

**Timetable:**

Action	Date	FR Cite
ANPRM	04/01/03	68 FR 15879
NPRM	To Be	Determined

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined

**Agency Contact:** Patrick Leonard, Chief, Division of Consultation, Habitat Conservation Planning, Recovery and State Grants, Department of the Interior, United States Fish and Wildlife Service, Room 420, 4401 North Fairfax Drive, Arlington, VA 22203  
Phone: 703 358-2171

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Email: patrick\_leonard@fws.gov

**Related RIN:** Related to 1018-AF20**RIN:** 1018-AJ04

**1703. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; DESIGNATION OF CRITICAL HABITAT FOR THE CALIFORNIA RED-LEGGED FROG**

**Priority:** Other Significant**Legal Authority:** 16 USC 1531 et seq**CFR Citation:** 50 CFR 17

**Legal Deadline:** NPRM, Judicial, March 31, 2004, Settlement agreement. Final, Judicial, November 2005.

**Abstract:** We will re-propose the designation of critical habitat for the California red-legged frog, a threatened species endemic to California and Baja California, Mexico.

**Timetable:**

Action	Date	FR Cite
NPRM	04/13/04	69 FR 19619
Final Action	11/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal

**Agency Contact:** Chris Nolin, Chief, Office of Conservation and Classification, Department of the Interior, United States Fish and Wildlife Service, Room 452, 4401 North Fairfax Drive, Arlington, VA 22203

Phone: 703 358-2171

Fax: 703 358-1735

Email: chris\_nolin@fws.gov

**RIN:** 1018-AJ16

**1704. INJURIOUS WILDLIFE SPECIES; BOIGA SNAKES**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Unfunded Mandates:** Undetermined**Legal Authority:** 18 USC 42**CFR Citation:** 50 CFR 16**Legal Deadline:** None

**Abstract:** FWS will review available economic and biological information on snakes in the genus Boiga for possible addition to the list of injurious wildlife under the Lacey Act.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/12/03	68 FR 53705
NPRM	To Be	Determined

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** None

**Agency Contact:** Kari Jonell Duncan, Chief, Division of Environmental Quality, Branch of Invasive Species, Department of the Interior, United States Fish and Wildlife Service, Room 810B, 4401 North Fairfax Drive Room 810-B, Arlington, VA 22203

Phone: 703 358-2464

Fax: 703 358-1800

Email: kari\_duncan@fws.gov

**RIN:** 1018-AT28

**1705. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; AMENDMENT TO MANATEE PROTECTION AREAS IN FLORIDA (BARGE CANAL EXCEPTION)**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 16 USC 1531 et seq**CFR Citation:** 50 CFR 17**Legal Deadline:** None

**Abstract:** The Service is planning to make a final determination on the proposed rule to create an exception to the regulations governing the Barge Canal manatee refuge in Brevard County, Florida. Under this exception, parties may apply for authorization to conduct otherwise prohibited activities in the refuge if they can demonstrate to the Service that the activity can be pursued in such a manner that manatees will not be taken.

**Timetable:**

Action	Date	FR Cite
NPRM	04/16/02	67 FR 18572
Final Action	To Be	Determined

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:**

Undetermined

**Agency Contact:** Patrick Leonard, Chief, Division of Consultation, Habitat Conservation Planning, Recovery and State Grants, Department of the Interior, United States Fish and Wildlife Service, Room 420, 4401 North Fairfax Drive, Arlington, VA 22203

Phone: 703 358-2171

Fax: 703 358-1735

Email: patrick\_leonard@fws.gov

**Related RIN:** Previously reported as 1018-AH80

**RIN:** 1018-AT39

Department of the Interior (DOI)  
United States Fish and Wildlife Service (FWS)

## Completed Actions

**1706. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; LISTING OF THE MIAMI BLUE BUTTERFLY**

## Timetable:

Action	Date	FR Cite
Duplicate of RIN 1018-AT51	09/24/04	
<b>RIN:</b> 1018-AH30		

**1707. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; REVISIONS TO THE REGULATIONS APPLICABLE TO PERMITS ISSUED UNDER THE ENDANGERED SPECIES ACT**

Priority: Other Significant

CFR Citation: 50 CFR 13; 50 CFR 17

## Completed:

Reason	Date	FR Cite
Withdrawn	09/10/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** Federal, Local, State, Tribal

**Agency Contact:** Nancy Green  
Phone: 703 358-2105  
Fax: 703 358-1735  
Email: nancy\_green@fws.gov

RIN: 1018-AH93

**1708. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; REMOVAL OF THE TINIAN MONARCH FLYCATCHER FROM THE LIST OF ENDANGERED AND THREATENED SPECIES**

Priority: Substantive, Nonsignificant

CFR Citation: 50 CFR 17

## Completed:

Reason	Date	FR Cite
Final Action	09/21/04	69 FR 56367

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Patrick Leonard  
Phone: 703 358-2171  
Fax: 703 358-1735  
Email: patrick\_leonard@fws.gov

**Related RIN:** Related to 1018-AE40

RIN: 1018-AI14

**1709. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; CRITICAL HABITAT FOR THE TOPEKA SHINER**

Priority: Other Significant

CFR Citation: 50 CFR 17

## Completed:

Reason	Date	FR Cite
Final Action	07/27/04	69 FR 44735

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal, Local, State

**Agency Contact:** Chris Nolin  
Phone: 703 358-2171  
Fax: 703 358-1735  
Email: chris\_nolin@fws.gov

RIN: 1018-AI20

**1710. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; CRITICAL HABITAT FOR 5 GUAM SPECIES**

Priority: Other Significant

CFR Citation: 50 CFR 17

## Completed:

Reason	Date	FR Cite
Final Action	10/28/04	69 FR 62944

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** Chris Nolin  
Phone: 703 358-2171  
Fax: 703 358-1735  
Email: chris\_nolin@fws.gov

RIN: 1018-AI25

**1711. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; DESIGNATION OF CRITICAL HABITAT FOR THE COLUMBIA-KLAMATH DISTINCT POPULATION SEGMENT OF THE BULL TROUT**

Priority: Other Significant

CFR Citation: 50 CFR 17

## Completed:

Reason	Date	FR Cite
Final Action	10/06/04	69 FR 59996

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Energy Effects:** Statement of Energy Effects planned as required by Executive Order 13211.

**Agency Contact:** Chris Nolin  
Phone: 703 358-2171  
Fax: 703 358-1735  
Email: chris\_nolin@fws.gov

RIN: 1018-AI52

**1712. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; LISTING CENTRAL CALIFORNIA DISTINCT POPULATION SEGMENT OF CALIFORNIA TIGER SALAMANDER AS THREATENED; RECLASSIFYING SONOMA COUNTY AND SANTA BARBARA COUNTY**

Priority: Substantive, Nonsignificant

CFR Citation: 50 CFR 17

## Completed:

Reason	Date	FR Cite
Final Action—Listing Central DPS	08/04/04	69 FR 47211

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** Chris Nolin  
Phone: 703 358-2171  
Fax: 703 358-1735  
Email: chris\_nolin@fws.gov

RIN: 1018-AI68

**1713. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; DESIGNATION OF CRITICAL HABITAT FOR 11 MOBILE RIVER BASIN FRESHWATER MUSSELS**

Priority: Other Significant

CFR Citation: 50 CFR 17

## Completed:

Reason	Date	FR Cite
Final Action	07/01/04	69 FR 40084

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** Chris Nolin  
Phone: 703 358-2171  
Fax: 703 358-1735  
Email: chris\_nolin@fws.gov

RIN: 1018-AI73

## DOI—FWS

## Completed Actions

**1714. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; DESIGNATION OF CRITICAL HABITAT FOR FIVE APPALACHIAN MUSSELS****Priority:** Other Significant**CFR Citation:** 50 CFR 17**Completed:**

Reason	Date	FR Cite
Final Action	08/31/04	69 FR 53136

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** Federal**Agency Contact:** Chris Nolin

Phone: 703 358-2171

Fax: 703 358-1735

Email: chris\_nolin@fws.gov

**RIN:** 1018-AI76**1715. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; DESIGNATION OF CRITICAL HABITAT FOR A PLANT, THE PIERSON'S MILK-VETCH****Priority:** Other Significant**CFR Citation:** 50 CFR 17**Completed:**

Reason	Date	FR Cite
NPRM—Reopen Public Comment Period, NOA of Draft econ Analysis	04/06/04	69 FR 18016

Reason	Date	FR Cite
Final Action	08/04/04	69 FR 47329

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** Federal**Agency Contact:** Chris Nolin

Phone: 703 358-2171

Fax: 703 358-1735

Email: chris\_nolin@fws.gov

**RIN:** 1018-AI77**1716. CHANGES IN LIST OF SPECIES IN APPENDICES TO THE CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA****Priority:** Substantive, Nonsignificant**CFR Citation:** 50 CFR 23**Completed:**

Reason	Date	FR Cite
Withdrawn	09/14/04	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Robert Gabel

Phone: 703 358-1708

Fax: 703 358-2276

Email: roddy\_gabel@fws.gov

**RIN:** 1018-AI90**1717. ENDANGERED SPECIES AND PESTICIDE REGULATION****Priority:** Other Significant**CFR Citation:** 50 CFR 402**Completed:**

Reason	Date	FR Cite
NPRM—NOA for Environmental Assessment	07/02/04	69 FR 40346

Reason	Date	FR Cite
Final Action	08/05/04	69 FR 47732

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** Federal**Agency Contact:** Richard E Sayers

Phone: 703 358-2106

Fax: 703 358-1735

Email: rick\_sayers@fws.gov

**RIN:** 1018-AI95**1718. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; DESIGNATION OF CRITICAL HABITAT FOR THE MEXICAN SPOTTED OWL****Priority:** Other Significant**CFR Citation:** 50 CFR 17**Completed:**

Reason	Date	FR Cite
Final Action	08/31/04	69 FR 53182

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Chris Nolin

Phone: 703 358-2171

Fax: 703 358-1735

Email: chris\_nolin@fws.gov

**Related RIN:** Related to 1018-AT52,  
Related to 1018-AG29**RIN:** 1018-AJ15**1719. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; DE-DESIGNATION OF MANATEE PROTECTION AREAS IN FLORIDA****Priority:** Substantive, Nonsignificant**CFR Citation:** 50 CFR 17.108**Completed:**

Reason	Date	FR Cite
Final Action	07/07/04	69 FR 40796

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Patrick Leonard

Phone: 703 358-2171

Fax: 703 358-1735

Email: patrick\_leonard@fws.gov

**Related RIN:** Related to 1018-AH80**RIN:** 1018-AJ23**1720. SUBSISTENCE MANAGEMENT REGULATIONS FOR PUBLIC LANDS IN ALASKA, SUBPART C AND SUBPART D—2004-2005 SUBSISTENCE TAKING OF FISH AND WILDLIFE****Priority:** Routine and Frequent**CFR Citation:** 50 CFR 100; 36 CFR 100**Completed:**

Reason	Date	FR Cite
Final Action	07/01/04	69 FR 40174
Final Rule Correction	08/31/04	69 FR 53011

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Federalism:** This action may have federalism implications as defined in EO 13132.**Agency Contact:** William W. Knauer

Phone: 907 786-3873

Fax: 907 786-3898

Email: bill\_knauer@fws.gov

**RIN:** 1018-AJ25**1721. EXTENSION OF EXISTING AMENDED 4(D) RULE FOR PREBLE'S MEADOW JUMPING MOUSE IN COLORADO AND WYOMING****Priority:** Other Significant**CFR Citation:** 17 CFR 40

## DOI—FWS

## Completed Actions

**Completed:**

Reason	Date	FR Cite
Final Action	05/20/04	69 FR 29101

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Patrick Leonard

Phone: 703 358-2171

Fax: 703 358-1735

Email: patrick\_leonard@fws.gov

Related RIN: Related to 1018-AF30

RIN: 1018-AJ26

**1722. MIGRATORY BIRD HUNTING; APPROVAL OF HEVI-STEEL AS A NONTOXIC SHOT MATERIAL FOR WATERFOWL HUNTING**

Priority: Substantive, Nonsignificant

CFR Citation: 50 CFR 20

**Completed:**

Reason	Date	FR Cite
Final Action	08/09/04	69 FR 48163

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Agency Contact: Brian Millsap

Phone: 703 358-1714

Email: brian\_millsap@fws.gov

RIN: 1018-AT32

**1723. 2004-2005 REFUGE-SPECIFIC HUNTING AND SPORT FISHING REGULATIONS**

Priority: Substantive, Nonsignificant.

CFR Citation: 50 CFR 32

**Completed:**

Reason	Date	FR Cite
NPRM	06/30/04	69 FR 39552
NPRM—Correction	07/14/04	69 FR 42127
NPRM—Correction	07/23/04	69 FR 43964
Final Rule Effective	08/31/04	69 FR 54349
Final Action	09/08/04	69 FR 54349
Final Rule Correction	09/17/04	69 FR 55994

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Local, State

Agency Contact: Leslie Marler

Phone: 703 358-2397

Email: leslie\_marler@fws.gov

RIN: 1018-AT40

**1724. LAND CONSERVATION PLANNING (REFUGE MANUAL CHAPTER 602 FW 2)**

Priority: Substantive, Nonsignificant

CFR Citation: None

**Completed:**

Reason	Date	FR Cite
Withdrawn	09/10/04	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Agency Contact: Ross Alliston

Phone: 703 358-2388

Email: ross\_alliston@fws.gov

RIN: 1018-AT41

**1725. MIGRATORY BIRD HUNTING; PROPOSED 2004-05 MIGRATORY GAME BIRD HUNTING REGULATIONS (PRELIMINARY) WITH REQUESTS FOR INDIAN TRIBAL PROPOSALS**

Priority: Economically Significant. Major under 5 USC 801.

CFR Citation: 50 CFR 20

**Completed:**

Reason	Date	FR Cite
NPRM— Supplemental Proposals for Migr. Game Bird Hunting Regs for 2004-05 Season; Not. of Meetings	06/09/04	69 FR 32417
PR, supplemental— Prop. Frameworks for Early Season Migr. Bird Hunting Regs; Notice of Mtgs.	07/21/04	69 FR 43694
NPRM—Prop. Migr. Bird Hunting Regs on Certain Federal Indian Reservations for 2004-05 Season	08/17/04	69 FR 51036
NPRM—Prop. Frameworks for Late Seas. Migr. Bird Hunting Regs— PR Suppl.	08/24/04	69 FR 52128
Final Frameworks for Early Season Migratory Bird Hunting Regulations	08/30/04	69 FR 52970

**Reason Date FR Cite**

Final Early Seasons & Bag and Possession Limits, Cert. Migr. Gm. Birds, Contig. U.S., AK, HI, PR, VI	09/01/04	69 FR 53564
Final Migr. Bird Hunting Regs on Certain Federal Indian Reservations for 2004-05 Early Season	09/03/04	69 FR 53990
Final Frameworks for Late Season Migratory Bird Hunting Regulations	09/23/04	69 FR 57140
Final Migratory Bird Hunting Regs on Certain Federal Indian Reservations for 2004-05 Late Season	09/29/04	69 FR 58236
Final Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds	09/27/04	69 FR 57752

**Regulatory Flexibility Analysis**

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal, State, Tribal

Agency Contact: Brian Millsap

Phone: 703 358-1714

Email: brian\_millsap@fws.gov

Related RIN: Previously reported as 1018-AI30

RIN: 1018-AT53

**1726. SUBSISTENCE MANAGEMENT REGULATIONS FOR PUBLIC LANDS IN AK: SPECIFYING RATIOS OF INTERESTS/QUALIFICATIONS OF MEMBERS OF FEDERAL SUBSISTENCE REGIONAL ADVISORY COUNCILS**

Priority: Other Significant

CFR Citation: 50 CFR 100; 36 CFR 242

**Completed:**

Reason	Date	FR Cite
NPRM	04/15/04	69 FR 19964
Final Action	10/14/04	69 FR 60957

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: William W. Knauer

Phone: 907 786-3873

Fax: 907 786-3898

## DOI—FWS

## Completed Actions

Email: bill\_knauer@fws.gov

RIN: 1018-AT58

**1727. RESERVED/EXCEPTED RIGHTS MANAGEMENT (MISCELLANEOUS RECEIPTS)**

Priority: Substantive, Nonsignificant

CFR Citation: None

**Completed:**

Reason	Date	FR Cite
Withdrawn	09/10/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Carol Carson  
Phone: 703 358-2490

RIN: 1018-AT71

BILLING CODE 4310-55-S

**Department of the Interior (DOI)  
National Park Service (NPS)**

## Proposed Rule Stage

**1728. PICTURED ROCKS NATIONAL LAKESHORE; PERSONAL WATERCRAFT**

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 9a

CFR Citation: 36 CFR 7.32

Legal Deadline: None

**Abstract:** This proposed rulemaking would allow personal watercraft use in designated areas of the park. The rulemaking is necessary because the regulations that currently allow personal watercraft use in units of the National Park System expired on April 22, 2002.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

**Agency Contact:** Kym A. Hall, Special Assistant, Office of the Director, Department of the Interior, National Park Service, 1849 C Street NW., Room 3145 MIB, Washington, DC 20240  
Phone: 202 208-4206

RIN: 1024-AC93

**1729. GATEWAY NATIONAL RECREATION AREA; PERSONAL WATERCRAFT**

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 9a

CFR Citation: 36 CFR 7.29

Legal Deadline: None

**Abstract:** This proposed rulemaking would allow personal watercraft use in designated areas of the park. The rulemaking is necessary because the regulations that currently allow personal watercraft use in units of the

National Park System expired on April 22, 2002.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

**Agency Contact:** Kym A. Hall, Special Assistant, Office of the Director, Department of the Interior, National Park Service, 1849 C Street NW., Room 3145 MIB, Washington, DC 20240  
Phone: 202 208-4206

RIN: 1024-AC95

**1730. CURECANTI RECREATION AREA; PERSONAL WATERCRAFT**

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 9a

CFR Citation: 36 CFR 7.51

Legal Deadline: None

**Abstract:** This proposed rulemaking would allow personal watercraft use in designated areas of the park. The rulemaking is necessary because the regulations that currently allow personal watercraft use in units of the National Park System expired on April 22, 2002.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

**Agency Contact:** Kym A. Hall, Special Assistant, Office of the Director, Department of the Interior, National Park Service, 1849 C Street NW., Room 3145 MIB, Washington, DC 20240

Phone: 202 208-4206

RIN: 1024-AC99

**1731. NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT; FUTURE APPLICABILITY**

Priority: Substantive, Nonsignificant

Legal Authority: 25 USC 3001 et seq

CFR Citation: 43 CFR 10.13

Legal Deadline: None

**Abstract:** This proposed rule relates to one section of the regulations that implement the Native American Graves Protection and Repatriation Act (NAGPRA). This section will clarify the applicability of NAGPRA to museums and Federal agencies following the statutory deadlines for completion of summaries and inventories.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

**Agency Contact:** John Robbins, Assistant Director, Cultural Resources, Department of the Interior, National Park Service, NC340, 1849 C Street NW., Washington, DC 20240  
Phone: 202 343-3388  
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Email: john\_robbins@nps.gov

RIN: 1024-AD05

**1732. REVISIONS TO RIGHT-OF-WAY REGULATIONS**

Priority: Other Significant

Legal Authority: 16 USC 462k

CFR Citation: 36 CFR 14

Legal Deadline: None

## DOI—NPS

## Proposed Rule Stage

**Abstract:** This rule will revise existing regulations relating to the issuance of right-of-way permits across lands and waters under National Park Service administration. The current regulations are outdated. The new regulations will provide a process for the review, consideration, and approval or denial of requests for rights-of-way.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:**

Undetermined

**Agency Contact:** Bernard Fagan, Deputy Chief, Office of Policy and Regulations, Department of the Interior, National Park Service, 1849 C Street N.W., Washington, DC 20240

Phone: 202 208-7469

Fax: 202 219-8835

Email: chick\_fagan@nps.gov

**RIN:** 1024-AD16

**1733. COST RECOVERY FOR SPECIAL PARK USES**

**Priority:** Other Significant

**Legal Authority:** 16 USC 1; 16 USC 9a; 16 USC 462k

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The National Park Service issues special use permits for activities such as special events, commercial photography, and utility rights-of-way in areas of the National Park System. Processing these permit requests is costly, but the NPS has not instituted a system for cost recovery, as is authorized by law. This rule will establish a procedure to enable the NPS to recover its costs from the permit beneficiaries.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Bernard Fagan, Deputy Chief, Office of Policy and Regulations, Department of the Interior, National Park Service, 1849 C Street N.W., Washington, DC 20240

Phone: 202 208-7469

Fax: 202 219-8835

Email: chick\_fagan@nps.gov

**RIN:** 1024-AD18

**1734. GULF ISLANDS NATIONAL SEASHORE: PERSONAL WATERCRAFT USE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 462(k)

**CFR Citation:** 36 CFR 7.12

**Legal Deadline:** None

**Abstract:** This rule would allow personal watercraft use in designated areas of the park. The rule is necessary because the regulations that currently allow personal watercraft use in units of the National Park System expired on April 22, 2002.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Kym A. Hall, Special Assistant, Office of the Director, Department of the Interior, National Park Service, 1849 C Street NW., Room 3145 MIB, Washington, DC 20240  
Phone: 202 208-4206

**RIN:** 1024-AD21

**1735. HISTORIC PRESERVATION CERTIFICATIONS**

**Priority:** Other Significant

**Legal Authority:** 16 USC 4702

**CFR Citation:** 36 CFR 67

**Legal Deadline:** None

**Abstract:** This rule would amend 36 CFR part 67, which governs the certification of historic structures to receive Federal income tax incentives. This action is necessary so that the rule will more accurately reflect the management structure of the program, clarify the applicable standards of rehabilitation, and more rationally allocate the apportionment of the application fees.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Bryan Mitchell, Department of the Interior, National Park Service, NC330, 1849 C Street NW., Washington, DC 20240

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Fax: 202 371-5197

Email: bryan\_mitchell@nps.gov

**RIN:** 1024-AD24

**1736. VESSEL MANAGEMENT IN GLACIER BAY NATIONAL PARK**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 410hh-4

**CFR Citation:** 36 CFR 13.65

**Legal Deadline:** None

**Abstract:** This rule would modify quotas and operating requirements for four types of motorized watercraft in Glacier Bay National Park and Preserve. The rulemaking is necessary so that the National Park Service may more efficiently manage motorized watercraft use and protect park resources.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Kym A. Hall, Special Assistant, Office of the Director, Department of the Interior, National Park Service, 1849 C Street NW., Room 3145 MIB, Washington, DC 20240  
Phone: 202 208-4206

**RIN:** 1024-AD25

**1737. • MAKING PICTURES, TELEVISION PRODUCTIONS OR SOUND TRACKS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**CFR Citation:** 36 CFR 5

**Legal Deadline:** None

**Abstract:** This rule would revise the filming regulations in 43 CFR part 5 and 36 CFR part 5 to implement Public Law 106-206 (May 26, 2000) by: (1) Establishing a reasonable fee for commercial filming activities and

## DOI—NPS

## Proposed Rule Stage

similar projects; (2) establishing uniform guidelines for commercial filming permit programs in agencies of the Department of the Interior and the Department of Agriculture; and (3) implementing requirements that agencies respond to applicants for

commercial filming or still photography permits in a timely manner.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/05	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Kym A. Hall, Special Assistant, Office of the Director, Department of the Interior, National Park Service, 1849 C Street NW., Room 3145 MIB, Washington, DC 20240  
Phone: 202 208-4206

**RIN:** 1024-AD30

**Department of the Interior (DOI)  
National Park Service (NPS)**

## Final Rule Stage

**1738. COMMERCIAL USE  
AUTHORIZATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 105-391

**CFR Citation:** 36 CFR 52

**Legal Deadline:** None

**Abstract:** Public Law 105-391 became effective on November 13, 1998. The new Act mandates revised procedures for issuing commercial use authorizations. Section 417 of Public Law 105-391 requires that the Secretary promulgate implementing regulations as soon as practicable after the effective date of the Act. Existing regulations governing commercial use within National Parks are not adequate to administer the provisions of the new statute and must be revised to reflect new requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	11/27/02	67 FR 70899
NPRM Comment Period End	01/27/03	
Final Action	06/00/05	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Cynthia Orlando, Chief of Concessions, Department of the Interior, National Park Service, 1849 C Street NW., Washington, DC 20240  
Phone: 202 513-7156  
Fax: 202 219-1173  
Email: cindy\_orlando@nps.gov

**RIN:** 1024-AC85

**1739. FIRE ISLAND NATIONAL  
SEASHORE; PERSONAL  
WATERCRAFT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 9a

**CFR Citation:** 36 CFR 7.20

**Legal Deadline:** None

**Abstract:** This proposed rulemaking would allow personal watercraft use in designated areas of the park. The rulemaking is necessary because the regulations that currently allow personal watercraft use in units of the National Park System expired on April 22, 2002.

**Timetable:**

Action	Date	FR Cite
NPRM	08/23/04	69 FR 51788
NPRM Comment Period End	10/22/04	
Final Rule	01/00/05	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Kym A. Hall, Special Assistant, Office of the Director, Department of the Interior, National Park Service, 1849 C Street NW., Room 3145 MIB, Washington, DC 20240  
Phone: 202 208-4206

**RIN:** 1024-AC94

**1740. BIGHORN CANYON NATIONAL  
RECREATION AREA; PERSONAL  
WATERCRAFT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 9a

**CFR Citation:** 36 CFR 7.92

**Legal Deadline:** None

**Abstract:** This proposed rule would allow personal watercraft use in designated areas of the park. The rulemaking is necessary because the regulations that currently allow personal watercraft use in units of the National Park System expired on April 22, 2002.

**Timetable:**

Action	Date	FR Cite
NPRM	05/05/04	69 FR 25043

Action	Date	FR Cite
NPRM Comment Period End	07/06/04	
Final Rule	12/00/04	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Kym A. Hall, Special Assistant, Office of the Director, Department of the Interior, National Park Service, 1849 C Street NW., Room 3145 MIB, Washington, DC 20240  
Phone: 202 208-4206

**RIN:** 1024-AC96

**1741. BOATING AND WATER USE  
ACTIVITIES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 3

**CFR Citation:** 36 CFR 3

**Legal Deadline:** None

**Abstract:** This part was last updated comprehensively in the early 1980's. This regulation will help to address new and emerging technology, clarify some regulations for the benefit of the public and enforcement staff, implement changes to reduce safety concerns, and make NPS regulations more consistent with State regulations in order to reduce confusion with the public.

**Timetable:**

Action	Date	FR Cite
NPRM	08/26/03	68 FR 51207
NPRM Comment Period End	12/24/03	
Final Action	04/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

## DOI—NPS

## Final Rule Stage

**Agency Contact:** Kym A. Hall, Special Assistant, Office of the Director, Department of the Interior, National Park Service, 1849 C Street NW., Room 3145 MIB, Washington, DC 20240  
Phone: 202 208-4206  
**RIN:** 1024-AD07

**1742. ALASKA PARK UNITS; SPECIAL REGULATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 462k

**CFR Citation:** 36 CFR 13

**Legal Deadline:** None

**Abstract:** Park Service regulations require us to publish certain closures, designations, activity restrictions, or conditions as rulemakings in the Federal Register. This rule will publish that information for national park units in Alaska.

**Timetable:**

Action	Date	FR Cite
NPRM	04/02/04	69 FR 17355
NPRM Comment Period End	06/01/04	
Final Action	12/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Bernard Fagan, Deputy Chief, Office of Policy and Regulations, Department of the Interior, National Park Service, 1849 C Street N.W., Washington, DC 20240  
Phone: 202 208-7469  
Fax: 202 219-8835  
Email: chick\_fagan@nps.gov  
**RIN:** 1024-AD13

**1743. NATIVE AMERICAN HANDICRAFTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 5964

**CFR Citation:** 36 CFR 51

**Legal Deadline:** None

**Abstract:** This rule would implement section 416 of the National Parks Omnibus Management Act of 1998, which encourages promotion of the sale of authentic United States Indian, Alaska native, Native Samoan, and Native Hawaiian handicrafts in units of the National Park System.

**Timetable:**

Action	Date	FR Cite
NPRM	03/25/04	69 FR 15286
Final Action	01/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Tony Sisto, Acting Chief of Concessions, Department of the Interior, National Park Service, 1849 C Street NW, Washington, DC 20240  
Phone: 202 513-7156

**RIN:** 1024-AD20

**1744. APOSTLE ISLANDS; SNOWMOBILES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 9a

**CFR Citation:** 36 CFR 7.82

**Legal Deadline:** None

**Abstract:** This rule would allow snowmobiles in designated areas of the park. This rulemaking is necessary because NPS general regulations that currently allow snowmobiles require that parks designate specific routes and areas for snowmobile use.

**Timetable:**

Action	Date	FR Cite
NPRM	08/12/04	69 FR 49841
NPRM Comment Period End	10/12/04	
Final Action	12/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Chick Fagan, Office of Policy, Department of the Interior, National Park Service, 1849 C Street N.W. Room 7252 MIB, Washington, DC 20240  
Phone: 202 208-7456  
**RIN:** 1024-AD26

**1745. APOSTLE ISLANDS; OFF-ROAD VEHICLES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 9a

**CFR Citation:** 36 CFR 7.82

**Legal Deadline:** None

**Abstract:** This rule would allow off-road vehicles in designated areas of the

park. The rulemaking is necessary because the NPS general regulations currently allow off-road vehicles require that parks designate specific routes and areas for off-road vehicle use. The rule is now part of 1024-AD26.

**Timetable:**

Action	Date	FR Cite
NPRM	08/12/04	69 FR 49841
NPRM Comment Period End	10/12/04	
Final Action	12/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Chick Fagan, Office of Policy, Department of the Interior, National Park Service, 1849 C Street N.W. Room 7252 MIB, Washington, DC 20240  
Phone: 202 208-7456  
**RIN:** 1024-AD27

**1746. • YELLOWSTONE NATIONAL PARK—SNOWMOBILE REGULATIONS**

**Priority:** Other Significant

**Legal Authority:** Not Yet Determined

**CFR Citation:** 36 CFR 7.13; 36 CFR 7.22; 36 CFR 7.21

**Legal Deadline:** None

**Abstract:** Final rule to establish daily limits and operating requirements for snowmobiles within Yellowstone and Grand Teton National Parks

**Timetable:**

Action	Date	FR Cite
NPRM	09/07/04	69 FR 54072
NPRM Comment Period End	10/07/04	
Final Rule	12/00/04	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Kym A. Hall, Special Assistant, Office of the Director, Department of the Interior, National Park Service, 1849 C Street NW., Room 3145 MIB, Washington, DC 20240  
Phone: 202 208-4206

**RIN:** 1024-AD29

**Department of the Interior (DOI)**  
**National Park Service (NPS)**
**Long-Term Actions**
**1747. SPECIAL REGULATIONS OF THE NATIONAL PARK SYSTEM; RELIGIOUS CEREMONIAL COLLECTION OF GOLDEN EAGLETS IN WUPATKI NATIONAL MONUMENT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 2000bb

**CFR Citation:** 36 CFR 7.101

**Legal Deadline:** None

**Abstract:** NPS has preliminarily determined that under certain circumstances it is appropriate to allow the Hopi Tribe to collect golden eaglets within Wupatki National Monument for religious ceremonial purposes. This rule would authorize this activity upon terms and conditions sufficient to protect park resources against impairment, and consistent with the Bald and Golden Eagle Protection Act.

**Timetable:**

Action	Date	FR Cite
NPRM	01/22/01	66 FR 6516
NPRM Comment Period End	03/23/01	
Final Action	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Tribal

**Agency Contact:** Patricia L. Parker, Chief, American Indian Liaison Office, Department of the Interior, National Park Service, 1849 C Street N.W., Washington, DC 20240  
 Phone: 202 354-6963  
 Fax: 202 371-6609  
 Email: pat\_parker@nps.gov

**RIN:** 1024-AC86

**1748. GOLDEN GATE NATIONAL RECREATION AREA; SPECIAL REGULATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 9a

**CFR Citation:** 36 CFR 7.97

**Legal Deadline:** None

**Abstract:** This advance notice of proposed rulemaking will seek public comment on a range of potential management options for addressing appropriate pet management within the

Golden Gate National Recreation Area, consistent with protecting national park resources and assuring visitor safety.

**Timetable:**

Action	Date	FR Cite
ANPRM	01/11/02	67 FR 1424
ANPRM Comment Period End	03/12/02	
Next Action	Undetermined	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Brian O'Neill, Superintendent, Department of the Interior, National Park Service, Golden Gate National Recreation Area Fort Mason Building 201, San Francisco, CA 94123-0022

Phone: 415 561-4739

Fax: 415 561-4710

Email: brian\_o'neill@nps.gov

**RIN:** 1024-AD03

**Department of the Interior (DOI)**  
**National Park Service (NPS)**
**Completed Actions**
**1749. BIG THICKET NATIONAL PRESERVE; PERSONAL WATERCRAFT**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 36 CFR 7.85

**Completed:**

Reason	Date	FR Cite
Withdrawn	08/02/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Kym A. Hall  
 Phone: 202 208-4206

**RIN:** 1024-AC92

**1750. LAKE MEREDITH RECREATION AREA; PERSONAL WATERCRAFT**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 36 CFR 7.57

**Completed:**

Reason	Date	FR Cite
Final Action	05/27/04	69 FR 30216

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Kym A. Hall  
 Phone: 202 208-4206

**RIN:** 1024-AC97

**1751. CHICKASAW RECREATION AREA; PERSONAL WATERCRAFT**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 36 CFR 7.50

**Completed:**

Reason	Date	FR Cite
Final Action	09/02/04	69 FR 53630

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Kym A. Hall  
 Phone: 202 208-4206

**RIN:** 1024-AC98

**1752. AMISTAD RECREATION AREA; PERSONAL WATERCRAFT**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 36 CFR 7.79

**Completed:**

Reason	Date	FR Cite
Final Action	05/27/04	69 FR 30206

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Kym A. Hall  
 Phone: 202 208-4206

**RIN:** 1024-AD00

**1753. LAKE ROOSEVELT RECREATION AREA; PERSONAL WATERCRAFT**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 36 CFR 7.55

**Completed:**

Reason	Date	FR Cite
Final Action	06/25/04	69 FR 35519

## DOI—NPS

## Completed Actions

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Kym A. Hall

Phone: 202 208-4206

RIN: 1024-AD01

**1754. DELAWARE WATER GAP NRA COMMERCIAL VEHICLE FEES**

Priority: Substantive, Nonsignificant

CFR Citation: 36 CFR 7.71(e)

Completed:

Reason	Date	FR Cite
NPRM	07/06/04	69 FR 40562
Final Action	09/24/04	69 FR 57171

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Bernard Fagan

Phone: 202 208-7469

Fax: 202 219-8835

Email: chick\_fagan@nps.gov

RIN: 1024-AD14

**1755. ROCKY MOUNTAIN NATIONAL PARK SNOWMOBILE USE**

Priority: Substantive, Nonsignificant

CFR Citation: 36 CFR 7.7

Completed:

Reason	Date	FR Cite
Final Action	09/02/04	69 FR 53626
Final Action Effective	10/04/04	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Kym A. Hall

Phone: 202 208-4206

Related RIN: Duplicate of 1024-AC82

RIN: 1024-AD15

**1756. USE OF SERVICE ANIMALS IN NATIONAL PARK AREAS**

Priority: Substantive, Nonsignificant

CFR Citation: 36 CFR 2.7

Completed:

Reason	Date	FR Cite
Withdrawn	09/01/04	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Bernard Fagan

Phone: 202 208-7469

Fax: 202 219-8835

Email: chick\_fagan@nps.gov

RIN: 1024-AD17

**1757. APOSTLE ISLANDS; ICE AUGERS**

Priority: Substantive, Nonsignificant

CFR Citation: 36 CFR 7.82

Completed:

Reason	Date	FR Cite
Withdrawn	09/01/04	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Chick Fagan

Phone: 202 208-7456

RIN: 1024-AD28

BILLING CODE 4310-70-S

## Department of the Interior (DOI)

## Proposed Rule Stage

## Bureau of Indian Affairs (BIA)

**1758. INDIAN ELECTRIC POWER UTILITIES**

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 25 USC 385

CFR Citation: 25 CFR 175

Legal Deadline: None

**Abstract:** This rule contains procedures governing the operation of BIA-owned power utilities. BIA is revising this rule to incorporate new procedures on billing and collection of government debt. Once these changes are made, BIA will publish a new proposed rule for public comment.

Timetable:

Action	Date	FR Cite
NPRM	06/07/96	61 FR 29040
NPRM Comment Period End	08/06/96	
NPRM	09/00/05	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected:

Undetermined

**Agency Contact:** Ross Mooney, Civil Engineer, Department of the Interior, Bureau of Indian Affairs, Room 4559, 1849 C Street NW. MS 3543 MIB, Washington, DC 20240  
Phone: 202 208-5480

RIN: 1076-AD45

**1759. BUY INDIAN ACT REGULATIONS**

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 253(c)(5)

CFR Citation: 48 CFR 14 app A

Legal Deadline: None

**Abstract:** This rule will regulate the implementation of BIA's longstanding policy of contracting with Indian-owned firms on a preferential basis and will regulate the determination of eligibility and availability of Indian firms to perform a specific requirement for products, services, and road

construction outside the State of Oklahoma and regulate the authority to deviate from the general policy and will regulate the determination of eligibility throughout contractual performance.

Timetable:

Action	Date	FR Cite
NPRM	12/00/04	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected:

Undetermined

**Agency Contact:** Kim Romine, Acting Chief, Division of Acquisition, Department of the Interior, Bureau of Indian Affairs, 2051 Mercator Drive, Reston, VA 20191  
Phone: 703 390-6461  
Fax: 703 390-6582

RIN: 1076-AE07

## DOI—BIA

## Proposed Rule Stage

**1760. TRIBAL REVENUE ALLOCATION PLANS****Priority:** Other Significant**Legal Authority:** 5 USC 301**CFR Citation:** 25 CFR 290**Legal Deadline:** None

**Abstract:** The Secretary of the Interior is responsible for reviewing tribal plans for allocating revenues from gaming activities. The Secretary must determine whether the proposed rule is sufficient to promote tribal economic development and fund essential tribal programs, benefits, and services. BIA plans to revise the regulations in part 290 to include additional criteria to assist the Secretary in making this determination.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Tribal

**Agency Contact:** George Skibine, Director, Indian Gaming Management Staff, Department of the Interior, Bureau of Indian Affairs, MS 2070 MIB, 1849 C Street NW., Washington, DC 20240

Phone: 202 219-4066

**RIN:** 1076-AE24**1761. INDIAN COUNTRY LAW ENFORCEMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 25 USC 2802**CFR Citation:** 25 CFR 12**Legal Deadline:** None

**Abstract:** BIA plans to amend its regulation governing law enforcement in Indian country by revising section 12.4 of subpart A and by adding new section 12.24 to subpart C to allow tribal law enforcement officials to travel outside Indian country to respond to incidents in another area and to transport evidence to and from locations in Indian country.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal, Local, Tribal

**Agency Contact:** Peter Maybee, Division of Law Enforcement, Department of the Interior, Bureau of Indian Affairs, 1849 C Street NW. MS 4550 – MIB, Washington, DC 20240  
Phone: 202 208-5787  
Fax: 202 208-6170

**RIN:** 1076-AE35**1762. PROCLAMATION OF RESERVATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 25 USC 467**CFR Citation:** None**Legal Deadline:** None

**Abstract:** This rule will define the procedures and criteria to be used for issuance of reservation proclamations by the Secretary of the Interior.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Eufrona Snyder, Department of the Interior, Bureau of Indian Affairs, 1849 C Street NW., Washington, DC 20240  
Phone: 202 208-3614  
Fax: 202 219-1065

**RIN:** 1076-AE40**1763. LOAN GUARANTY, INSURANCE, AND INTEREST SUBSIDY****Priority:** Substantive, Nonsignificant**Legal Authority:** 25 USC 1496**CFR Citation:** 25 CFR 103**Legal Deadline:** None

**Abstract:** We are revising our regulations to comply with the Indian Financing Amendments Act of 2002, specifically 25 U.S.C. 1485(I), which requires the Secretary of the Interior to promulgate regulations to facilitate, administer, and promote transfers of liens and guaranteed and insured portions of loans as intended under the Act. We also are introducing regulations to implement 25 U.S.C. 1497A and 1499, statutory changes dating back to 1988, concerning the guarantee of bonds and supplemental surety bonds. The lack of regulations relating to this subject has inhibited the use of these provisions.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** David B. Johnson, Department of the Interior, Bureau of Indian Affairs, Office of the Solicitor Division of Indian Affairs 1849 C Street NW, Washington, DC 20240  
Phone: 202 208-3026

**RIN:** 1076-AE42**1764. USE OR DISTRIBUTION OF INDIAN JUDGMENT FUNDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 25 USC 1401 et seq**CFR Citation:** 25 CFR 87**Legal Deadline:** None

**Abstract:** This rule will update the existing provisions to reflect the changes to the Indian Judgment Funds Distribution Act that were made in 1992 by Public Law 102-572.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Daisy West, Tribal Relations Officer, Department of the Interior, Bureau of Indian Affairs, Room 4603 MIB, 1849 C Street NW., Washington, DC 20240  
Phone: 202 513-7626  
Fax: 202 219-2327

**RIN:** 1076-AE43**1765. PREPARATION OF ROLLS OF INDIANS****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 25 USC 2; 25 USC 9**CFR Citation:** 25 CFR 61**Legal Deadline:** None

**Abstract:** This rule will add the enrollment eligibility criteria for individuals who apply to share in the distribution of Western Shoshone

## DOI—BIA

## Proposed Rule Stage

Judgment funds. It will also set forth the method for establishing an application deadline date.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Daisy West, Tribal Relations Officer, Department of the Interior, Bureau of Indian Affairs, Room 4603 MIB, 1849 C Street NW., Washington, DC 20240  
Phone: 202 513-7626  
Fax: 202 219-2327

**RIN:** 1076-AE44

**1766. STANDARDS FOR APPROVING TRIBAL PER CAPITA DISTRIBUTIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 25 USC 117c

**CFR Citation:** 25 CFR 111

**Legal Deadline:** None

**Abstract:** This rule will provide standards for the review and approval of tribal requests for the authority to make per capita distributions from tribal funds held in trust by the Secretary of the Interior under Public Law 98-164, 25 U.S.C. 117a and 117b.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Tribal

**Agency Contact:** Daisy West, Tribal Relations Officer, Department of the Interior, Bureau of Indian Affairs, Room 4603 MIB, 1849 C Street NW., Washington, DC 20240  
Phone: 202 513-7626  
Fax: 202 219-2327

**RIN:** 1076-AE45

**1767. INDIAN HIGHWAY SAFETY PROGRAM**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 25 USC 13

**CFR Citation:** 25 CFR 181

**Legal Deadline:** None

**Abstract:** This rule will streamline the approval and funding process for tribal highway safety projects. These projects are designed to reduce traffic accidents on Indian Reservations and the resulting property damage, injuries, and death. Ten to 30 tribes participate in the program annually.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Charles L. Jaynes, Program Administrator, Department of the Interior, Bureau of Indian Affairs, Division of Safety Management 201 Third Street NW, Suite 310, Albuquerque, NM 87102  
Phone: 505 245-2100  
Fax: 505 245-2106

**RIN:** 1076-AE47

**1768. APPEALS FROM ADMINISTRATIVE ACTIONS**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 25 USC 9

**CFR Citation:** 25 CFR 2

**Legal Deadline:** None

**Abstract:** This rule will: (1) Clarify who has a right to file and appeal; (2) provide firm deadlines for filing appeals and responses; (3) provide options to appellants if BIA delays making a decision on an appeal; and (4) Provide an expedited process for certain classes of appeals.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Cathy Wilson, Supervisory Water Rights Specialist, Department of the Interior, Bureau of Indian Affairs, 400 North 5th Street, 13th Floor POB 10, MS 420 Two Arizona Center, Phoenix, AZ 85004  
Phone: 602 379-6789  
Fax: 602 379-6835

**RIN:** 1076-AE48

**1769. HOME-LIVING PROGRAMS AND SCHOOL CLOSURE AND CONSOLIDATION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 107-110

**CFR Citation:** 25 CFR 36; 25 CFR 48

**Legal Deadline:** None

**Abstract:** As required by the No Child Left Behind Act of 2001, the Secretary of the Interior has developed proposed regulations using negotiated rulemaking that address home-living programs and school closure and consolidation. The provisions covering home-living situations address home-living staffing, programs, and privacy. The closure and consolidation portion of the rule contains procedures for closing, consolidating, or substantially curtailing a school.

**Timetable:**

Action	Date	FR Cite
NPRM	07/12/04	69 FR 41770
NPRM Comment Period End	11/09/04	
Final Action	03/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Agency Contact:** Catherine Freels, Designated Federal Official, Department of the Interior, Bureau of Indian Affairs, 500 Gold Ave. SW. Room 7202, Albuquerque, NM 87102  
Phone: 505 248-7240

**RIN:** 1076-AE51

**Department of the Interior (DOI)**  
**Bureau of Indian Affairs (BIA)**

**Final Rule Stage**

**1770. IRRIGATION PROJECTS AND SYSTEMS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 25 USC 385

**CFR Citation:** 25 CFR 171

**Legal Deadline:** None

**Abstract:** BIA is revising this rule to incorporate new procedures on billing and collection of Government debt. Once these changes are made, BIA will publish a new proposed rule for public comment.

**Timetable:**

Action	Date	FR Cite
NPRM	07/05/96	61 FR 35167
NPRM Comment Period End	09/03/96	
Final Action	11/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Ross Mooney, Civil Engineer, Department of the Interior, Bureau of Indian Affairs, Room 4559, 1849 C Street NW. MS 3543 MIB, Washington, DC 20240  
 Phone: 202 208-5480

**RIN:** 1076-AD44

**1771. CERTIFICATES OF DEGREE OF INDIAN BLOOD**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 25 USC 9

**CFR Citation:** 25 CFR 70

**Legal Deadline:** None

**Abstract:** This rule will codify procedures for processing certificates of degree of Indian blood.

**Timetable:**

Action	Date	FR Cite
NPRM	04/18/00	65 FR 20775
NPRM Comment Period Extended	06/20/00	65 FR 38228
NPRM Comment Period End	07/17/00	
NPRM Comment Period Extended	08/16/00	
NPRM Comment Period Extended	06/25/01	66 FR 33654
NPRM Comment Period End	12/31/01	
Final Action	09/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Duane Bird Bear, Department of the Interior, Bureau of

Indian Affairs, Tribal Government Services 1951 Constitution Avenue NW., Washington, DC 20240  
 Phone: 202 513-7641  
 Fax: 202 513-0679

**RIN:** 1076-AD97

**1772. ALASKA RESUPPLY OPERATION**

**Priority:** Info./Admin./Other

**Legal Authority:** R.S. 465

**CFR Citation:** 25 CFR 142

**Legal Deadline:** None

**Abstract:** This proposed rule makes technical revisions to reflect terms now in common usage, e.g., "Regional Director" and "Traffic Manager." A new section refers to the application of Indian preference in hiring pursuant to the Indian Reorganization Act of 1934 (25 USC 479).

**Timetable:**

Action	Date	FR Cite
NPRM	08/03/00	65 FR 47704
NPRM Comment Period End	10/02/00	
Final Action	12/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Tribal

**Agency Contact:** Duncan Brown, Regulatory Analyst, Department of the Interior, Bureau of Indian Affairs, Room 7229 MIB1849 C Street NW., Washington, DC 20240  
 Phone: 202 208-4582  
 Fax: 202 219-2100  
 Email: duncan\_l\_brown@ios.doi.gov

**RIN:** 1076-AE04

**1773. LEASES AND PERMITS ON INDIAN TRUST AND RESTRICTED LANDS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 25 USC 635

**CFR Citation:** 25 CFR 162

**Legal Deadline:** None

**Abstract:** BIA plans to amend its regulations governing leasing of Indian trust and restricted lands by revising subpart A and by adding subpart C and D covering residential leases and business leases on trust and restricted land.

**Timetable:**

Action	Date	FR Cite
NPRM	02/10/04	69 FR 6500
NPRM Comment Period End	05/10/04	
Final Action	12/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Tribal

**Agency Contact:** Kayla Danks, Real Estate Services, Department of the Interior, Bureau of Indian Affairs, 1849 C Street NW. MS 4639 - MIB, Washington, DC 20240  
 Phone: 202 208-3615  
 Fax: 202 219-1065

**RIN:** 1076-AE36

**1774. REINDEER IN ALASKA**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 25 USC 500

**CFR Citation:** 25 CFR 243

**Legal Deadline:** None

**Abstract:** This rule will codify procedures for processing requests for reindeer by non-native Alaskans.

**Timetable:**

Action	Date	FR Cite
NPRM	03/11/04	69 FR 11784
NPRM Comment Period End	06/09/04	
Final Action	12/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Warren Eastland, Wildlife Biologist, Department of the Interior, Bureau of Indian Affairs, P.O. Box 25520, Juneau, AK 99802  
 Phone: 907 586-7321

**RIN:** 1076-AE37

**1775. NAVAJO PARTITIONED LANDS GRAZING PERMITS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 25 USC 640d et seq

**CFR Citation:** 25 CFR 161

**Legal Deadline:** None

**Abstract:** This rule will govern the grazing of livestock on the Navajo Partitioned Lands (NPL) of the former Navajo-Hopi Joint Use Area of the 1982 Executive order reservation. The

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purpose of these regulations is to conserve the rangelands of the NPL in order to maximize future use of the land for grazing and other purposes.

**Timetable:**

Action	Date	FR Cite
NPRM	11/12/03	68 FR 64023
NPRM Comment Period End	02/10/04	
Final Action	12/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** James Orwin, Soil Conservationist, Department of the Interior, Bureau of Indian Affairs, MS 3061 MIB 1849 C Street NW., Washington, DC 20240  
Phone: 202 208-6464  
Fax: 202 219-0006

**RIN:** 1076-AE46

**1776. NO CHILD LEFT BEHIND ACT OF 2001**

**Priority:** Other Significant

**Legal Authority:** PL 107-110

**CFR Citation:** 25 CFR 39; 25 CFR 42

**Legal Deadline:** NPRM, Statutory, June 8, 2003.

**Abstract:** Under the No Child Left Behind Act of 2001 (Public Law 107-110), the Secretary of the interior must develop regulations using negotiated rulemaking to address the following issues: (1) Defining adequate yearly progress, which is the essential measurement for determining that schools are providing quality education; (2) establishing separate geographic attendance areas for each Bureau-funded school; (3) establishing a formula for determining the minimum amount of funds necessary to fund each Bureau-funded school; (4) establishing a system of direct funding and support of all Bureau-funded schools under the formula established in section 1127 of the Act; (5) establishing guidelines to ensure the constitutional and civil rights of Indian students regarding the

right to privacy, freedom of religion and expression, and due process in connection with disciplinary actions (suspension and expulsion); and (6) establishing a method for administering grants to tribally controlled schools.

**Timetable:**

Action	Date	FR Cite
NPRM	02/25/04	69 FR 8752
NPRM Comment Period End	06/24/04	
Final Action	12/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Organizations

**Government Levels Affected:** Tribal

**Agency Contact:** Catherine Freels, Designated Federal Official, Department of the Interior, Bureau of Indian Affairs, 500 Gold Ave. SW. Room 7202, Albuquerque, NM 87102  
Phone: 505 248-7240

**RIN:** 1076-AE49

**1777. WINNEMUCCA COURT OF INDIAN OFFENSES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 25 USC 13

**CFR Citation:** 25 CFR 11

**Legal Deadline:** None

**Abstract:** This rule would revise part 11 to add the Winnemucca Indian tribe to the list of Courts of Indian Offenses. The purpose of establishing a Court of Indian Offenses at the Winnemucca tribe is to protect the persons, land, lives, and property of tribal members until the tribe reassumes or creates a law and order program for the reservation.

**Timetable:**

Action	Date	FR Cite
Final Action	12/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** Ralph Gonzales, Tribal Relations Specialist, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Ave. NW, Washington, DC 20240  
Phone: 202 513-7629

**RIN:** 1076-AE52

**1778. • CONFORMING AMENDMENTS TO IMPLEMENT THE NO CHILD LEFT BEHIND ACT OF 2001**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** Pub L 107-11

**CFR Citation:** 25 CFR 31; 25 CFR 36

**Legal Deadline:** None

**Abstract:** The Bureau of Indian Affairs recently published the final rule implementing the No Child Left Behind Act of 2001. The Bureau developed this rule using a negotiated rulemaking process during which a broadly representative negotiated rulemaking committee represented and considered the views of all affected tribes and types of schools. The final rule thus embodies the best ideas of all the parties as to how the Act should be implemented. In publishing the final rule, the Bureau affected several provisions in other areas of 25 CFR. This rule removes these provisions in order to remove potential conflicts from title 25.

**Timetable:**

Action	Date	FR Cite
Final Action	01/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Tribal

**Agency Contact:** Catherine Freels, Designated Federal Official, Department of the Interior, Bureau of Indian Affairs, 500 Gold Ave. SW. Room 7202, Albuquerque, NM 87102  
Phone: 505 248-7240

**RIN:** 1076-AE54

**Department of the Interior (DOI)**  
**Bureau of Indian Affairs (BIA)**
**Completed Actions****1779. INDIAN RESERVATION ROADS PROGRAM****Priority:** Other Significant**CFR Citation:** 25 CFR 170**Completed:**

Reason	Date	FR Cite
Final Action	07/19/04	69 FR 43090

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** State, Tribal**Agency Contact:** LeRoy Gishi  
Phone: 202 208-4359**RIN:** 1076-AE17**1780. ● COURTS OF INDIAN OFFENSES—ALBUQUERQUE INDIAN SCHOOL****Priority:** Substantive, Nonsignificant**Legal Authority:** 25 USC 13; 25 USC 2; 25 USC 9; 5 USC 301**CFR Citation:** 25 CFR 11**Legal Deadline:** None**Abstract:** This rule adds the Albuquerque Indian School property to the existing Santa Fe Indian School Court of Indian offenses. This action establishes a judicial forum for administering justice on this property.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/20/04	69 FR 51556

Action	Date	FR Cite
Interim Final Rule Comment Period End	10/19/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Ralph Gonzales,  
Tribal Relations Specialist, Department  
of the Interior, Bureau of Indian Affairs,  
1951 Constitution Ave. NW,  
Washington, DC 20240  
Phone: 202 513-7629**RIN:** 1076-AE53**BILLING CODE** 4310-02-S
**Department of the Interior (DOI)**  
**Minerals Management Service (MMS)**
**Prerule Stage****1781. ● REQUIREMENTS FOR MATERIAL, PERSONNEL AND PIPE HANDLING OPERATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** Not Yet Determined**CFR Citation:** 30 CFR 250.108**Legal Deadline:** None**Abstract:** Describe the need for the rule and why rulemaking is preferable to non-rulemaking alternatives. Material, personnel and pipe handling operations are an inherent part of OCS oil and gas operations. From 1995 to 2004 there have been 54 incidents associated with

these operations, resulting in 49 injuries and six fatalities. MMS believes a revised rule may be needed to guide industry in addressing proper equipment operational practices, maintenance procedures and general safety requirements when performing these operations. MMS is examining various approaches to regulating these operations because the current performance-based regulations do not appear to be ensuring safe operations.

**Timetable:**

Action	Date	FR Cite
ANPRM	12/00/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Joseph Levine, Chief,  
Operations Analysis Branch,  
Department of the Interior, Minerals  
Management Service, MS 4024, MS  
4024 381 Eldon Street, Herndon, VA  
20170-4817  
Phone: 703 787-1032  
Email: rules.comments@mms.gov**RIN:** 1010-AD14
**Department of the Interior (DOI)**  
**Minerals Management Service (MMS)**
**Proposed Rule Stage****1782. LATE AND OVERPAYMENT INTEREST****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301 et seq**CFR Citation:** 30 CFR 206; 30 CFR 218; 30 CFR 230**Legal Deadline:** None**Abstract:** This rule allows MMS to pay interest on Federal onshore and offshore oil and gas royalty overpayments and makes interest charges more equitable between the payor and the recipient. Interest will be paid on overpayments related to royalty, rent and estimates resulting

from sales of Federal onshore and offshore oil and gas production.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/04	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Sharron Gebhardt,  
Regulatory Specialist, Department of  
the Interior, Minerals Management  
Service, MS 302B2, P.O. Box 25165,  
Denver, CO 80225-3211  
Phone: 303 231-3211  
Fax: 303 231-3385

Email: sharron.gebhardt@mms.gov

**RIN:** 1010-AC27**1783. TAKES VS. ENTITLEMENTS REPORTING****Priority:** Substantive, Nonsignificant**Legal Authority:** 30 USC 1001 et seq;  
30 USC 1701 et seq; 30 USC 181 et  
seq; 30 USC 351 et seq; 31 USC 9701  
et seq; 43 USC 1301 et seq; 43 USC  
1331 et seq; 5 USC 301 et seq**CFR Citation:** 30 CFR 205**Legal Deadline:** None**Abstract:** This rule addresses reporting  
and payment requirements for

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production removed and sold from a Federal lease, unit participating area, or communitization agreement beginning September 1996.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/05	
NPRM Comment Period End	05/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Local, State

**Agency Contact:** Sharron Gebhardt, Regulatory Specialist, Department of the Interior, Minerals Management Service, MS 302B2, P.O. Box 25165, Denver, CO 80225-3211  
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**RIN:** 1010-AC29

**1784. PREPAYMENT OF ROYALTIES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 30 USC 1735

**CFR Citation:** 30 CFR 204

**Legal Deadline:** None

**Abstract:** This rule allows payors to prepay royalty in lieu of monthly royalty payments for their marginal properties with approval from the affected States. It will establish the criteria used by payors, States, and MMS to calculate, report, and monitor royalty prepayments.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/05	
NPRM Comment Period End	04/00/05	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State

**Agency Contact:** Sharron Gebhardt, Regulatory Specialist, Department of the Interior, Minerals Management Service, MS 302B2, P.O. Box 25165, Denver, CO 80225-3211  
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Fax: 303 231-3385  
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**RIN:** 1010-AC31

**1785. ROYALTY RELIEF TERMS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 25 USC 396 et seq

**CFR Citation:** 30 CFR 203

**Legal Deadline:** None

**Abstract:** This rule amends the circumstances that discontinue the existing royalty relief for end-of-life oil and gas leases and expands the eligibility criteria for leases to qualify for this program.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/05	
NPRM Comment Period End	06/00/05	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Kumkum Ray, Geologist, Department of the Interior, Minerals Management Service, 381 Elden Street, Herndon, VA 20170  
Phone: 703 787-1600  
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Email: kumkum.ray@mms.gov

**RIN:** 1010-AC58

**1786. DATA RELEASE AND DEFINITIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 43 USC 1331

**CFR Citation:** 30 CFR 250 subpart A

**Legal Deadline:** None

**Abstract:** This rule will amend 30 CFR part 250 by adding a new definition revising the existing definition, clarifying or expanding certain requirements, and making administrative changes. We are adding a new section pertaining to notifying MMS on production status. We are reorganizing the forms data release table and adding entries for three new forms. We are expanding the requirements pertaining to submitting digital data. The proposed rule will provide additional time for exploration and development activities through the use of suspensions of operations for qualified leases in Alaska.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	
NPRM Comment Period End	01/00/05	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Kumkum Ray, Geologist, Department of the Interior, Minerals Management Service, 381 Elden Street, Herndon, VA 20170  
Phone: 703 787-1600  
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Email: kumkum.ray@mms.gov

**RIN:** 1010-AC99

**1787. VALUATION OF OIL FROM INDIAN LEASES**

**Regulatory Plan:** This entry is Seq. No. 84 in part II of this issue of the **Federal Register**.

**RIN:** 1010-AD00

**1788. REDUCTION TO ROYALTY RELIEF IN SPECIAL CIRCUMSTANCES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 43 USC 1331 et seq

**CFR Citation:** 30 CFR 203

**Legal Deadline:** None

**Abstract:** The recently published final rule 1010-AC71 created a process for certain leases (those that are inadequately helped by our formal relief systems) to seek special royalty relief. However overly restrictive eligibility criteria may exclude some leases that fulfill statutory purposes while redundant criteria may include other leases that do not fit statutory purposes. This rule will refine the eligibility criteria to include marginal discoveries in the shallow water part of the Gulf of Mexico that may offer meaningful conservation or infrastructure preservation benefits.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/05	
NPRM Comment Period End	06/00/05	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Kumkum Ray, Geologist, Department of the Interior, Minerals Management Service, 381 Elden Street, Herndon, VA 20170  
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**RIN:** 1010-AD02

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**1789. LEASING OF SULPHUR OR OIL AND GAS IN THE OUTER CONTINENTAL SHELF**

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 43 USC 1331 et seq

**CFR Citation:** 30 CFR 250

**Legal Deadline:** None

**Abstract:** This rulemaking will rewrite the existing rules at 30 CFR part 256 to make them clearer. The rule has been reorganized and streamlined to better reflect the 5-year and lease sale processes as they have evolved since the last rewrite in the 1980's. There are few substantive changes to the rule.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	
NPRM Comment Period End	03/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:**

Undetermined

**Agency Contact:** Jane A. Roberts, Paralegal Specialist, Department of the Interior, Minerals Management Service, MS 623, 381 Elden Street, Herndon, VA 22070

Phone: 703 787-1275

**RIN:** 1010-AD06

**1790. SUSPENSION OF OPERATIONS FOR ULTRA-DEEP DRILLING**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 43 USC 1331 et seq

**CFR Citation:** 30 CFR 250

**Legal Deadline:** None

**Abstract:** This rule would allow suspension of operations for leases in less than 800 meters of water on geologic structures targeted by an ultra-deep well that has commenced drilling. The high cost and complexity of drilling an ultra-deep well discourage companies from drilling without sufficient expectation of using the information as part of a larger drilling program. This proposed rule allows companies that drill an ultra-deep well to use the information gained to analyze geologically related leases and provides additional time to drill those leases.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/05	
NPRM Comment Period End	04/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Kumkum Ray, Geologist, Department of the Interior, Minerals Management Service, 381 Elden Street, Herndon, VA 20170  
Phone: 703 787-1600  
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**RIN:** 1010-AD09

**1791. PROTECTION OF MARINE MAMMALS AND ENDANGERED SPECIES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 30 USC 1331 et seq

**CFR Citation:** 30 CFR 250

**Legal Deadline:** None

**Abstract:** This rule would revise subpart B to incorporate the general Endangered Species Act (ESA) reporting requirements for which MMS has recently received OMB approval. Because ESA restrictions on take for listed marine mammals cannot be lifted without prior Marina Mammal Protection Act (MMPA) authorization, MMS needs to ensure MMPA authorization in those situations.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	
NPRM Comment Period End	02/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Kumkum Ray, Geologist, Department of the Interior, Minerals Management Service, 381 Elden Street, Herndon, VA 20170  
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Fax: 703 787-1093  
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**RIN:** 1010-AD10

**1792. PIPELINE SAFETY RULE PHASE I**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 30 USC 1331 et seq

**CFR Citation:** 30 CFR 250; 43 USC 1331 et seq

**Legal Deadline:** None

**Abstract:** Subpart J Safety regulations are 20 years old and technically and administratively out of date with MMS policies, practices, and safety requirements issued elsewhere in regional notices to lessees (NTLs) and letters to lessees (LTLs). This proposed rule is the first phase of a planned two-phase update of the regulations. This phase I will incorporate the NTLs and LTLs and give the requirements the force and weight of law. Additionally, the rule will be rewritten and reformatted for added clarity and will incorporate several new pipeline design standards to technically update the design information included in the current regulation.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/05	
NPRM Comment Period End	06/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** Kumkum Ray, Geologist, Department of the Interior, Minerals Management Service, 381 Elden Street, Herndon, VA 20170  
Phone: 703 787-1600  
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**RIN:** 1010-AD11

**1793. OIL AND GAS PRODUCTION RATES**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 43 USC 1331 et seq

**CFR Citation:** 30 CFR 250

**Legal Deadline:** None

**Abstract:** This rule would eliminate the requirements for setting maximum efficient rates (MER) for most

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reservoirs. This will eliminate burdensome recordkeeping and reporting requirements. Also, this rewrite will amend sections on oil and natural gas burning, flaring and venting. These amendments will clarify when an operator may burn oil or flare or vent natural gas; it also sets clear limits on the amounts that may be burned, flared, or vented.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/05	
NPRM Comment Period End	06/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Kumkum Ray, Geologist, Department of the Interior, Minerals Management Service, 381 Eldon Street, Herndon, VA 20170  
Phone: 703 787-1600  
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**RIN:** 1010-AD12

**1794. • SAFETY MANAGEMENT SYSTEMS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 43 USC 1331 et seq

**CFR Citation:** 30 CFR 250

**Legal Deadline:** None

**Abstract:** MMS is seeking comments on various regulatory approaches to improving the effectiveness of safety management systems on OCS facilities. Investigation and analysis of accidents that continue to occur on the OCS point to the lack of a safety management system or inadequate or improper implementation of a safety management system as a primary or contributing factor. While the majority of operators on the OCS (over 60 percent) have implemented safety management systems, the remaining operators have failed to voluntarily adopt them. Investigations show a correlation between accident rates and lack of adequate safety management systems. Encouragement and promotion

of voluntary participation has not yielded continuous improvement across the entire industry as desired.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local

**Agency Contact:** Bud Danenberger, Department of the Interior, Minerals Management Service, 381 Eldon Street, Herndon, VA 20170  
Phone: 703 787-1598

**RIN:** 1010-AD15

**1795. • ADMINISTRATIVE COST RECOVERY FOR OCS OIL AND GAS OPERATIONS**

**Priority:** Other Significant

**Legal Authority:** 31 USC 9701

**CFR Citation:** 30 CFR 250

**Legal Deadline:** None

**Abstract:** The FY 2005 budget request for MMS includes \$1 million to be raised in cost recovery fees to offset the bureau's operating costs. The fees will be requested under the authority provided in title V of the Independent Offices Appropriations Act of 1952 (31 U.S.C. 9701), a Governmentwide authority that permits cost recovery. This rule proposes eight new fees, as well as changes to several existing fees. All of the proposed fee amounts are based on recovering the cost of providing certain services that benefit a specific applicant, rather than the general public. Some of the existing fees included in this rule could be raised by a Notice To Lessee (NTL) for inflation alone; however, they are being raised by a factor higher than the current inflation percentage, thus, they are included in this rule.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** Angela Mazzullo, Department of the Interior, Minerals Management Service, 381 Eldon Street, Herndon, VA 20170  
Phone: 703 787-1691

**RIN:** 1010-AD16

**1796. • OPEN AND NONDISCRIMINATORY MOVEMENT OF OIL AND GAS AS REQUIRED BY THE OUTER CONTINENTAL SHELF LANDS ACT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 43 USC 1863

**CFR Citation:** 30 CFR 270

**Legal Deadline:** None

**Abstract:** The Outer Continental Shelf Lands Act (OCSLA) requires pipelines to provide open and non-discriminatory access to shippers of production. The Federal Energy Regulatory Commission (FERC) has historically enforced this provision through its enforcement of the Natural Gas Act (NGA) and the Interstate Commerce Act. Beginning in the 1990s, FERC began relinquishing NGA jurisdiction over some of these pipelines. FERC contended it still maintained authority under OCSLA, however, the Courts have ruled otherwise. In order to provide shippers with a methodology to file complaints alleging denial of access or discriminatory access, MMS is proposing regulations to fill this regulatory gap.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Martin Grieshaber, Department of the Interior, Minerals Management Service, MS 302B2, P.O. Box 25165, Denver, CO 80225  
Phone: 303 231-3211

**RIN:** 1010-AD17

**Department of the Interior (DOI)**  
**Minerals Management Service (MMS)**

Final Rule Stage

**1797. PLANS AND INFORMATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 43 USC 1331 et seq**CFR Citation:** 25 CFR 250; 30 CFR 250**Legal Deadline:** None

**Abstract:** MMS requires companies to submit for approval their exploration and development plans for activities on the Outer Continental Shelf. The companies must submit these plans before they can begin any activities, except preliminary activities. This rule would rewrite the requirements into clearer language and organize them into discrete sections by topic, to make them easier to follow.

**Timetable:**

Action	Date	FR Cite
NPRM	05/17/02	67 FR 35372
Comment Period Extended	12/13/02	67 FR 46616
Final Action	12/00/04	
Final Rule Effective	01/00/05	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None

**Agency Contact:** Kumkum Ray, Geologist, Department of the Interior, Minerals Management Service, 381 Elden Street, Herndon, VA 20170  
 Phone: 703 787-1600  
 Fax: 703 787-1093  
 Email: kumkum.ray@mms.gov

**RIN:** 1010-AC47**1798. INCIDENT REPORTING****Priority:** Substantive, Nonsignificant**Legal Authority:** 43 USC 1331 et seq**CFR Citation:** 30 CFR 250**Legal Deadline:** None

**Abstract:** There continues to be rapid growth in offshore exploration and production activities in the Gulf of Mexico. Since safety is our top priority, we must upgrade our accident investigation functions. To do this we need accurate and timely information. This rule is the only way to require operators, lessees, and permit holders in the Outer Continental Shelf (OCS) to give us a written report about each OCS accident. It will also establish clearer guidelines for accident reporting thresholds and timing.

**Timetable:**

Action	Date	FR Cite
NPRM	07/08/03	68 FR 40585

Action	Date	FR Cite
NPRM Comment Period End	12/05/03	
Final Action	12/00/04	
Final Action Effective	01/00/05	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None

**Agency Contact:** Kumkum Ray, Geologist, Department of the Interior, Minerals Management Service, 381 Elden Street, Herndon, VA 20170  
 Phone: 703 787-1600  
 Fax: 703 787-1093  
 Email: kumkum.ray@mms.gov

**RIN:** 1010-AC57**1799. PROPRIETARY TERMS AND DATA DISCLOSURE****Priority:** Substantive, Nonsignificant**Legal Authority:** 43 USC 1331**CFR Citation:** 30 CFR 250; 30 CFR 251**Legal Deadline:** None

**Abstract:** This rule would modify the proprietary terms for geophysical data and information and any of their derivatives that MMS acquires under 30 CFR part 251. We propose to change the beginning of the proprietary terms from the date of submission to MMS to the date MMS issues the permit. The rule would also allow selective disclosure of geological and geophysical data and information and allow selective disclosure of data and information generated on a lease to persons with a direct interest in issues concerning field determination and royalty relief eligibility.

**Timetable:**

Action	Date	FR Cite
NPRM	07/17/02	67 FR 46942
NPRM Comment Period End	09/18/02	
Final Action	12/00/04	
Final Action Effective	01/00/05	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None

**Agency Contact:** Kumkum Ray, Geologist, Department of the Interior, Minerals Management Service, 381 Elden Street, Herndon, VA 20170  
 Phone: 703 787-1600  
 Fax: 703 787-1093  
 Email: kumkum.ray@mms.gov

**RIN:** 1010-AC81**1800. DOCUMENTS INCORPORATED BY REFERENCE FOR OFFSHORE FLOATING PRODUCTION FACILITIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 43 USC 1331**CFR Citation:** 30 CFR 250**Legal Deadline:** None

**Abstract:** We are proposing to amend our regulations to better address floating offshore platforms that, until now, have not been expressly covered. This will require a complete rewrite of subpart I to include floating production systems. These systems are variously described as column-stabilized units; floating production, storage, and offloading facilities; tension-leg platforms; spars; etc. We are also incorporating into our regulations a body of industry standards pertaining to floating production systems, and this will save the public the costs of developing government standards.

**Timetable:**

Action	Date	FR Cite
NPRM	12/27/01	66 FR 66851
NPRM Comment Period End	02/12/02	
Comment Period Extended	03/28/02	67 FR 14902
Final Action	12/00/04	
Final Action Effective	02/00/05	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None

**Agency Contact:** Kumkum Ray, Geologist, Department of the Interior, Minerals Management Service, 381 Elden Street, Herndon, VA 20170  
 Phone: 703 787-1600  
 Fax: 703 787-1093  
 Email: kumkum.ray@mms.gov

**RIN:** 1010-AC85**1801. DOCUMENT INCORPORATED BY REFERENCE—API 510—PRESSURE VESSEL INSPECTION CODE: MAINTENANCE INSPECTION, RATING, REPAIR, AND ALTERATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 43 USC 1331 et seq**CFR Citation:** 30 CFR 250**Legal Deadline:** None

**Abstract:** This rule proposes adding a document to be incorporated by reference into MMS's regulations governing oil and gas and sulphur operations in the outer continental

## DOI—MMS

## Final Rule Stage

shelf (OCS). This revision will ensure that lessees use the best available and safest technologies while operating in the OCS. The new document, API 510, is titled Pressure Inspection Code: Maintenance Inspection, Rating, Repair, and Alteration.

**Timetable:**

Action	Date	FR Cite
NPRM	12/27/01	66 FR 66848
NPRM Comment Period End	02/25/02	
Final Action	11/00/04	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None

**Agency Contact:** Kumkum Ray, Geologist, Department of the Interior, Minerals Management Service, 381 Elden Street, Herndon, VA 20170  
Phone: 703 787-1600  
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**RIN:** 1010-AC95**1802. BLOWOUT PREVENTION FOR PRODUCTION TREE COILED TUBING WORKOVER OPERATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 43 USC 1331 et seq**CFR Citation:** 30 CFR 250**Legal Deadline:** None

**Abstract:** The rule would upgrade blowout prevention requirements for well workover operations conducted using coiled tubing while the well-head production tree is in place.

**Timetable:**

Action	Date	FR Cite
NPRM	06/22/04	69 FR 34625
NPRM Comment Period End	08/23/04	
Final Action	06/00/05	
Final Action Effective	07/00/05	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None

**Agency Contact:** Kumkum Ray, Geologist, Department of the Interior, Minerals Management Service, 381 Elden Street, Herndon, VA 20170  
Phone: 703 787-1600  
Fax: 703 787-1093  
Email: kumkum.ray@mms.gov

**RIN:** 1010-AC96**1803. FEDERAL OIL VALUATION****Priority:** Other Significant**Legal Authority:** 30 USC 1001 et seq; 30 USC 181 et seq; 5 USC 301 et seq**CFR Citation:** 30 CFR 206; 30 CFR 210**Legal Deadline:** None

**Abstract:** This rule would amend the existing rule governing valuation for royalty purposes of crude oil produced from Federal leases. These changes would refine several technical aspects of this rule relating to which published market prices are most appropriate to value crude oil not sold at arm's length and what transportation deductions should be allowed.

**Timetable:**

Action	Date	FR Cite
NPRM	08/20/03	68 FR 50087
NPRM Comment Period End	09/19/03	
NPRM Comment Period Reopened	09/26/03	68 FR 55556
NPRM Comment Period End	11/10/03	
Final Action	05/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** State

**Agency Contact:** Sharron Gebhardt, Regulatory Specialist, Department of the Interior, Minerals Management Service, MS 302B2, P.O. Box 25165, Denver, CO 80225-3211  
Phone: 303 231-3211  
Fax: 303 231-3385  
Email: sharron.gebhardt@mms.gov

**RIN:** 1010-AD04**1804. FEDERAL GAS VALUATION****Priority:** Other Significant**Legal Authority:** 30 USC 1701 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 43 USC 1331 et seq**CFR Citation:** 30 CFR 206**Legal Deadline:** None

**Abstract:** This rule would amend the existing rules governing valuation for royalty purposes of natural gas produced from Federal leases. In evaluating these rules, MMS has identified several issues that warrant further public comment. MMS is therefore proposing these amendments in an effort to improve the current rule and to correct some technical problems.

**Timetable:**

Action	Date	FR Cite
Notice of Public Meetings	04/10/03	68 FR 17565
Final Action	12/00/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Sharron Gebhardt, Regulatory Specialist, Department of the Interior, Minerals Management Service, MS 302B2, P.O. Box 25165, Denver, CO 80225-3211  
Phone: 303 231-3211  
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**RIN:** 1010-AD05**1805. RIGHTS OF USE AND EASEMENT****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 43 USC 1331 et seq**CFR Citation:** 30 CFR 250**Legal Deadline:** None

**Abstract:** This rule would extend existing bonding requirements of Rights of Use and Easement holders to cover decommissioning. Most Rights of Use and Easement holders need bonding to cover their obligations, so this will not increase the cost for them. This rule changes the length of time that the bond must be kept in place. The other changes clarify existing provisions.

**Timetable:**

Action	Date	FR Cite
NPRM	04/02/04	69 FR 17355
NPRM Comment Period End	06/01/04	
Commend Period Extended	06/07/04	69 FR 31778
Final Action	03/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Federalism:** Undetermined

**Agency Contact:** Kumkum Ray, Geologist, Department of the Interior, Minerals Management Service, 381 Elden Street, Herndon, VA 20170  
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## DOI—MMS

## Final Rule Stage

Email: kumkum.ray@mms.gov

RIN: 1010-AD13

**Department of the Interior (DOI)  
Minerals Management Service (MMS)**

## Completed Actions

**1806. ACCOUNTING RELIEF FOR MARGINAL PROPERTIES****Priority:** Substantive, Nonsignificant**CFR Citation:** 30 CFR 204**Completed:**

Reason	Date	FR Cite
Final Action	09/13/04	69 FR 55076

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** State**Agency Contact:** Sharron Gebhardt

Phone: 303 231-3211

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Email: sharron.gebhardt@mms.gov

RIN: 1010-AC30

**1807. APPEALS OF MINERALS MANAGEMENT SERVICE ORDERS****Priority:** Substantive, Nonsignificant**CFR Citation:** 30 CFR 242; 30 CFR 290; 43 CFR 4**Completed:**

Reason	Date	FR Cite
Withdrawn	09/01/04	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Platte Clark

Phone: 202 208-2394

RIN: 1010-AC80

**1808. TEMPORARY ABANDONED WELLS****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**CFR Citation:** 30 CFR 250**Completed:**

Reason	Date	FR Cite
Withdrawn	09/01/04	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** Undetermined**Agency Contact:** Kumkum Ray

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RIN: 1010-AD08

BILLING CODE 4310-MR-S

**Department of the Interior (DOI)  
Office of Surface Mining Reclamation and Enforcement (OSMRE)**

## Proposed Rule Stage

**1809. ABANDONED COAL REFUSE SITES****Priority:** Substantive, Nonsignificant**Legal Authority:** 30 USC 1201 et seq**CFR Citation:** 30 CFR 785; 30 CFR 829; 30 CFR 830; 30 CFR 845; 30 CFR 870**Legal Deadline:** None**Abstract:** OSM intends to propose new rules governing permitting and performance standards for the recovery of coal from abandoned coal refuse piles. The rules are required to implement section 2503(e) of the Energy Policy Act of 1992.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** Undetermined**Agency Contact:** Art Abbs, Birmingham Field Office Director, Department of the Interior, Office ofSurface Mining Reclamation and Enforcement, 135 Gemini Circle, Suite 215, Homewood, AL 35209  
Phone: 205 290-7282  
Email: aabs@osmre.gov

RIN: 1029-AB70

**1810. REVEGETATION****Priority:** Other Significant**Legal Authority:** 30 USC 1201 et seq**CFR Citation:** 30 CFR 816**Legal Deadline:** None**Abstract:** This rule will revise the topsoil replacement and revegetation standards. The revisions will encourage species diversity on reclaimed lands, remove a possible impediment to the use of woody vegetation in revegetating mined land, and provide similar revegetation success standards in both areas of more than 26 inches of precipitation and in areas of less than 26 inches of precipitation.**Timetable:**

Action	Date	FR Cite
NPRM	11/00/04	

**Regulatory Flexibility Analysis**  
**Required:** No**Government Levels Affected:** None**Agency Contact:** Jim Fulton, Chief, Denver Field Division, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1999 Broadway, Suite 3320, Denver, CO 80202

Phone: 303 844-1400

Email: jfulton@osmre.gov

RIN: 1029-AC02

**1811. FINANCIAL ASSURANCES****Priority:** Substantive, Nonsignificant**Legal Authority:** 30 USC 1201 et seq**CFR Citation:** 30 CFR 773; 30 CFR 780; 30 CFR 784; 30 CFR 800**Legal Deadline:** None

## DOI—OSMRE

## Proposed Rule Stage

**Abstract:** We are considering rulemaking to ensure adequate funding for the treatment of unanticipated long-term pollutant discharges including acid or toxic mine drainage, that develop as a result of surface mining operations.

**Timetable:**

Action	Date	FR Cite
ANPRM	05/17/02	67 FR 35070
ANPRM Comment Period End	10/15/02	67 FR 46617
NPRM	02/00/05	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State

**Agency Contact:** Dennis Rice, Regulatory Analyst, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, MS 10,

1951 Constitution Avenue NW., Washington, DC 20240  
Phone: 202 208-2829  
Email: drice@osmre.gov

**RIN:** 1029-AC05

**1812. • TRANSFER, ASSIGNMENT, OR SALE OF PERMIT RIGHTS**

**Priority:** Other Significant

**Legal Authority:** 30 USC 1201 et seq

**CFR Citation:** 30 CFR 774

**Legal Deadline:** None

**Abstract:** The National Mining Association (NMA) filed a lawsuit in Federal district court seeking to overturn certain provisions adopted in our 2000 Ownership and Control final rule. Under the terms of the settlement, OSM agreed to, among other things,

publish a proposed rule for public comment concerning the transfer, assignment, or sale of permit rights by December 31, 2004.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Earl Bandy, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 2679 Regency Road, Lexington, KY 40503  
Phone: 859 260-8427  
Email: ebandy@osmre.gov

**RIN:** 1029-AC48

## Department of the Interior (DOI)

## Final Rule Stage

## Office of Surface Mining Reclamation and Enforcement (OSMRE)

**1813. INDIAN LANDS**

**Priority:** Other Significant

**Legal Authority:** 30 USC 1201 et seq

**CFR Citation:** 30 CFR 700; 30 CFR 740; 30 CFR 750

**Legal Deadline:** None

**Abstract:** OSM regulates mining on Indian lands and the State regulates mining on non-Indian lands. OSM proposed revisions to its regulations to clarify that the definition of "Indian lands" at 30 CFR 700.5 includes individual Indian trust allotments located within an approved tribal land consolidation area. The proposed clarification was required under the terms of a settlement agreement between the Department of the Interior and the Navajo Nation and Hopi Tribe to settle the tribes' challenges to a May 1989 Indian lands rulemaking.

**Timetable:**

Action	Date	FR Cite
NPRM	02/19/99	64 FR 8464
NPRM Comment Period End	06/21/99	64 FR 18585
Final Action	12/00/04	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Tribal

**Agency Contact:** Stephen Sheffield, Chief, Division of Technical Support,

Department of the Interior, Office of Surface Mining Reclamation and Enforcement, MS 10 SIB 1849 C Street NW., Washington, DC 20240  
Phone: 202 208-2883

**RIN:** 1029-AB83

**1814. PLACEMENT OF EXCESS SPOIL**

**Priority:** Other Significant

**Legal Authority:** 30 USC 1201 et seq

**CFR Citation:** 30 CFR 701; 30 CFR 773; 30 CFR 780; 30 CFR 781; 30 CFR 785; 30 CFR 816; 30 CFR 817

**Legal Deadline:** None

**Abstract:** This rule will establish permit application requirements and review procedures for applications that propose to place excess spoil from surface coal mining operations into waters of the United States. In addition, it will modify the backfilling and grading regulations to minimize the creation of excess spoil and it will revise the regulations governing surface coal mining operations within 100 feet of a perennial or intermittent stream to more closely track the underlying statutory provisions.

**Timetable:**

Action	Date	FR Cite
NPRM	01/07/04	69 FR 1036
Final Action	03/00/05	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Dave Hartos, Physical Scientist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Three Parkway Center, Pittsburgh, PA 15220  
Phone: 412 937-2902  
Email: dhartos@osmre.gov

**RIN:** 1029-AC04

**1815. PROCESSING STATE PROGRAM AMENDMENTS**

**Priority:** Other Significant

**Legal Authority:** 30 USC 1201 et seq

**CFR Citation:** 30 CFR 732

**Legal Deadline:** None

**Abstract:** We are proposing revisions to our regulations governing the processing of State program amendments to provide additional assurances that the amendments are processed in a timely manner. An approved State program amendment allows a State to regulate surface coal mining operations within its borders. The existing regulations require us to take over an approved State program when the State fails to amend its program in a timely manner. This can be disruptive to the mining industry, expensive for the Federal Government,

## DOI—OSMRE

## Final Rule Stage

and, in many instances, unwarranted by the nature of the outstanding amendment. This rule will allow OSM to take action that is more appropriate in situations where the outstanding amendment does not impair the integrity of the approved State Program.

**Timetable:**

Action	Date	FR Cite
NPRM	12/03/03	68 FR 67776
Final Action	12/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Andy DeVito, Regulatory Analyst, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, MS 210 SIB, 1951 Constitution Avenue NW., Washington, DC 20240  
Phone: 202 208-2701  
Email: adevito@osmre.gov

**RIN:** 1029-AC06

**1816. OWNERSHIP AND CONTROL SETTLEMENT RULE**

**Priority:** Other Significant

**Legal Authority:** 30 USC 1201 et seq

**CFR Citation:** 30 CFR 701; 30 CFR 773; 30 CFR 774; 30 CFR 778; 30 CFR 843; 30 CFR 847

**Legal Deadline:** None

**Abstract:** We are proposing revisions to certain provisions of our December

19, 200, final Ownership and Control rule in order to effectuate a settlement agreement that we entered into with the National Mining Association. Among other things, the rule would revise provisions of the 200 final rule pertaining to the definitions of ownership and control, permit eligibility determinations, and challenges to ownership or control listings or findings.

**Timetable:**

Action	Date	FR Cite
NPRM	12/29/03	68 FR 75036
Final Action	03/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Federal, State

**Agency Contact:** Earl Bandy, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 2679 Regency Road, Lexington, KY 40503  
Phone: 859 260-8427  
Email: ebandy@osmre.gov

**RIN:** 1029-AC08

**1817. • FEE ALLOCATION RULE**

**Priority:** Other Significant

**Legal Authority:** 30 USC 1201 et seq

**CFR Citation:** 30 CFR 870; 30 CFR 872

**Legal Deadline:** None

**Abstract:** This rule sets forth the criteria and procedures that we are

proposing to use to establish fees under the abandoned mine reclamation program provisions of the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The fixed-rate fees established under SMCRA expire September 30, 2004. However, the Act requires that, for coal produced after that date, fees be established to continue to provide for transfers from the Abandoned Mine Reclamation Fund to the Combined Benefit Fund. This proposed rule would implement that requirement. We are also proposing to revise our regulations governing allocation and disposition of the fees collected and of other AML Fund income.

**Timetable:**

Action	Date	FR Cite
NPRM	09/17/04	
Final Action	03/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Dennis Rice, Regulatory Analyst, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, MS 10, 1951 Constitution Avenue NW., Washington, DC 20240  
Phone: 202 208-2829  
Email: drice@osmre.gov

**RIN:** 1029-AC47

## Department of the Interior (DOI)

## Completed Actions

## Office of Surface Mining Reclamation and Enforcement (OSMRE)

**1818. ABANDONED MINE RECLAMATION FEES**

**Priority:** Other Significant

**CFR Citation:** 30 CFR 870

**Completed:**

Reason	Date	FR Cite
Final Rule	09/17/04	69 FR 56122

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** Undetermined

**Agency Contact:** Danny Lytton  
Phone: 202 208-2788  
Email: dlytton@osmre.gov

**RIN:** 1029-AC46

BILLING CODE 4310-05-S

**Department of the Interior (DOI)  
Bureau of Reclamation (RB)**
**Proposed Rule Stage**
**1819. PUBLIC CONDUCT ON BUREAU OF RECLAMATION FACILITIES, LANDS AND WATERBODIES**

**Priority:** Other Significant

**Legal Authority:** 43 USC 3736; 16 USC 460 1-31; ...

**CFR Citation:** 43 CFR 423

**Legal Deadline:** None

**Abstract:** This proposed rule would establish regulations regarding public conduct on Reclamation lands and Reclamation projects, waters, and real property subject to the administration of Reclamation or in its custody. The rule is necessary to ensure the safety of the public, Reclamation employees, dams, facilities, and other resources in our jurisdiction. This proposed rule would replace an interim rule that we issued on April 17, 2002, and extended on April 3, 2003.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Gary Anderson, Policy Analyst, Department of the Interior, Bureau of Reclamation, P.O. Box 25007, Denver, CO 80225-0007  
Phone: 303 445-2891

**RIN:** 1006-AA45

**1820. IMPLEMENTATION OF THE TRUCKEE RIVER OPERATING AGREEMENT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 104 Stat 3294

**CFR Citation:** 43 CFR 419

**Legal Deadline:** None

**Abstract:** This rule would implement the Truckee River Operating Agreement. The agreement was negotiated to cover water stored in, released from, and passed through

Truckee River reservoirs to satisfy Orr Ditch Decree water rights. The rule would ensure that this water conforms with the Orr Ditch Decree and the Truckee River General Eclectic Decree except where the water rights are either: (1) Voluntarily relinquished or (2) transferred under State law.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Kenneth Parr, Manager, Special Projects, Department of the Interior, Bureau of Reclamation, Lahontan Basin Area Office, 705 North Plaza Street, Room 320, Carson City, NV 89701-4015  
Phone: 775 882-3436

**RIN:** 1006-AA48

**BILLING CODE** 4310-09-S

**Department of the Interior (DOI)  
Bureau of Land Management (BLM)**
**Proposed Rule Stage**
**1821. DESERT LAND ENTRIES**

**Priority:** Other Significant

**Legal Authority:** 43 USC 1740

**CFR Citation:** 43 CFR 2520

**Legal Deadline:** None

**Abstract:** This rule will transfer much of the regulation on entries of desert land to the BLM Manual if the underlying statute is not repealed as no longer practical.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Agency Contact:** Jeff O. Holdren, Deputy Group Manager, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240  
Phone: 202 452-7779  
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Email: jeff\_holdren@blm.gov

**RIN:** 1004-AC56

**1822. COST RECOVERY; MINERAL FILINGS AND OPERATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 50 USC app 565

**CFR Citation:** 43 CFR 3100; 43 CFR 3200; 43 CFR 3400; 43 CFR 3500; 43 CFR 3600; 43 CFR 3700; 43 CFR 3800

**Legal Deadline:** None

**Abstract:** This rule will amend regulations for user fees for locatable minerals, mineral materials, and leasable minerals (solids and fluids) to adjust current fees or establish new fees in accordance with title V of the Independent Offices Appropriations Act of 1952 (user charges), OMB Circular A-25 User Charges and section 304 of the Federal Land Policy and Management Act of 1976.

**Timetable:**

Action	Date	FR Cite
NPRM	12/15/00	65 FR 78440
NPRM Comment Period End	02/13/01	
NPRM Comment Period Reopened	04/16/01	66 FR 19413
Second NPRM	11/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Energy Effects:** Statement of Energy Effects planned as required by Executive Order 13211.

**Agency Contact:** Cynthia Ellis, Regulatory Analyst, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240

Phone: 202 452-5012

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Email: cynthia\_ellis@blm.gov

**RIN:** 1004-AC64

**1823. MINERAL PATENT APPLICATIONS; ADVERSE CLAIMS, PROTESTS, AND CONFLICTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 43 USC 1740

**CFR Citation:** 43 CFR 3730; 43 CFR 3740; 43 CFR 3820; 43 CFR 3860; 43 CFR 3870

**Legal Deadline:** None

## DOI—BLM

## Proposed Rule Stage

**Abstract:** This rule will revise the filing and administrative procedures for mineral patent applications. It will also revise the procedures for filing adverse claims or protests against mineral patent applications and for mineral-in-character challenges to nonmineral land entries.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:**

Undetermined

**Agency Contact:** Barbara

Gauthier—Warinner, Mineral Specialist, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240  
Phone: 202 452-0398  
Email: barbara\_gauthier-warinner@blm.gov

**RIN:** 1004-AD32

**1824. CONSERVATION; HELIUM LEASING**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 50 USC 167

**CFR Citation:** 43 CFR 16; 43 CFR 3196

**Legal Deadline:** None

**Abstract:** This rule will redesignate, amend, and extend the regulations on conservation of helium to facilitate administration and implementation of provisions in the Helium Privatization Act. The rule will move these regulations to 43 CFR subpart 3196 to consolidate helium-related regulations in one area for ease in finding and complying with them.

**Timetable:**

Action	Date	FR Cite
ANPRM	12/19/00	65 FR 79325
ANPRM Comment Period End	03/26/01	
NPRM	04/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** Joseph B. Peterson, Chief, Division of Helium Resources, Department of the Interior, Bureau of

Land Management, Amarillo Field Office 801 S. Fillmore, Suite 500, Amarillo, TX 79101  
Phone: 806 324-2614

**RIN:** 1004-AD35

**1825. OIL AND GAS ONSHORE ORDER NO. 1**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 30 USC 1740

**CFR Citation:** 43 CFR 3164

**Legal Deadline:** None

**Abstract:** This proposed rule would clarify the schedule for submitting and processing applications, define terms used, and introduce concepts that will make filing and processing more efficient. BLM does not intend to add significant new requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined

**Agency Contact:** James Burd, Natural Resource Specialist, Department of the Interior, Bureau of Land Management, MS 501 LS1849 C Street N.W., Washington, DC 20240  
Phone: 202 452-5017

**RIN:** 1004-AD59

**1826. ALASKA NATIVE VETERAN ALLOTMENTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 43 USC 270-1 to 270-3

**CFR Citation:** 43 CFR 2568

**Legal Deadline:** None

**Abstract:** This proposed rule would delete the requirement at 43 CFR 2568.77 that a veteran applicant must have posted the corners of his or her claim prior to filing an application with BLM. Removal of this requirement would place veteran allotment applicants on the same footing as thousands of applicants who filed

under the original 1906 Alaska Native Allotment Act.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** Connie Van Horn, Native Allotment Coordinator, Department of the Interior, Bureau of Land Management, 222 W. 7th Avenue, 113, Anchorage, AK 99513  
Phone: 907 271-3767

**RIN:** 1004-AD60

**1827. • MARGINAL OIL/GAS ROYALTY RATE REDUCTION PROGRAM**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 30 USC 181 et seq

**CFR Citation:** 43 CFR 3103.4-2

**Legal Deadline:** None

**Abstract:** This rulemaking will replace the existing stripper oil royalty reduction program. The new program will incorporate most of the Inspector General's concerns and recommendations from its three audits. In addition, the new program will expand Federal royalty relief to marginal gas production.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 1004-AD65

**Department of the Interior (DOI)**  
**Bureau of Land Management (BLM)**

Final Rule Stage

**1828. RIGHTS-OF-WAY, PRINCIPLES AND PROCEDURES; RIGHTS-OF-WAY UNDER THE MINERAL LEASING ACT**
**Priority:** Substantive, Nonsignificant**Legal Authority:** 43 USC 1740**CFR Citation:** 43 CFR 2800; 43 CFR 2880**Legal Deadline:** None

**Abstract:** The rule will amend the regulations governing rights-of-way issued under both the Federal Land Policy and Management Act and the Mineral Leasing Act by revising cost recovery policies and procedures and adjusting cost recovery fees to reflect cost increases since the current regulations became effective in 1987. The rule will also eliminate the automatic exemptions from cost recovery for Federal agencies except when they are exempted by law. It will also establish policies on paying rent in advance and a financial penalty for paying rent late.

**Timetable:**

Action	Date	FR Cite
NPRM	06/15/99	64 FR 32106
NPRM Comment Period Reopened	10/13/99	64 FR 55452
NPRM Comment Period End	11/12/99	
Final Action	12/00/04	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

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**RIN:** 1004-AC74
**1829. GRAZING ADMINISTRATION—EXCLUSIVE OF ALASKA**

**Regulatory Plan:** This entry is Seq. No. 85 in part II of this issue of the **Federal Register**.

**RIN:** 1004-AD42
**1830. OIL AND GAS LEASING OPERATIONS; BONDING**
**Priority:** Substantive, Nonsignificant**Legal Authority:** 43 USC 1740**CFR Citation:** 43 CFR 3100; 43 CFR 3104; 43 CFR 3154**Legal Deadline:** None

**Abstract:** This rule increases minimum bond amounts for individual lease bonds and Statewide bonds. It changes BLM's current policy of terminating only the period of liability of bonds. Under the new rule, we will cancel bonds after determining that all lease obligations are met. Finally, the rule clarifies the responsibilities of record title holders and operating rights owners. The final rule is based upon a portion of a proposed rule published with the RIN 1004-AC94.

**Timetable:**

Action	Date	FR Cite
NPRM	12/03/98	63 FR 66840
NPRM Comment Period End	07/19/99	
Final Action	02/00/05	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None

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**RIN:** 1004-AD56
**1831. LAND USE PLANNING**
**Priority:** Substantive, Nonsignificant**Legal Authority:** 43 USC 1711 to 1712**CFR Citation:** 43 CFR 1600**Legal Deadline:** None

**Abstract:** This rule will revise procedures relating to resource management planning. The rule is needed to emphasize the importance of working with Federal and State agencies and local and tribal governments through cooperating agency relationships in developing, amending, and revising BLM's resource management plans.

**Timetable:**

Action	Date	FR Cite
NPRM	07/20/04	69 FR 43378
NPRM Comment Period End	09/20/04	
Final Rule	01/00/05	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:**

Undetermined

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**RIN:** 1004-AD57
**Department of the Interior (DOI)**  
**Bureau of Land Management (BLM)**

Long-Term Actions

**1832. APPEALS PROCEDURES; HEARINGS PROCEDURES**
**Priority:** Info./Admin./Other**Legal Authority:** 43 USC 1740**CFR Citation:** 43 CFR 1840; 43 CFR 1850**Legal Deadline:** None

**Abstract:** BLM proposes to amend its regulations that govern administrative review procedures for protests of

proposed decisions contested appeals of BLM decisions, and hearings on the record. The proposed regulations would provide more consistent procedures for administrative review of BLM decisions, and would clarify when and how BLM decisions go into effect and whether an appeal will stay the effectiveness of a BLM decision.

**Timetable:**

Action	Date	FR Cite
NPRM	10/17/96	61 FR 54120
NPRM Comment Period End	01/17/97	61 FR 58160
Second NPRM	To Be	Determined

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

## DOI—BLM

## Long-Term Actions

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**Department of the Interior (DOI)**  
**Bureau of Land Management (BLM)**

## Completed Actions

**1833. LEASES, PERMITS, AND  
EASEMENTS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 43 CFR 2920

**Completed:**

Reason	Date	FR Cite
Final Rule for Minimum Impact Land Use Permits Only	06/24/04	69 FR 32351
Final Rule Effective for Minimum Impact Land Use Permits Only	07/24/96	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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RIN: 1004-AB51

**1834. SALES—FEDERAL LAND  
POLICY AND MANAGEMENT ACT**

**Priority:** Other Significant

**CFR Citation:** 43 CFR 2710

**Completed:**

Reason	Date	FR Cite
Withdrawn	09/27/04	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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RIN: 1004-AB77

**1835. COALBED METHANE  
DEVELOPMENT**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 43 CFR 3170

**Completed:**

Reason	Date	FR Cite
Withdrawn – No Further Action To Be Taken	09/27/04	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** David R. Stewart  
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RIN: 1004-AC27

**1836. DISPOSAL OF RESERVED  
MINERALS UNDER THE STOCK  
RAISING HOMESTEAD ACT**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 43 CFR 3814

**Completed:**

Reason	Date	FR Cite
Withdrawn	09/27/04	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:**

Undetermined

**Agency Contact:** Roger Haskins  
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RIN: 1004-AC59

**1837. INDIAN ALLOTMENTS**

**Priority:** Info./Admin./Other

**CFR Citation:** 43 CFR 2530

**Completed:**

Reason	Date	FR Cite
Withdrawn	09/27/04	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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RIN: 1004-AC77

**1838. CAREY ACT GRANTS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 43 CFR 2610

**Completed:**

Reason	Date	FR Cite
Withdrawn	09/27/04	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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RIN: 1004-AC80

**1839. OIL AND GAS LEASING AND  
OPERATIONS**

**Priority:** Other Significant

**CFR Citation:** 43 CFR 3100

**Completed:**

Reason	Date	FR Cite
Withdrawn	09/27/04	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local

**Agency Contact:** Ian Senio  
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RIN: 1004-AC94

**1840. HAZARDOUS MATERIALS  
COMPLIANCE**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 43 CFR 1890

**Completed:**

Reason	Date	FR Cite
Withdrawn – No Action To Be Taken	09/27/04	

## DOI—BLM

## Completed Actions

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Cynthia Ellis

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**RIN:** 1004-AD38**1841. SUPPLEMENTARY RULES FOR PUBLIC DEMONSTRATIONS AT GRAND STAIRCASE-ESCALANTE NATIONAL MONUMENT****Priority:** Substantive, Nonsignificant**CFR Citation:** 43 CFR 8365**Completed:**

Reason	Date	FR Cite
Withdrawn	09/27/04	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Ted Hudson

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**RIN:** 1004-AD40**1842. WILDERNESS MANAGEMENT****Priority:** Substantive, Nonsignificant**CFR Citation:** 43 CFR 6300**Completed:**

Reason	Date	FR Cite
Withdrawn	09/27/04	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Jeff Jarvis

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**Related RIN:** Related to 1004-AB69, Split from 1004-AD54**RIN:** 1004-AD46**1843. MINING CLAIMS UNDER THE GENERAL MINING LAWS; SURFACE MANAGEMENT****Priority:** Substantive, Nonsignificant**CFR Citation:** 43 CFR 3809**Completed:**

Reason	Date	FR Cite
Withdrawn	09/27/04	

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Agency Contact:** Michael H. Schwartz

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**RIN:** 1004-AD53**1844. WILDERNESS MANAGEMENT****Priority:** Substantive, Nonsignificant**CFR Citation:** 43 CFR 6300**Completed:**

Reason	Date	FR Cite
Withdrawn – No action to be taken at this time.	09/27/04	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Jeff Jarvis

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**Related RIN:** Related to 1004-AB69**RIN:** 1004-AD54**1845. LOCATION, RECORDING, AND MAINTENANCE OF MINING CLAIMS OR SITES****Priority:** Info./Admin./Other**CFR Citation:** 43 CFR 3830**Completed:**

Reason	Date	FR Cite
Final Action	07/01/04	69 FR 40293
Final Action Effective	06/30/04	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Roger Haskins

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**RIN:** 1004-AD62

BILLING CODE 4310-84-S

## Department of the Interior (DOI)

## Office of the Secretary (OS)

## Final Rule Stage

**1846. • PAYMENT IN LIEU OF TAXES****Priority:** Substantive, Nonsignificant**Legal Authority:** 31 USC 6901 through 6907**CFR Citation:** 43 CFR 44**Legal Deadline:** None**Abstract:** This rule amends the Code of Federal Regulations to reflect the transfer of responsibility for operating the Payment in Lieu of Taxes (PILT)

program from the Bureau of Land Management to the Department of the Interior (DOI), Office of the Secretary.

**Timetable:**

Action	Date	FR Cite
Final Rule	12/00/04	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Bill Howell, Department of the Interior, Office of the Secretary, 1849 C Street NW, Washington, DC 20240

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**RIN:** 1093-AA09

[FR Doc. 04-25763 Filed 12-10-04; 8:45 am]

BILLING CODE 4310-10-S