

community; (3) Protection and enhancement of habitat for migratory birds; (4) Protection and enhancement of Refuge habitat to sustain healthy populations of native fish and wildlife in addition to migratory birds; (5) Restoration of native threatened and endangered species on Refuge lands; (6) Development of a database of pertinent scientific information regarding Refuge habitats and wildlife; (7) Provision of quality consumptive and non-consumptive wildlife-dependent public use; (8) Development of education and outreach programs that enable the public to 1—understand, enjoy and value the fish and wildlife resources found on and off the Refuge, 2—understand events and issues related to these resources, and 3—act to promote fish and wildlife conservation; (9) Compliance with historic and archaeological resource protection laws and regulations; and (10) Institution of an efficient administration that supports accomplishment of Refuge objectives. Some of the specific actions proposed to achieve these goals include but are not necessarily limited to the following strategies:

- Acquire lands within the proposed refuge boundary as they become available from willing sellers;
- Restore bottomland hardwood forest in floodplain areas previously converted to pecan orchard, cropland or pasture;
- Control excessive or prolonged flooding in bottomland forests through the installation of water control structures in existing beaver dams and/or control of problem beaver populations;
- Develop green tree reservoirs, moist soil units and other managed wetlands where conditions support their creation to enhance habitat for waterfowl;
- Develop a recreational trail and visitor contact center;
- Map and monitor wildlife habitats;
- Establish three waterfowl sanctuaries closed to all public entry (2,500 acres total);
- Convert all exotic grass pastureland to bottomland hardwood, wetland or tallgrass prairie conditions that originally existed on the sites.

Based on a review and evaluation of the information contained in the CCP and EA for Deep Fork National Wildlife Refuge, the Regional Director, Southwest Region, U.S. Fish and Wildlife Service, has determined that the approval of the individual or cumulative approaches reflected in the Proposed Alternative and CCP Goals, Objectives and Strategies, is not deemed to constitute a major Federal action which would significantly affect the

quality of the human environment within the meaning of Section 102(2)(c) of the National Environmental Policy Act (NEPA). Therefore, an Environmental Impact Statement is not required. However, it is the intent of the Service to revisit questions of potential significant environmental consequences in accordance with NEPA upon consideration of the implementation of site specific proposals called for and discussed in the final plan document.

**ADDRESSES:** Copies may be obtained by writing to: Mr. John Slown, AICP, Biologist/Conservation Planner, Division of Refuges, U.S. Fish and Wildlife Service, P. O. Box 1306, Albuquerque, NM 87103-1306.

**SUPPLEMENTARY INFORMATION:** It is Service policy to have all lands within the National Wildlife Refuge System managed in accordance with an approved CCP. The CCP guides management decisions and identifies refuge goals, long-range objectives, and strategies for achieving refuge purposes. The planning process has considered many elements, including habitat and wildlife management, habitat protection and acquisition, public and recreational uses, and cultural resources. Public input into this planning process has assisted in the development of these documents. The CCP will provide other agencies and the public with a clear understanding of the desired conditions for the Refuge and how the Service will implement management strategies.

The Service considered comments and advice generated in response to a draft document issued April 1999. The Service is furnishing this notice in compliance with Service CCP policy to advise other agencies and the public of the availability of the final documents.

Dated: October 7, 1999.

**Stephen W. Perry,**

*Acting Regional Director, Albuquerque, NM.*  
[FR Doc. 99-28124 Filed 10-27-99; 8:45 am]

**BILLING CODE 4310-55-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Issuance of Permit for Incidental Take of Threatened Species

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

**ACTION:** Notice of permit issuance.

On June 3, 1999, a notice was published in the **Federal Register**, vol. 64, no. 106 and FR 29873, that an application was filed with the Fish and Wildlife Service by Douglas County, Colorado, for a permit to incidentally

take, pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973 (16 U.S.C. 1539), as amended, Preble's meadow jumping mouse (*Zapus hudsonius preblei*) in Douglas County, Colorado, pursuant to the terms of Maytag Trail Habitat Conservation Plan.

Notice is hereby given that on October 12, 1999, as authorized by the provisions of the Act, the Service issued a permit (PRT-TE018090) to the above named party subject to certain conditions set forth therein. The permit was granted only after the Service determined that it was applied for in good faith, that granting the permit would not be to the disadvantage of the threatened species, and that it was consistent with the purposes and policy set forth in the Endangered Species Act, as amended.

Additional information on this permit action may be requested by contacting the Field Supervisor, Fish and Wildlife Service, 755 Parfet Street, Suite 361, Lakewood, Colorado 80215, telephone (303) 275-2370, between the hours of 8:00 a.m. and 4:00 p.m. weekdays.

Dated: October 20, 1999.

**Terry T. Terrell,**

*Deputy Regional Director, Denver, Colorado.*

[FR Doc. 99-28140 Filed 10-27-99; 8:45 am]

**BILLING CODE 4310-55-M**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

**RIN 1018-AF63**

#### Proposed Policy on General Conservation Permits

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

**ACTION:** Notice.

**SUMMARY:** The Service announces a proposed policy to enhance the use of permits as conservation tools by granting general conservation permits under a number of wildlife and plant laws and treaties. The 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. It establishes a framework for us to evaluate permit applications based on a risk assessment and grant a general conservation permit under certain circumstances to professionals conducting scientific, management, and conservation activities. This proposed policy is intended to complement the current system used to process permit applications.

The development of this policy is the first step in an ongoing review of our permits programs. We also are developing a long-term implementation plan for permits reform, will be conducting a study of existing successful permits programs and practices, and anticipate forming a permits process advisory committee.

**DATES:** Send public comments on this notice by December 27, 1999.

**ADDRESSES:** Send comments to the Chief, Office of Management Authority, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203. Materials received will be available for public inspection by appointment from 8 a.m. to 4 p.m., Monday through Friday, at the Office of Management Authority.

**FOR FURTHER INFORMATION CONTACT:** Teiko Saito, Chief, Office of Management Authority, at the above address, telephone (703) 358-2093 or fax (703) 358-2280.

**SUPPLEMENTARY INFORMATION:**

**Background**

We implement a number of wildlife and plant laws and treaties, including the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), Migratory Bird Treaty Act (MBTA), Lacey Act, Bald and Golden Eagle Protection Act (BGEPA), Wild Bird Conservation Act (WBCA), Endangered Species Act (ESA), and Marine Mammal Protection Act (MMPA). Each of these laws and treaties provides for permits to be issued for otherwise prohibited activities under specific circumstances. Permits are a means of regulating human activities that can have an impact on populations of protected wildlife and plants, thereby conserving these species and their habitats for future generations. Our goal in administering the permits programs is to foster conservation of protected species and their habitats, while imposing the least possible burden on the affected public.

Over the past several years, certain wildlife and plant professionals and conservation organizations have raised concerns about our permits programs. Their concerns have centered on the need for a better approach to programmatic permitting and the need to recognize scientific and conservation organizations conducting work with protected species as partners in resource conservation. These individuals and organizations believe that our current permits system is a disincentive to working with protected species, and at times even impedes scientific investigation, conservation, and

endangered and threatened species recovery efforts.

Last year, we established a Permits Work Group to review concerns raised about our permits programs and to make recommendations on how to address the concerns. Members of the work group include representatives from our permits programs in the Washington Office and in each of the seven regions. They include managers of permits programs, as well as legal instruments examiners and biologists who review permit applications.

On August 10, 1998, we published a scoping notice in the **Federal Register** (63 FR 42639). We described the four programs that administer permits—Office of Management Authority, Office of Law Enforcement, Division of Endangered Species, and Office of Migratory Bird Management—and summarized the permits initiatives currently being undertaken within the four programs. We also asked for comments on the development of a policy that would approach permits as conservation tools and provide a more efficient permits process that would be consistently implemented Service-wide, with a focus on scientific research and scientific and conservation institutions that meet certain high biological and legal standards (i.e., paragraph C of the proposed policy outlines these standards).

**Summary of Comments**

We received 135 comments from 4 Federal agencies, 57 individuals (including 30 form letters from individuals who rehabilitate migratory birds), 6 foreign entities, 8 State or county government agencies, 17 museums, and 43 organizations. There was a wide range of comments that addressed not only policy development for scientific and conservation permits, but the permits process as a whole for all types of applicants.

Members of one organization were strongly opposed to our specific proposal to identify cooperators from scientific and conservation institutions, streamline the approval of permits for these cooperators, and/or issue general permits. They considered the current permits process to be "extraordinarily" easy and expected to see a high threshold of proof applied to ensure that permits are granted in a precautionary manner. They did not believe that permit decisions could be generalized. They asserted that, while an institution may be noteworthy for its contribution to conservation of one particular species, it may have no expertise in the conservation of another. They also believed that any kind of pre-approval

process would limit public access to information on applicants and their proposed activities.

Other commenters generally supported the development of a new permits policy and either identified problems and/or made suggestions on changes that could improve the current permits programs. The following briefly summarizes these other general comments and suggested solutions received from the public and/or identified by the Permits Work Group. The identified problems and suggested solutions are not given in any priority order, nor is the inclusion of a problem or suggestion an indication that we agree with it or will be able to implement it. We have reviewed all the comments, incorporated some ideas into this proposed policy, and are considering others in the ongoing review of our permits programs.

**Problem Identified:** Sometimes permit applications, amendments, and renewals are not processed in a timely manner, and there are no regulatory time limits for processing such actions.

**Suggested Solutions:** Establish mandatory time frames for processing permit applications; specify review due dates for low-risk transactions; evaluate staffing needs; establish time frames/guidelines for reviewing offices; notify the public of any anticipated delays in processing permits; use the new computer system, Service Permit Issuance and Tracking System (SPITS), for more efficient permits processing; use general advices, findings, and biological opinions, where appropriate; streamline the renewal process and reporting requirements; allow electronic/faxed submission of applications; develop a system to check the status of an application by phone or internet; and allow payment of fees by credit card.

**Problem Identified:** The permit process is too complex. It is difficult to understand how our programs process applications and what office to contact for a specific type of permit. Applicants must submit duplicate information for each permit.

**Suggested Solutions:** Evaluate whether permits are being issued by the appropriate office or program; establish a single point of contact for permits; conduct a study of successful permit programs; establish an electronic species query for all wildlife and plant laws; provide on the internet general information on our permits programs and whom to contact; harmonize CITES and ESA species listings; simplify application forms with clear guidance on what is needed and why; establish an applicant master file for baseline

information that can be accessed by all permits offices to reduce duplication; register captive-breeding or plant propagation facilities to expedite issuance of permits; and issue or renew permits even if the project is not currently funded.

*Problem Identified:* Permit regulations are not clear, are out of date, or take too long to develop. Policies and procedures are unclear and not available to the public. There is confusion about terms we use.

*Suggested Solutions:* Establish time frames to update regulations, internal practices, and policies; establish a cross-program team to coordinate review and ensure consistency; convert regulations to plain English; involve constituents by establishing a task force or advisory council to assist in formulating regulations and policies and in discussions of permit issues; notify permittees of changes in a timely manner; develop guidance, policy, or regulations on the following: development of special rules under section 4(d) of the ESA; use of euthanasia; import of sport-hunted trophies; rehabilitation of wildlife; use of ESA-listed species in educational programs; and placement of salvaged, incidentally taken, deceased, or seized wildlife and plants.

*Problem Identified:* Applicants have no specific guidelines on how to submit a successful application. The public is unfamiliar with laws and regulations that apply to their proposed activities and the multitude and complexity of the different permit application requirements and issuance criteria. Experts in conservation are not always experts in dealing with the permit process.

*Suggested Solutions:* Create a permits clearinghouse and/or toll-free hotline; develop a handbook for applicants; develop more fact sheets to assist the public in understanding the laws and permit procedures; test effectiveness of current application forms and continue to simplify the forms as appropriate; create one Service permits web page and fax retrieval system; develop a permits outreach plan; and publicize improvements in the permits system.

*Problem Identified:* Permits need to be combined. A single transaction may require multiple permits with differing effective dates, reporting requirements, and conditions.

*Suggested Solutions:* Review current permit types to develop combined terms and conditions so one permit can be issued for multiple authorizations; issue permits for longer periods of time, if appropriate; consolidate annual reporting requirements; expedite

process to add new species or activities to an existing permit; and allow other Department of the Interior (DOI) agencies to act as subpermittees under regional permits.

*Problem Identified:* Too many permits are required at different levels of government (i.e., State, Federal, and foreign). It is difficult to comply with foreign law.

*Suggested Solutions:* Coordinate with State and other Federal permitting agencies; link our web site to other sites that contain information on State, Federal, and foreign permitting programs, including copies of foreign and State wildlife and plant laws and addresses of foreign and State conservation agencies; and work with other countries to standardize permits procedures.

*Problem Identified:* Port clearance needs to be simplified. People would like to import or export wildlife through any Customs port. Some believe that the import and export clearance of non-protected wildlife is burdensome.

*Suggested Solutions:* Register all permanently marked museum specimens and require no further permits (if existing laws and treaties allow) or clearance to transfer them; allow the clearance of low-risk specimens at Customs ports; increase the number of designated ports and inspectors at border ports; eliminate the filing of a Wildlife Declaration form for non-protected insects; and allow the electronic filing of the Wildlife Declaration form.

*Problem Identified:* Weaknesses in the Service's internal communication and coordination have created inconsistencies in interpreting and implementing policies and regulations from region to region and among programs.

*Suggested Solutions:* Establish one-stop shopping through one Service-wide permits program or one permits office in each region; create a Washington office permits coordinator for each program; create a national permits team; develop permits handbooks and national internal guidance; hold annual internal permits training and workshops; use SPITS to share data and improve coordination; harmonize permit applications across programs; review permit terms and conditions to make them consistent and reasonable; and establish a Washington office ombudsman to referee regional inconsistencies and consider complaints.

*Problem Identified:* The Service neither recognizes the efforts or contributions of partners (including State agencies, research institutions,

conservation organizations, non-Federal recovery team members, range states) and other NGOs, nor utilizes the expertise available in scientific and conservation institutions. We need to give greater recognition to the inherent value of research.

*Suggested Solutions:* Include individuals, zoos, and landowners as partners; increase communication and outreach; utilize experts and peer review; increase collaboration with State wildlife and plant agencies in permit decisions; establish electronic links with institutional databases for tracking specimens; give public recognition to conservation partners; and develop incentive programs for private landowners.

*Problem Identified:* The current system serves as a disincentive to engage in conservation activities or work with protected species; impedes scientific investigation, conservation, and endangered and threatened species recovery efforts; and exists first to enforce regulations and only secondly to conserve wildlife and plants and their biodiversity. Current regulations and their implementation focus on each action and animal, rather than assisting in scientific or conservation efforts. The Service does not view the import of sport-hunted trophies as a conservation tool and needs to be more supportive of foreign range countries' conservation programs.

*Suggested Solutions:* Open up discussion of systemic shortcomings before moving forward with permit reform; issue programmatic permits; identify low-, medium-, and high-risk activities; allow for low-risk, non-specified activities; involve external conservation and research professionals in developing criteria for permit issuance; base decisions on good science; consider cumulative effects; simplify process for obtaining permits; expedite the processing of permits, especially for captive-bred animals; and establish a monitoring program for Safe Harbor Agreements.

*Problem Identified:* The Service does not use risk management in administering the permits programs and micro-manages low-risk specimens (e.g., pre-CITES, accessioned museum specimens).

*Suggested Solutions:* Evaluate program-based or general permits for activities and species within the scientific scope of a research project under all laws and across our programs; consider the following options: (1) For scientific and conservation institutions, develop standardized criteria for excellence that qualify them for general permits and pre-approve such

cooperators to receive individual CITES permits on a streamlined basis; (2) develop a two-tiered, risk-based system that would not require people to obtain individual permits for research activities for low-risk species (i.e., species other than ones listed under the ESA as endangered or threatened or migratory birds of special concern); (3) develop an accreditation system that would allow legitimate members of the scientific community to conduct their research programs without intensive oversight; and (4) allow multiple-use permits for low-risk activities.

**Problem Identified:** The current process places too much emphasis on preventing unqualified persons from getting permits, not on facilitating conservation by qualified persons. There are no policies outlining factors to be considered for the issuance of program-based or general permits.

**Suggested Solutions:** Criteria for issuing permits should be flexible and consider principles of adaptive management; factors to be considered should include: (1) The types of activities (e.g., ecosystem-level activities; conservation efforts; import and export of tissue samples; activities and species that are the same or similar to those previously approved; and activities with SSP (Species Survival Plan) species); (2) qualifications of person or institution (e.g., a specific person based on their research; a master permit holder who designates subpermittees; an individual with demonstrated successful conservation activities; members accredited by a professional organization such as the American Museum Association; or an institution registered under CITES); (3) record of compliance with wildlife and plant laws; (4) resources available to accomplish the project; (5) record of compliance with permit terms and conditions; (6) permit terms and conditions that require permittees to submit annual reports that allow us to spot check activities and records, and to re-qualify periodically; and (7) revocation of permits if requirements are not met.

**Problem Identified:** There has been an increase in the complexity of permit issues and numbers of permits without a corresponding increase in staff.

**Suggested Solutions:** Analyze workload, issues, and priorities of permits programs; allocate resources between management of generally harmless activities (e.g., import of research samples collected ancillary to species' conservation programs and education) versus activities that are potentially harmful (e.g., lethal take of ESA-listed species); and develop an

ongoing approach to identify permit problems and dialogue to resolve them.

#### **Future Steps**

This proposed policy is the first step in a series of actions we will undertake to make the processing and administration of permits more effective. It also serves as a model for us to evaluate other types of permit activities, the risks to a species and its habitat associated with those activities, and how we can look at them differently.

In addition to considering the concerns we have heard to date, we believe we need to work to a greater extent with others to find innovative solutions to the increasingly complex issues associated with species management and conservation, and human activities. Thus, we are developing a long-term implementation plan, will be conducting a study to see what successful approaches to permitting are in place by other private organizations and public agencies, and will consider forming an advisory committee that would establish a forum for continuous dialogue on creative approaches to permitting and ensure that we hear diverse points of view.

At the same time, we will proceed with the permits initiatives undertaken in the last few years. These initiatives are in various stages of development and implementation. It is worth noting that many overlap with suggestions listed in the Summary of Comments section. They include efforts to:

#### **Make the Process More Efficient and User Friendly**

- Review permit application forms under the Paperwork Reduction Act. (Such a review was completed on January 31, 1998, resulting in redesigned, simplified forms that are tailored, where possible, to a particular type of activity or species. Since we formally review the information collected by application forms every 3 years, we intend to incorporate changes identified by the ongoing permits reform at the next review in 2001.)

- Develop a new computer system to allow for more efficient tracking and issuance of permits. (SPITS went online nationwide for permit issuance in 1998 and will be online for species tracking by the end of 1999.)

- Provide better access to permit information through the development of new fact sheets, a faxback system that allows application forms to be ordered by using a toll-free number, and the internet (our web site—<http://www.fws.gov>).

- Increase the number of ports designated for the import and export of wildlife and the number of wildlife inspectors to clear shipments, including an increase in wildlife inspectors at Canadian and Mexican border ports.

#### **Ensure Consistent and Fair Implementation**

- Develop permits handbooks to assist in training persons reviewing permit applications and ensure consistency by them in interpretation of laws and treaties and the processing of permit applications.

- Draft new policies and permit regulations to clarify permit procedures and issuance criteria.

- Share data and improve coordination between offices within programs and between programs through SPITS.

#### **Foster Partnerships for Wildlife and Plant Conservation**

- Increase outreach through conferences and meetings.

- Use program-based permits to expedite the issuance of specific import or export permits for conservation activities.

- Lessen import and export requirements for accredited scientific institutions by eliminating the requirement to obtain an Import/Export License and allowing the use of U.S. Customs ports and international mail for shipment of non-protected scientific specimens.

#### **Focus on Risk Management and Conservation**

- Expand SPITS to track and analyze cumulative wildlife and plant data for species management.

- Re-assign law enforcement wildlife inspectors to ports with high numbers of shipments.

#### **Examples of Potential Applications for General Conservation Permits**

Although many of the permits initiatives outlined above affect all types of permits, we are narrowing our focus at this time in this proposed policy to general conservation permits. After giving careful consideration to the concerns raised and suggestions given on programmatic or general permits, we are proposing that general conservation permits be issued only under specific circumstances. We would combine permit requirements of all laws and treaties across our programs, when appropriate, into one permit that authorizes multiple transactions for approved species and activities and allows for expedited processing of individual import and export permits

under CITES. In most cases, an applicant wishing to conduct activities on multiple species and/or with multiple cooperators must obtain a separate permit from each affected program. Under the proposed policy, a single general conservation permit could be issued in lieu of a number of individual permits. The scope of activities allowed under such a permit would be based on potential risk to the conservation of the species and its habitat. A general conservation permit would only be available to individuals and institutions that have outstanding professional credentials (i.e., has demonstrated expertise over time to conduct the activities with the same or similar species) and that are conducting scientific, management, and conservation activities.

This proposed policy provides an opportunity for us to work closely with the scientific and conservation community, to test the concept of a general permit that is similar to a State scientific collecting permit, to establish general factors to be considered in approving these broader-based permits, and to better coordinate with existing State programs. Some components of this proposed policy come from approaches we currently apply to the processing of permits. However, the proposed policy should clarify our procedures, streamline them for applicants who want to conduct activities that will benefit species' conservation, and provide consistency in administering permits. The proposed policy also lets us try a risk-driven system, which will allow us to apply our limited resources toward those species considered to be at the greatest conservation risk and that can receive the maximum benefit from our enhanced attention. We believe that the use of general conservation permits will provide benefits not only to the permittees but also to the resource.

A potential example with ESA-listed species and their habitats might be to issue a general conservation permit that allows qualified consultants to perform a wide variety of actions, such as the survey and salvage of several mussel species, over several States and across several regions.

The following describes two types of permits we recently issued that could also fall into potential applications for the general conservation permit. The first example involves a permit issued to an organization based on its conservation program in foreign countries for a species listed under the ESA, WBCA, and CITES. The application was published in the **Federal Register** to notify the public

and receive comment on the program's activities for 5 years. The permit authorizes multiple imports of live birds for rehabilitation, imports of injured birds for captive breeding, and imports of biological samples for scientific research. It also authorizes the export of live birds for reintroduction, re-export of rehabilitated birds, and export or re-export of biological specimens.

Although CITES limits the issuance of import permits to 1 year and requires a separate original export permit for each shipment, these permits can be issued expeditiously since the scientific and legal findings have already been made for the program as a whole for 5 years.

The second example involves the import and export of biological samples for scientific and conservation purposes. We issued a permit to an applicant authorizing imports of unlimited quantities of biological samples from any species listed under CITES or the ESA. As with the previous example, the findings are valid for 5 years and successive import permits will be issued for 1 year to meet the requirements of CITES. The permit was conditioned based on the risk associated with the activity or/and with the species. For example, samples collected invasively must be collected by the permittee's staff or by other appropriately trained personnel who are pre-approved in writing by the permittee. The permittee must retain a record of whom it approves. These conditions do not apply to samples that are collected non-invasively. Samples from wild animals of CITES Appendix-I species can only be collected in cooperation with local management authorities. Separate permits are required for each export or re-export because of CITES requirements, but issuance of these permits can be done quickly since all the required findings were made for both import and export at the time the import permit was issued.

#### **Public Comments Solicited**

We invite interested organizations and the public to comment on this proposed Policy on General Conservation Permits. We particularly seek comments on factors to consider in evaluating applications for general conservation permits and how we could by the issuance of these permits foster partnerships for wildlife and plant conservation; focus permits on risk management and conservation; reduce paperwork, streamline the permit process, and provide user-friendly service; and implement the process fairly and consistently while still focusing on our conservation mission. At this time, we are seeking comments

on this proposed policy, not on other types of permits or steps in our ongoing permits reform efforts.

#### **Required Determinations**

This proposed policy has not been reviewed by OMB under Executive Order 12866.

A review under the Regulatory Flexibility Act of 1980, as amended (5 U.S.C. 601 *et seq.*) has revealed that this proposed policy would not have a significant economic effect or adversely affect an economic sector, productivity, jobs, the environment, or other units of government. The groups affected by this rule are a relatively small number of wildlife and plant professionals and conservation organizations who will be eligible to apply for general conservation permits that combine authorizations under various wildlife and plant laws and treaties into one permit while meeting the existing permit regulations and fulfilling our conservation mission. The primary economic impact is the reduction in burden hours for applicants applying for multiple permits. We estimate these benefits are less than \$700,000 annually.

Similarly, this proposed policy is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act, and will not negatively affect the economy, consumer costs, or US-based enterprises.

We have determined and certified pursuant to the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.*, that this proposed policy will not impose a cost of \$100 million or more in any given year on local or State governments or private entities.

Under Executive Order 12630, the proposed policy does not have significant takings implications for the same reasons as described above under the Regulatory Flexibility Act.

Under Executive Order 12612, this proposed policy does not have significant Federalism implications. We have evaluated possible effects on Federally recognized Tribes and determined that there will be no adverse effects to any Tribe.

Under Executive Order 12988, the Office of the Solicitor has determined that the proposed policy does not unduly burden the judicial system and meets the requirements of Sections 3(a) and 3(b)(2) of the Order.

The proposed rule does not contain new or revised information collection for which OMB approval is required under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). Information collection is covered by existing OMB approvals and assigned clearance numbers 1018-0092, 1018-0093, 1018-

0094, and 1018-0022 with an expiration date of February 28, 2001. We will use the information to review permit applications and make decisions, according to criteria established in statutes and regulations, on the issuance or denial of permits.

We have also determined that this proposed policy is categorically excluded under the DOI's procedures for complying with the National Environmental Policy Act (NEPA) (516 DM 2, Appendix 1.10).

Executive Order 12866 requires us to write regulations that are easy to understand. We invite your comments on how to make this proposed policy easier to understand, including answers to the following questions: (1) Are the requirements in the proposed policy clearly stated; (2) does the proposed policy contain technical language that interferes with its clarity; and (3) what else could we do to make this proposed policy easier to understand?

#### **Policy on General Conservation Permits**

##### *A. Why approach permits as conservation tools?*

The purpose of this policy is to encourage greater involvement of qualified individuals and institutions in protected species' conservation through the issuance of general conservation permits. Our goals in administering the permits programs are to: (1) Create incentives to foster partnerships for the conservation of species and their habitats while meeting our basic statutory responsibilities of species' protection and management, (2) focus on risk management when processing permit applications, (3) impose the least possible burden on the affected public, and (4) implement permits fairly and consistently.

We are committed to carrying out our statutory obligations and will apply Federal authorities in a manner to ensure sound resource decisions while understanding the importance of partnerships in wildlife and plant conservation. We are only one component of a greater conservation community and acknowledge that teamwork among Federal, Tribal, State, local, international, and private stakeholders is an essential ingredient for the management and conservation of wildlife and plants. Thus, this policy recognizes scientific and conservation professionals and institutions as partners with us in resource conservation and management and provides incentives for them to work with protected species and their habitats.

##### *B. What is the scope of a general conservation permit?*

This policy establishes a framework for us to use in evaluating permit applications and deciding whether or not to issue a general conservation permit. These general conservation permits are available to approved individuals or institutions conducting non-commercial scientific, management, and conservation activities when the provisions of all applicable wildlife and plant laws are met and when the benefits gained from the proposed activities counter any potential harm to the affected species and its habitats.

We will, as appropriate, consolidate authorizations under the various wildlife and plant laws listed in section H of this policy and issue one general conservation permit, rather than separate permits. This permit may cover most or all of the regulated activities in a program described by an individual or institution. In the case of ESA-listed species, a general conservation permit would only be available for activities under section 10(a)(1)(A) that involved intentional take of species for the purposes of scientific research, management, or conservation, excluding Safe Harbor and Candidate Conservation Agreement with Assurances permits. It does not include permits issued under section 10(a)(1)(B) of the ESA which authorize take that is incidental to otherwise lawful activities (which in this context means economic development or the use of land or water). Nor does it replace the need to develop a Habitat Conservation Plan under the incidental take permit regulations.

The scope of the activities authorized in the permit will vary depending on the risk assessment as outlined below. A general conservation permit may authorize multiple transactions, depending on the applicant's program and the species involved, and allow for streamlined issuance of specific CITES permits for import and export. We will explore the feasibility of providing a single point of contact in each regional office, across regional and programmatic boundaries, for the processing of applications and administration of the general conservation permit.

##### *C. What factors will we consider in evaluating permit applications for general conservation permits?*

Because general conservation permits may authorize a broader scope of activities, we will consider the following factors in evaluating applications for such permits:

(1) Whether any potential risk to the species in the wild or its habitat and/or to the captive population, if applicable, is appropriate for the conservation benefits to be gained from the proposed activities.

(2) Whether the purpose of the activity is for non-commercial scientific research, management, or the conservation of the species or its habitat. The proposal must provide clear biological goals and the means by which the goals will be achieved, including proposed time frames as appropriate. Through the permits process, we will discuss with you, the applicant, the proposed activities in view of species' biological and management needs, provide technical assistance, and resolve issues to ensure species' conservation.

(3) Whether you have adequate resources to accomplish the proposed activities.

(4) Whether you have the biological and legal qualifications, including whether you have been a permittee in good standing with a long-term record of compliance in the use of similar Federal wildlife and plant permits. You should provide copies of any publications that demonstrate your biological expertise to conduct the proposed activities. We also would consider the qualifications of an individual acting as your subpermittee and your ability to retain oversight over the actions of that individual.

(5) If the activities involve holding live wildlife and plants, whether the facilities are adequate to accomplish the goals, including your prior record of care and maintenance of the same or similar wildlife and plants.

(6) Whether you and your proposed activities meet statutory requirements. The proposed policy is intended to complement the current permits processing system and not supersede or alter any Federal law or regulation related to species' conservation.

##### *D. How do we calculate potential risk?*

Our basic statutory responsibility under the various wildlife and plant laws and treaties is to conserve fish, wildlife, plants, and the ecosystems upon which they depend for future generations. The scope of the activities and the species authorized in a general conservation permit will be based on an evaluation of the degree of conservation benefit to the wild and captive populations of the species and its habitat versus the degree of potential risk posed by the proposed activities outlined in the application. The evaluation will be based on the best scientific information available and the

conservation needs of the species and its habitat. The proposed policy limits these permits to scientific, management, and conservation activities. Some actions generally may have such low risk to the conservation of the species and its habitat that we may grant a permit for a broader scope of activities. On the other hand, some actions with some species may have such a high degree of risk that we may limit the scope of activities or terms and conditions of the permit, or we may deny a permit for the proposed activity.

Within this framework, we will look at a number of factors to perform a risk assessment. Each of these factors (outlined below) has a continuum of risk associated with it. The factors are not listed in any order of priority. Neither is the list meant to be an exhaustive list of the factors used in performing a risk assessment, nor to be a rigid hierarchy since other aspects of the proposed activities and species status may affect the degree of risk.

(1) *Level of species protection.* We will look at how the species is protected. For example, if a species is listed under the ESA, there is a continuum based on the risk of extinction recognized by the law from high risk to low risk as follows:

Endangered;

Threatened;

Threatened with a special rule (often referred to as a 4(d) rule);

Experimental population; and

Similarity of appearance.

This same recognition of differences in risk exists in programs under other laws and treaties. Each law and treaty outlines the purposes for which the fish, wildlife, plants, and their ecosystems may be used and standards for making decisions on whether to allow the proposed activity. When a species is regulated under more than one law or treaty, all the requirements are evaluated.

(2) *Potential effect of the proposed activities.* We will review the intended purpose of the proposed activities in relation to their potential effect on the species' biological, ecological, and management needs (e.g., population status, best management practices, available scientific information). Again, there will be a continuum of risk, depending on how the proposed activities may affect the species' population status, habitat, or management. For example, risks associated with the source or type of specimen in general have a continuum from high risk to low risk such as:

Intentional killing of wild animals;

Permanent removal of live animals and plants from the wild;

Removal from the wild as part of a recovery effort or reintroduction program;

Death or permanent removal from an essential captive population;

Invasive collection of tissue samples from wild animals;

Non-invasive collection of tissue samples with captive or wild specimens;

Culled or surplus specimens; and

Salvaged dead specimens when not intentionally killed for the purpose of collecting.

We will conduct this review using our own scientists (e.g., the Office of Scientific Authority), outside experts, and peer review as needed. We will take into consideration the level of biological uncertainty in the available scientific information and management strategies. The degree of risk may be higher when there are significant gaps in the biological data about the species' ecology, management techniques, or potential effects of the proposed activities on the species and its habitat. You may want to anticipate these uncertainties and design your activities to provide for flexibility by outlining alternative methods or strategies to achieve your biological goals. This may allow us to issue a permit with specific terms and conditions in response to the proposed alternatives and anticipated changing circumstances.

(3) *Benefits.* At the same time, we will consider net or overall benefits to the species and its habitat that may be gained by the activities.

(4) *Part of a management plan or strategy.* We will consider if the activity is part of a recognized management plan or strategy. For ESA-listed species, we will consider whether the activity is a task identified in a final recovery plan or outline.

(5) *Level of pressure on the species.* This would include the degree of risk associated with whether the transaction would encourage or allow for commercial use.

(6) *Potential cumulative effects.* We would look at cumulative effects on the species' wild and captive populations and its habitat.

(7) *Safeguards.* Terms and conditions of general conservation permits, including monitoring of activities through reports and field visits, will be based on the degree of risk to the species and its habitat. For example, permits to conduct activities with threatened or endangered species, and migratory birds of management concern are more likely to have closer and more frequent monitoring and more restrictive permit terms and conditions.

For high-risk activities, we may accompany the permittee when take activities are being conducted. This allows us to develop closer partnerships with researchers; check information on species, habitat, and techniques; identify unanticipated deficiencies or benefits associated with the activities; help prevent accidental violations of the terms and conditions of the permit; and work out any adjustments that may be needed in the permit.

Generally through the use of annual reports, we will periodically review the activities to ensure the terms and conditions of the permit are being implemented; to look at the level and impacts of authorized take; and to determine if the activities are producing the desired results. We will use the information to assess cumulative trends in species' populations or changes in its habitat.

#### *E. What are the benefits of these permits?*

The granting of general conservation permits generally offers benefits in four broad areas. We will take the identified actions to help further these benefits.

##### *(1) Foster partnerships for wildlife and plant conservation.*

- Issue general conservation permits that consolidate the terms and conditions for multiple activities. This will enhance our existing partnerships, and may encourage new partnerships, by reducing the paperwork burden on our conservation partners and simplifying the permit process.

- Reach out to current and potential partners by providing permit information at scientific meetings and conferences, in newsletters, etc.

- Use our own scientists and outside experts and encourage peer review to obtain the best available scientific information when evaluating permit applications. The results of any external review will be entered into the administrative record of the decision and made available for public review consistent with provisions of the Freedom of Information Act and the Privacy Act.

##### *(2) Focus permits on risk management and conservation.*

- Continue to base our permit decisions on the best available scientific information within the bounds of the laws and treaties.

- Consider cumulative effects of permit issuance over time. Use the computer system, Service Permit Issuance and Tracking System (SPITS), to analyze cumulative wildlife and plant data.

- Base our permits programs on conservation risk management to ensure

that our limited resources are directed toward species at the greatest conservation risk and that can benefit from our enhanced attention.

(3) *Reduce paperwork, streamline the permit process, and provide user-friendly service.*

- Explore the feasibility of providing a single point of contact in each regional office for the processing of permit applications and administration of the general conservation permit.

- Develop and use harmonized permit application forms to consolidate the information needed to apply for a permit under multiple wildlife and plant laws and actively seek comments from the public during the Office of Management and Budget (OMB)-approval process for forms under the Paperwork Reduction Act.

- Develop and use general findings (e.g., no-detriment advices under CITES, programmatic biological opinions under the ESA) to decide when an application meets the permits issuance criteria.

- Issue and track the processing of permits through SPITS.

- Issue general conservation permits for up to 5 years for ongoing activities, depending on the results of the risk assessment.

- Consolidate annual reporting requirements and, when possible, tailor the report due date to the activities conducted. This would allow the permittee to submit a single report and meet the requirements of more than one law or treaty.

(4) *Implement the permit process fairly and consistently.*

- Develop standardized permit conditions for activities with the same species or related groups of species.

- Use the computer system SPITS to share data and ensure use of consistent permit terms and conditions.

*F. What if I don't qualify for a general conservation permit?*

Individuals or organizations that do not qualify for permits under this policy may apply for individual permits under existing regulations, just as they do now.

*G. What is the scope of this policy?*

This policy applies Service-wide to programs that process permit applications for all species of wildlife and plants under the law and treaties listed in section H of this policy.

*H. Authority*

The authorities for this action are the Bald and Golden Eagle Protection Act (16 U.S.C. 668a); Convention on International Trade in Endangered Species of Wild Fauna and Flora (27 U.S.T. 1087); Endangered Species Act of

1973, as amended (16 U.S.C. 1531 *et seq.*); Lacey Act (18 U.S.C. 42); Marine Mammal Protection Act (16 U.S.C. 1361 *et seq.*); Migratory Bird Treaty Act (16 U.S.C. 703-712); and Wild Bird Conservation Act (16 U.S.C. 4901-4916).

Dated: August 30, 1999.

**John G. Rogers,**  
*Acting Director.*

[FR Doc. 99-28232 Filed 10-27-99; 8:45 am]

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## DEPARTMENT OF INTERIOR

### Bureau of Land Management

#### Emergency Closure and Restriction of Certain Uses of Public Lands Within the Dillon Field Office, Montana

**AGENCY:** Dillon Field Office, Bureau of Land Management, DOI.

**ACTION:** Notice of Emergency Closure and Restriction Order.

**SUMMARY:** Effective immediately, all newly acquired public lands that lie within sections 1, 2, 11, 12, and 13 of Township 9 South, Range 10 West, PMM; and the South East corner of section 35 in Township 8 South, Range 10 West, PMM; will be restricted to certain uses. The closure and restriction order is being implemented to prevent conflicts with waterfowl management, which is one of the primary reasons for the acquisition. Travel restrictions are necessary to prevent the spread of noxious weeds and to prevent resource damage to the area. In addition restriction of certain uses are necessary for public safety.

#### Vehicle Travel

All public land in sections 1, 2, and 11 (Township 9 South, range 10 West, PMM) that lie East of the I-15 frontage road and West of the Union Pacific Rail Road right of way will be closed to all motorized vehicle travel. Motorized vehicle travel will be allowed from the point where the road crosses the Union Pacific Railroad tracks at the SW<sup>1</sup>/<sub>4</sub> of the NW<sup>1</sup>/<sub>4</sub> of section 11 (Township 9 South, Range 10 West, PMM) and continues parallel to the north east of the tracks, until the point where Gallagher Creek meets it. At this point the road will be closed to further motorized vehicle travel through the creek bed. This closure is necessary to prevent further damage to the Gallagher Creek stream bed, to prevent the spread of noxious weeds, and to reduce erosion. Motorized vehicle travel in the remaining area will be limited to existing roads and trails unless otherwise designated.

## Hunting

Hunting on those public lands in sections 1, 2, and 11 (Township 9 South, Range 10 West, PMM) that lie East of the I-15 frontage road and West of the Union Pacific Rail Road right of way will be restricted to archery, shotgun, traditional handgun, and muzzleloader only. Definitions of legal archery, shotgun, traditional handgun, and muzzleloader are contained within the State of Montana regulations for hunting.

The authority for this closure and restriction order is 43 CFR 8364.1. The order will remain in effect until a Management Plan for the area is completed.

**ADDRESSES:** Copies of the closure and restriction order, and maps showing the location of the affected lands are available from the Dillon Field Office, 1005 Selway Drive, Dillon, Montana, 59725.

**FOR FURTHER INFORMATION CONTACT:** Scott Powers, Field Manager, Dillon Field Office, 1005 Selway Drive, Dillon, Montana 59725.

**Scott Powers,**

*Field Manager, Dillon Field Office, Dillon, Montana 59725.*

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[UT-020-00-1020-00]

#### Salt Lake Field Office Proposed Plan Amendment

**AGENCY:** Bureau of Land Management, Interior

**ACTION:** Notice of availability

**SUMMARY:** The Utah Bureau of Land Management, Salt Lake Field Office, has completed an Environmental Assessment (EA)/Finding of No Significant Impact (FONSI) for a Proposed Plan Amendment to the Box Elder Resource Management Plan (RMP) (1986). The proposed plan amends the RMP by eliminating domestic livestock grazing from the Newfoundland Mountains upon relinquishment of the current sheep permit. This action is needed to eliminate future conflicts between domestic livestock and bighorn sheep.

**DATES:** The proposed plan amendment may be protested. The protest period will commence with the date of publication of this notice. Protests must be submitted on or before November 29, 1999.