

scaleshell where zebra mussels have not become established.

The scaleshell will be considered for delisting when the likelihood of the species becoming threatened in the foreseeable future has been eliminated by the achievement of the following criteria: (1) Through protection of existing populations, successful establishment of reintroduced populations, or discovery of additional populations, a total of eight stream populations exist in separate watersheds, one located in the Upper Mississippi Basin, four in the Middle Mississippi River Basin (including two east of the Mississippi River), and three in the Lower Mississippi River Basin, and each of these is made up of four local and geographically distinct populations; (2) all local populations are persistent and viable in terms of population size, age structure, and recruitment; (3) each local population and their habitat are sufficiently protected from any present and foreseeable threats that would jeopardize their continued existence; (4) measures are in place to prevent the spread of zebra mussels into habitat occupied by the scaleshell where zebra mussels have not become established; and (5) water quality criteria may be added to the recovery criteria for delisting upon completion of the tasks referred to under the recovery criteria for reclassification. Additional detail on downlisting and delisting criteria is available in the draft recovery plan.

These criteria will be met through the following actions: (1) Prevent the extirpation and stabilize existing populations through artificial propagation; (2) form partnerships and use existing programs to protect remaining populations, restore habitat, and improve surface lands; (3) improve understanding of the biology and ecology of scaleshell; (4) further delineate the current status and distribution of scaleshell; (5) restore degraded habitat in areas of historical range; (6) reintroduce scaleshell into portions of its former range; (7) initiate various educational and public outreach actions to heighten awareness of the scaleshell as an endangered species and solicit help with recovery actions; and (8) track recovery and conduct periodic evaluations with respect to recovery criteria.

#### Public Comments Solicited

The Service solicits written comments on the draft recovery plan. All comments received by the date specified will be considered prior to approval of the plan. Written comments and materials regarding the plan should be

sent to the Field Supervisor, Ecological Services Field Office (*see ADDRESSES* section). Comments received will be available for public inspection by appointment during normal business hours.

**Authority:** The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: July 14, 2004.

**Ms. Lynn Lewis,**

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

[FR Doc. 04-17974 Filed 8-5-04; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Notice of Availability of the Hungerford's Crawling Water Beetle (*Brychius hungerfordi*) Draft Recovery Plan for Review and Comment

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

**ACTION:** Notice of document availability.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service) announces availability for public review of the draft recovery plan for the Hungerford's crawling water beetle (*Brychius hungerfordi*), a species that is federally listed as endangered under the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*). The purpose of this plan is to recover this species so that it can be removed from the list of Threatened and Endangered Species. The species is only known to occur at four sites in Michigan and one site in Ontario, Canada. The Service solicits review and comment from the public on this draft plan.

**DATES:** Comments on the draft recovery plan must be received on or before September 7, 2004.

**ADDRESSES:** Persons wishing to review the draft recovery plan may obtain a copy by contacting the Field Supervisor, U.S. Fish and Wildlife Service, Ecological Services Field Office, 2651 Coolidge Road, Suite 101, East Lansing, Michigan 48823-6316 (telephone (517) 351-2555) or by accessing the Web site: <http://midwest.fws.gov/Endangered>.

**FOR FURTHER INFORMATION CONTACT:** Ms. Carrie Tansy at the above address and telephone (ext. 289). TTY users may contact Ms. Tansy through the Federal Relay Service at (800) 877-8339.

#### SUPPLEMENTARY INFORMATION:

##### Background

Restoring an endangered or threatened animal or plant to the point

where it is again a secure self-sustaining member of its ecosystem is a primary goal of the Service's endangered species program. To help guide the recovery effort, the Service is working to prepare recovery plans for most of the federally listed threatened and endangered species native to the United States. Recovery plans describe actions considered necessary for conservation of the species, establish criteria for reclassification and delisting, and provide estimates of the time and costs for implementing the recovery measures.

The Act requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act, as amended in 1988, requires that public notice and opportunity for public review and comment be provided during recovery plan development. The Service will consider all information presented during a public comment period prior to approval of each new or revised recovery plan. The Service and other Federal agencies will also take these comments into consideration in the course of implementing approved recovery plans.

Hungerford's crawling water beetle was listed as endangered on March 7, 1994. At the time of its listing, this species was known to occur at only three locations—two in Michigan and one in Ontario, Canada. Since then, two additional sites in Michigan have been discovered. The distribution of this species prior to its discovery in 1952 is not known. Currently, only one site is believed to support a stable population of the species. The species occurs in low numbers at the other four sites, and the status of these populations is not known. Hungerford's crawling water beetle is an aquatic species that is found in streams downstream from culverts, beaver and natural debris dams, and human-made impoundments. It is found in areas of streams with good aeration, moderate to fast flow, inorganic substrate, and alkaline water conditions. Very little information is available on the life history and habitat requirements of this species. Threats appear to be related to habitat alteration and degradation of water quality, and may include habitat modification, fish management activities, and human disturbance. Factors limiting the species distribution are not known. The small size and limited distribution of Hungerford's crawling water beetle make it vulnerable to chance demographic and environmental events. The draft recovery plan recommends research to examine important

components of the species' biology and ecology that will contribute greatly to the recovery program.

Hungerford's crawling water beetle will be considered for downlisting to threatened status when the likelihood of the species becoming extinct in the foreseeable future has been eliminated by the achievement of the following interim criteria: (1) Life history, ecology, population biology, and habitat requirements are understood well enough to fully identify threats; and (2) a minimum of four U.S. populations, in at least two different watersheds, have had stable or increasing populations for at least 10 years.

Hungerford's crawling water beetle will be considered for delisting when the likelihood of the species becoming threatened in the foreseeable future has been eliminated by the achievement of the following interim criteria: (1) Identify and protect habitat necessary for long-term survival and recovery; and (2) a minimum of four U.S. populations, in at least two different watersheds, are sufficiently secure and adequately managed to assure long-term viability. The recovery criteria are interim because further research is needed to make them fully measurable. As new information about the species becomes available, and if new populations of the species are discovered, the recovery criteria will be revised. Additional detail on downlisting and delisting criteria is available in the draft recovery plan.

These criteria will be met through the following actions: (1) Protect known sites; (2) conduct scientific research to facilitate recovery; (3) conduct additional surveys and monitor existing sites; (4) develop and implement public education and outreach; (5) revise recovery criteria and recovery tasks, as appropriate, based on research and new information; and (6) develop a plan to monitor *B. hungerfordi* after it is delisted.

#### Public Comments Solicited

The Service solicits written comments on the draft recovery plan. All comments received by the date specified will be considered prior to approval of the plan. Written comments and materials regarding the plan should be sent to the Field Supervisor, Ecological Services Field Office (see **ADDRESSES** section). Comments received will be available for public inspection by appointment during normal business hours.

**Authority:** The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: July 23, 2004.

**Mr. Robert Krska,**

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

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## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### Yurok Tribe Sale and Consumption of Alcoholic Beverages

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice.

**SUMMARY:** This notice publishes the Yurok Tribe's Liquor Control Ordinance. The Ordinance regulates and controls the possession, sale and consumption of liquor on the Yurok Reservation. This ordinance allows for the possession and sale of alcoholic beverages on the Yurok Reservation, permits alcohol sales by tribally owned and operated enterprises, and increases the ability of the tribal government to control Reservation liquor distribution and possession. At the same time, it will provide an important source of revenue for the continued operation and strengthening of the tribal government and the delivery of tribal services.

**EFFECTIVE DATE:** This Code is effective on August 6, 2004.

**FOR FURTHER INFORMATION CONTACT:** Clay Gregory, Acting Regional Director, Pacific Regional Office, 2800 Cottage Way, Sacramento, CA 95825; Telephone (916) 978-6000 or Ralph Gonzales, Office of Tribal Services, Bureau of Indian Affairs, 1951 Constitution Avenue, NW., MS-320-SIB, Washington, DC 20240; telephone (202) 513-7629.

**SUPPLEMENTARY INFORMATION:** Pursuant to the Act of August 15, 1953, Public Law 83-277, 67 Stat. 586, 18 U.S.C. 1161, as interpreted by the Supreme Court in *Rice v. Rehner*, 463 U.S. 713 (1983), the Secretary of the Interior shall certify and publish in the **Federal Register** notice of adopted liquor ordinances for the purpose of regulating liquor transactions in Indian country. The Yurok Tribe adopted the Liquor Ordinance on December 19, 2003. The purpose of this ordinance is to govern the sale, possession and distribution of alcohol on the Yurok Reservation.

This notice is published in accordance with the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs.

I certify that the Yurok Tribe's Liquor Ordinance was duly adopted by the

Yurok Tribal Council on December 19, 2003.

Dated: July 30, 2004.

**David W. Anderson,**

*Assistant Secretary—Indian Affairs.*

#### Yurok Tribe of California Liquor Control Ordinance

*Be it enacted* by the Tribal Council of the Yurok Tribe of California as follows:

**Article 1: Name:** This statute shall be known as the Yurok Tribe Liquor Control Ordinance.

**Article 2: Authority:** This statute is enacted pursuant to the Act of August 15, 1953, (Pub. L. 83-277, 67 Stat. 588, 18 U.S.C. 1161) and Article VI of the Constitution of the Yurok Tribe of California.

**Article 3: Purpose:** The purpose of this statute is to regulate and control the possession and sale of liquor on the Yurok Reservation, and to permit alcohol sales by tribally owned and operated enterprises, and at tribally approved special events, for the purpose of the economic development of the Tribe. The enactment of a tribal statute governing liquor possession and sales on the Yurok Reservation will increase the ability of the tribal government to control Reservation liquor distribution and possession, and will provide an important source of revenue for the continued operations and strengthening of the tribal government, the economic viability of tribal enterprises, and the delivery of tribal government services. This Liquor Control Ordinance is in conformity with the laws of the State of California as required by 18 U.S.C. 1161, and with all applicable federal laws.

**Article 4: Effective Date:** This statute shall be effective as of the date of its publication in the **Federal Register**.

**Article 5: Possession of Alcohol:** The introduction or possession of alcoholic beverages shall be lawful within the exterior boundaries of the Yurok Reservation, provided that such sales are in conformity with the laws of the State of California.

**Article 6: Sales of Alcohol:**

(a) The sale of alcoholic beverages by business enterprises owned by and subject to the control of the Tribe shall be lawful within the exterior boundaries of the Yurok Reservation; provided that such sales are in conformity with the laws of the State of California.

(b) The sale of alcoholic beverages by the drink at special events authorized by the Tribe shall be lawful within the exterior boundaries of the Yurok Reservation; provided that such sales are in conformity with the laws of the State of California and with prior approval by the Tribe.