

Dated: May 24, 2006.

**Darlene F. Williams,**

*Assistant Secretary for Policy, Development and Research.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Endangered and Threatened Wildlife and Plants; Initiation of a 5-Year Review of the Northern Distinct Population Segment of the Copperbelly Water Snake

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

**ACTION:** Notice of review.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service, we), announces a 5-year review of the northern distinct population segment (DPS) (*i.e.*, in Michigan, Ohio, and Indiana north of 40 degrees north latitude) of the copperbelly water snake (*Nerodia erythrogaster neglecta*) under section 4(c)(2)(A) of the Endangered Species Act of 1973 (Act) (16 U.S.C. 1531 *et seq.*). We request any information on the snake that has become available since its original listing in 1997 (62 FR 4183) that has a bearing on its classification as threatened.

A 5-year review is a periodic process conducted to ensure that the classification of a listed species is appropriate. It is based on the best scientific and commercial data available at the time of the review. Based on the results of this 5-year review, we will make a finding of whether this species is properly classified under section 4(c)(2)(B) of the Act.

**DATES:** Information must be received no later than August 1, 2006.

**ADDRESSES:** Submit information to the U.S. Fish and Wildlife Service, Ecological Services Field Supervisor, 2651 Coolidge Road, Suite 101, East Lansing, Michigan 48823-6316, or electronic information to: [fw3copperbellywatersnake5year@fws.gov](mailto:fw3copperbellywatersnake5year@fws.gov). See **SUPPLEMENTARY INFORMATION** for file formats and other information.

**FOR FURTHER INFORMATION CONTACT:** Ms. Carrie Tansy, East Lansing Ecological Services Field Office (see **ADDRESSES**); telephone (517) 351-6289; facsimile (517) 351-1443. Individuals who are hearing impaired or speech impaired may call the Federal Relay Service at (800) 877-8337 for TTY assistance.

**SUPPLEMENTARY INFORMATION:** Under the Act, the Service maintains a list of

endangered and threatened wildlife and plant species (List) at 50 CFR 17.11 and 17.12. Amendments to the List through final rules are published in the **Federal Register**. The Lists of wildlife and plants are available on our Internet site at <http://www.fws.gov/endangered/wildlife/html#species>. Section 4(c)(2)(A) of the Act requires that we conduct a review of listed species at least once every five years. Section 4(c)(2)(B) requires that we determine (1) whether a species no longer meets the definition of threatened or endangered and should be removed from the List (delisted); (2) whether a species more properly meets the definition of threatened and should be reclassified from endangered to threatened; or (3) whether a species more properly meets the definition of endangered and should be reclassified from threatened to endangered. Using the best scientific and commercial data available, a species will be considered for delisting if the data substantiate that the species is neither endangered nor threatened for one or more of the following reasons: (1) The species is considered extinct; (2) the species is considered to be recovered; and/or (3) the original data available when the species was listed, or the interpretation of such data, were in error. Any change in Federal classification requires a separate rulemaking process. The regulations in 50 CFR 424.21 require that we publish a notice in the **Federal Register** announcing those species currently under active review. This announces our active review of the northern DPS of the copperbelly water snake.

#### Public Solicitation of New Information

To ensure that the 5-year review is complete and based on the best scientific and commercial data available, we are soliciting new information from the public, concerned governmental agencies, tribes, the scientific community, industry, environmental entities, and any other interested parties concerning the status of the northern DPS of the copperbelly water snake. A 5-year review considers the best scientific and commercial data and all new information that has become available since the listing determination or most recent status review. Requested information includes (A) species biology, including but not limited to population trends, distribution, abundance, demographics, and genetics; (B) habitat conditions, including but not limited to amount, distribution, and suitability; (C) conservation measures that have been implemented that benefit the species; (D) threat status and trends; and (E)

other new information, data, or corrections, including but not limited to taxonomic or nomenclature changes, identification of erroneous information contained in the List, and improved analytical methods.

The copperbelly water snake was listed as a distinct population segment of a vertebrate taxon. The listed DPS occurs in Michigan, Ohio, and Indiana north of 40 degrees north latitude (approximately Indianapolis, Indiana). A distinct vertebrate population segment is defined in the February 7, 1996, Policy Regarding the Recognition of Distinct Vertebrate Population Segments (61 FR 4722). For a population to be listed under the Act as a DPS, three elements are considered: (1) The discreteness of the population segment in relation to the remainder of the species to which it belongs; (2) the significance of the population segment to the species to which it belongs; and (3) the population segment's conservation status in relation to the Act's standards for listing (*i.e.*, is the population segment endangered or threatened?). Distinct population segments of vertebrate species, as well as subspecies of all listed species, may be proposed for separate reclassification or for removal from the List. As required by the DPS policy, we will assess the validity of the current DPS designation during the 5-year review. The southern population (*i.e.*, in Illinois, Kentucky, and Indiana south of 40 degrees north latitude) is not listed as a threatened species at this time and is not part of this 5-year review.

#### Electronic Access and Filing

You must submit electronic information (see **ADDRESSES**) in MS Word, Rich Text format, or Plain Text format, and include "Copperbelly Water Snake 5-Year Review Comments" in the title line.

You may submit your comments and materials to the U.S. Fish and Wildlife Service, Ecological Services Field Supervisor (see **ADDRESSES**) no later than the close of the comment period (see **DATES**) to allow us adequate time to conduct this 5-year review. If you do not respond to this request for information but subsequently possess information on the status of this species, we are eager to receive new information regarding federally listed species at any time.

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Respondents may request that we withhold a respondent's identity, as allowable by law. If you wish us to

withhold your name or address, you must state this request prominently at the beginning of your comment. We will not, however, consider anonymous comments. To the extent consistent with applicable law, we will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety. Information received in response to this notice and review will be available for public inspection, by appointment, during normal business hours (see **ADDRESSES**).

**Authority:** This document is published under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: May 19, 2006.

**Wendi Weber,**

*Assistant Regional Director, Ecological Services, Region 3.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### **Preparation of an Environmental Impact Statement for the Paiute Cutthroat Trout Restoration Project, Carson-Iceberg Wilderness, Humboldt-Toiyabe National Forest, Alpine County, CA**

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

**ACTION:** Notice of intent of public scoping.

**SUMMARY:** Pursuant to the National Environmental Policy Act (NEPA) (42 U.S.C. 4321, *et seq.*), the Fish and Wildlife Service (Service) as the lead agency, advises the public that we intend to gather information necessary to prepare, in cooperation with the United States Department of Agriculture Forest Service (Forest Service), an Environmental Impact Statement (EIS) on the proposed Paiute Cutthroat Trout Restoration Project (Project). The Forest Service is a cooperating agency because activities within designated wilderness on National Forest System lands require Forest Service approval (36 CFR 261.9f, 293.6c).

The Service provides this notice to: (1) Describe the proposed action and possible alternatives; (2) advise other Federal and State agencies, affected Tribes, and the public of our intent to prepare an EIS; (3) announce the initiation of a 30-day public scoping

period; and (4) obtain suggestions and information on the scope of issues and alternatives to be included in the EIS.

**DATES:** A public meeting will be held on: June 19, 2006 from 4 to 7 p.m. Written comments should be received on or before July 3, 2006.

**ADDRESSES:** The public meeting will be held at Turtle Rock Park Community Center 17300 State Route 89 Markleeville, California 96120. Information, written comments, or questions related to the preparation of the EIS and the NEPA process should be submitted to Robert D. Williams, Field Supervisor, Fish and Wildlife Service, Nevada Fish and Wildlife Office, 1340 Financial Boulevard, Suite 234, Reno, Nevada 89502; or FAX (775) 861-6301. Comments may be submitted electronically to [fw8pctcomments@fws.gov](mailto:fw8pctcomments@fws.gov).

**FOR FURTHER INFORMATION CONTACT:** Chad Mellison (See **ADDRESSES**) at (775) 861-6300.

#### **SUPPLEMENTARY INFORMATION:**

##### **Reasonable Accommodation**

Persons needing reasonable accommodations in order to attend and participate in the public meeting should contact Chad Mellison (See **ADDRESSES**) at (775) 861-6300 as soon as possible. In order to allow sufficient time to process requests, please call no later than one week before the public meeting. Information regarding this proposed action is available in alternative formats upon request.

##### **Authority**

This action is done in accordance with Recovery implementation section 4(f)(2) of the Endangered Species Act of 1973, as amended (ESA).

##### **Background**

At the time of its original listing as endangered under the Endangered Species Protection Act of 1966, non-native trout were considered a threat to the Paiute cutthroat trout (PCT; *Oncorhynchus clarki seleniris*). In 1975, PCT were reclassified as threatened under the Endangered Species Act of 1973, and a 4(d) rule was issued to facilitate management between California Department of Fish and Game and the Service. In order to recover the subspecies, non-native trout need to be removed from their historic habitat and PCT reintroduced as specified in the 2004 Revised PCT Recovery Plan. Without this project, PCT in the Silver King drainage will continue to be at risk from an illegal introduction of non-native trout and/or stochastic (one time) events such as a large fire or flood.

Recovery of the species cannot be achieved without this project and the long-term survival of the species will be in doubt.

We propose to eradicate non-native trout with the piscicide rotenone from 14.7 kilometers (9.1 miles) of historic PCT habitat, in Silver King Creek, from Llewellyn Falls downstream to Silver King Canyon as well as the accessible reaches of three small named tributaries: Tamarack Creek, Tamarack Lake Creek, the lower reaches of Coyote Valley Creek downstream of barrier falls, and Tamarack Lake.

#### **Environmental Impact Statement**

The Service has selected Entrix to prepare the EIS. Entrix will prepare the EIS under the supervision of the Service, which will be responsible for the scope and content of the NEPA document.

NEPA (42 U.S.C. 4321 *et seq.*) requires that Federal agencies conduct and environmental analysis of their proposed actions to determine if the actions may significantly affect the human environment. Under NEPA, a reasonable range of alternatives to proposed projects is developed and considered in the Services' environmental review. Alternatives considered for analysis in an EIS may include: Variations in the scope of proposed activities; variations in the location, amount, and types of conservation; variations in activity duration; or, a combination of these elements. In addition, the EIS will identify potentially significant direct, indirect, and cumulative impacts on biological resources, land use, air quality, water quality, water resources, socio-economics, and other environmental issues that could occur with the implementation of the proposed action and alternatives. For all potentially significant impacts, the EIS will identify avoidance, minimization, and mitigation measures to reduce these impacts, where feasible, to a level below significance.

The EIS will consider the proposed action, no action, and a reasonable range of alternatives. A detailed description of the impacts of the proposed action and each alternative will be included in the EIS. The alternatives to be considered for analysis in the EIS may include: Various fish removal methods; variations in timing; or, a combination of these elements.

#### **Request for Comments**

The primary purpose of the scoping process is for the public to assist the Services in developing the EIS by identifying important issues and