Commission in fashioning a notice of proposed rulemaking reflecting the evolving shipping industry and the Commission's statutory mission.

Commenters are free to address any issue relevant to the agreement content rules. In addition, set forth below are questions suggesting particular areas of concern or focus for the Commission:

1. Should the current filing exemption for routine operational or administrative matters be eliminated, retained in its current form, or modified? If so, describe how.

2. If parties were required to file every arrangement or understanding among themselves that came within the scope of section 4 (including all operational or administrative matters), would they be subject to commercial harm or burden? If so, describe in detail (providing copies of and using as many specific examples as possible of) actual arrangements or understandings for which filing would give rise to such burdens or harm; explain (and where possible, quantify) exactly what such burdens would be.

3. Should the Commission adopt different standards for agreement content for different types of agreements, i.e., would it be appropriate to tailor content rules to rate agreements (conferences and rate discussion agreements) vis-a-vis operational agreements (alliances and space/vessel charter arrangements)?

4. Are there types of agreements currently filed with the Commission that would be appropriate for exemption from filing under the standard set forth in section 16 of the Act, i.e., the filing exemption will not result in a substantial reduction in competition or be detrimental to commerce? Exemptions may be either partial (e.g., eliminating waiting periods, or requiring notification in lieu of filing) or complete.

5. Should the rates charged by one carrier to another for use of space and/or vessels be exempt from filing or withheld from public disclosure?

6. Is public disclosure of agreements filed with the FMC useful to shippers, intermediaries, labor, non-party carriers, marine terminal operators, or other interested persons? If so, describe in detail the types of agreements and information used, and why the disclosure of such information is useful.

7. Given the public notice requirement of section 6 of the 1984 Act, can the Commission implement measures to protect commercially sensitive information contained in agreements?

8. How are competing concerns of completeness, burden, and confidentiality resolved in the filing requirements of other regulatory authorities, including antitrust and sector specific agencies?

Now therefore, It is ordered that this Notice of Inquiry be published in the **Federal Register**.

By the Commission.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 99–19847 Filed 8–2–99; 8:45 am]

BILLING CODE 6730–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AF42

Endangered and Threatened Wildlife and Plants; Proposal To Remove the Aleutian Canada Goose From the List of Endangered and Threatened Wildlife

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service (we) proposes to remove the Aleutian Canada goose (*Branta canadensis leucopareia*), currently listed as threatened, from the list of endangered and threatened wildlife. Current data indicate that the population of Aleutian Canada goose in North America has recovered. This recovery has primarily been the result of four activities: the removal of introduced Arctic foxes (*Alopex lagopus*) from some of its nesting islands; the release of captive-reared and wild, translocated family groups of geese to fox-free islands to establish new breeding colonies; protection of the Aleutian Canada goose throughout its range from mortality due to hunting; and protection and management of migration and wintering habitat. Removal from the list of Endangered and Threatened Wildlife would result in elimination of regulatory protection offered by the Endangered Species Act of 1973, as amended (Act) but would not affect protection provided to the subspecies by the Migratory Bird Treaty Act. Section 4(g) of the Act requires us to implement a system in cooperation with the States to monitor a recovered species for at least 5 years following delisting. This proposal includes a draft monitoring plan that may be implemented if the Aleutian Canada goose is delisted as proposed.

DATES: Comments from all interested parties must be received by November 1, 1999. Requests for a public hearing must be received by September 17, 1999.

ADDRESSES: Comments and information concerning this proposal should be sent to Ann Rappoport, U.S. Fish and Wildlife Service, 605 West 4th Avenue, Room G–62, Anchorage, Alaska 99501. Comments and information received will be available for inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Ann Rappoport, at the above address (907) 271–2787, or Greg Balogh, U.S. Fish and Wildlife Service, 605 West 4th Avenue, Room G–62, Anchorage, Alaska 99501, (907) 271–2778.

SUPPLEMENTARY INFORMATION:

Background

The Aleutian Canada goose is a small, island-nesting subspecies of Canada goose. Morphologically (in form), it resembles other small Canada goose subspecies, but nearly all Aleutian Canada geese surviving past their first winter have a distinct white neck ring at the base of a black neck. Other distinguishing characteristics include an abrupt forehead, separation of the white cheek patches by black feathering along the throat, and a narrow border of dark feathering at the base of the white neck ring. The Aleutian Canada goose is the only subspecies of Canada goose whose range once included both North America and Asia (Amaral 1985). It formerly nested in the northern Kuril and Commander Islands, in the Aleutian Archipelago and on islands south of the Alaska Peninsula east to near Kodiak Island. The species formerly wintered in Japan, and in the coastal western United States south to Mexico. Delacour (1954) considered coastal British Columbia within the former wintering range of this subspecies; however, there are no bona fide records of Aleutian Canada geese from this area (P. Springer, pers. comm.).

The decline of the Aleutian Canada goose was primarily the result of the introduction of Arctic foxes (*Alopex lagopus*) and, to a lesser extent, red foxes (*Vulpes vulpes*) to its breeding islands for the purpose of developing a fur industry. Between 1750 and 1936, Arctic and red foxes were introduced to more than 190 islands within the breeding range of the Aleutian Canada goose in Alaska (Bailey 1993). Several life cycle stages of the goose, including eggs, goslings and flightless, molting geese are vulnerable to predation by foxes. The decrease of Aleutian Canada geese on Agattu Island between 1906, when they were termed the most abundant bird (Clark 1910), and 1937,

when only a few pairs were observed (Murie 1959), attests to the precipitous nature of their decline. At the time of its listing as endangered in 1967, its known breeding range was limited to Buldir Island, a small, isolated island in the western Aleutian Islands. There is a record that Arctic foxes were introduced to Buldir Island in 1924, but this is either incorrect or the introduction failed to establish a population (Bailey 1993).

Hunting throughout its range in the Pacific Flyway, especially on the migration and wintering range in California, and loss and alteration of habitat on its migration and wintering range also contributed to the subspecies' decline. Hunting was likely a limiting factor when populations were low.

In response to reduced population levels, we classified the Aleutian Canada goose as endangered on March 11, 1967 (32 FR 4001). Congress afforded additional protection with passage of the Endangered Species Act of 1973. We approved a recovery plan for the Aleutian Canada goose in 1979 and revised it in 1982 and 1991 (Byrd et al. 1991). We began recovery activities in 1974. Important features of the recovery program in Alaska and the western U.S. included: banding of birds on the breeding grounds to identify important wintering and migration areas; closure of principal wintering and migration areas to hunting of all Canada geese; acquisition, protection and management of important wintering and migration habitat; removal of foxes from potential nesting islands; propagation and release of captive Aleutian Canada geese on fox-free nesting islands in the Aleutians; and translocation of molting family groups of wild geese from Buldir Island to other fox-free islands in the Aleutians.

At the time of its listing, we based population estimates of Aleutian Canada geese on limited data. Boecker (in Kenyon 1963) speculated during a 1963 expedition that only 200–300 birds were on Buldir Island. We believed breeding birds to be confined to that one island, and the migration routes and wintering range were unknown. A spring count at a principal migration stopover near Crescent City, California in 1975 revealed only 790 individuals (Springer et al. 1978).

We subsequently found small breeding groups of Aleutian Canada geese on Kiliktagik Island in the Semidi Islands south of the Alaska Peninsula in 1979 (Hatch and Hatch 1983), and on Chagulak Island in the central Aleutians in 1982 (Bailey and Trapp 1984). Geese from Chagulak Island are morphologically (in form) identical to those from the western Aleutians. Semidi Islands geese are morphologically similar to geese from the Aleutian Islands but tend to have darker breasts, more variable neck rings and a less distinct subtending line below the neck ring (D. Pitkin, Fish and Wildlife Service, pers. comm.). Genetic studies indicate that geese from both Chagulak Island and the Semidi Islands are more closely related to Aleutian Canada geese than other Canada goose subspecies (Shields and Wilson 1987; Pierson et al. 1998). We consider the Chagulak Island and Semidi Islands geese remnant populations of the previously more continuously distributed Aleutian Canada goose.

Marking of Aleutian Canada geese on Buldir Island beginning in 1974, and later on Chagulak Island and Kiliktagik Island, helped reveal their wintering range and migration routes. These marking studies indicate that there are two, relatively discrete breeding segments of Aleutian Canada geese—the Aleutian Islands segment, including birds from Chagulak Island and the western Aleutian Islands, and the Semidi Islands segment. A recent genetic study found that geese from the Semidi Islands are genetically distinct from geese from the Aleutian Islands, indicating limited contemporary gene flow and/or major shifts in gene frequency through genetic drift (the random change in gene frequencies in small populations due to chance) (Pierson et al. 1998).

Most Aleutian Canada geese that nest in the Aleutian Islands winter in California, primarily on agricultural lands where they feed on grass, waste beans, and grain, including corn and sprouting winter wheat (Woolington et al. 1979, Dahl 1995). They arrive on the wintering grounds in mid-October. Some geese stop in the Crescent City area in coastal northwest California, but most continue on to the vicinities of Colusa in the Sacramento Valley and Modesto in the northern San Joaquin Valley. The lands used by Aleutian Canada geese near Colusa, California are primarily privately owned farms and Reclamation District (local government) land. The 733-acre Butte Sink National Wildlife Refuge in the Colusa area is actively managed to attract geese and other waterfowl.

By mid-December nearly all Aleutian Canada geese are near Modesto where they winter primarily on two privately owned ranches and on the adjacent San Joaquin River National Wildlife Refuge. In previous years, a large proportion of geese from the Modesto area would periodically shift southward to the nearby Grassland Ecological Area near Los Banos and Gustine. The lands in the Grassland Ecological Area are owned by the Fish and Wildlife Service, State of California and private duck hunting clubs. Recently, up to several thousand geese have been using night roosts on private duck hunting clubs in this area.

Small numbers of Aleutian Canada geese from the Aleutian Islands stop near El Sobrante on lands owned by a public utility in north San Francisco Bay in late fall and early winter before continuing on to Modesto. The number of birds observed at El Sobrante has steadily declined in recent years from a high of 140 geese in 1985 to a low of 8 birds in 1997. Twenty-one Aleutian Canada geese were observed there in early 1998 (Dunne 1998). Small numbers of wintering Aleutian Canada geese have been occasionally observed in northwestern California near Crescent City, on the Humboldt Bay National Wildlife Refuge, and on the Eel River bottoms (P. Springer, pers. comm.). Six hundred Aleutian Canada geese wintered in the Crescent City area in 1998 (Fisher 1998).

Small numbers of Aleutian Canada geese also occasionally appear in other areas, especially during migration. The most frequent of these areas include Willapa Bay in south coastal Washington, the Willamette Valley in Oregon, and the Sacramento-San Joaquin Delta in San Francisco Bay, California. See Springer and Lowe (1998) for a more thorough discussion of the distribution of Aleutian Canada geese and factors affecting their distribution.

On the northward migration in spring, most Aleutian Canada geese stage near Crescent City, where the birds roost nightly on Castle Rock, an offshore island protected as a national wildlife refuge. Some geese also roost on nearby Prince Island, which is owned by the Tolowa Indians, and on Goat Rock, a unit of the Oregon Islands National Wildlife Refuge, just north of the California/Oregon border. During the day birds graze on privately owned farms in the Smith River bottoms and on lands owned and managed by the State of California. In recent years, Aleutian Canada geese have been departing the Crescent City area increasingly early in spring and spending several weeks feeding in privately owned pastures and in pastures managed by the Bureau of Land Management in the New River area in south coastal Oregon near the town of Langlois. These birds roost at night on offshore islands that are part of the Oregon Islands National Wildlife Refuge. In the spring of 1998, about 10,000 Aleutian Canada geese were

observed in the Langlois area (Fisher 1998).

The small numbers of geese that breed in the Semidi Islands winter exclusively in coastal Oregon near Pacific City. These birds forage during the day on pastures at two privately owned dairies and roost at night on Haystack Rock in the Oregon Islands National Wildlife Refuge or on the ocean. Since fall, 1996, small numbers of geese that nest in the Aleutian Islands have wintered with the Semidi Islands geese in Oregon. In winter 1997/1998, about 20 geese from the Aleutians wintered with the Semidi Islands geese (D. Pitkin, U.S. Fish and Wildlife Service, pers. comm.).

An important component of the Recovery Plan, establishment of closed areas for hunting Canada geese, has contributed to the recovery of the Aleutian Canada goose. Six closed areas for Aleutian Canada geese currently exist, including: islands in Alaska west of Unimak Island, beginning in 1973; northwestern California, the Modesto area and the Colusa area, beginning in 1975; and the Pacific City area and central and south coastal Oregon beginning in 1982. Occasionally, hunters kill a few Aleutian Canada geese using habitats outside of the closed hunting areas.

Initial population increases of Aleutian Canada geese were likely in response to hunting closures in California and Oregon to protect the geese during migration and during winter. However, a substantial increase in numbers was dependent on re-establishing geese on former nesting islands. Release of captive-reared birds on fox-free islands in the Aleutians was largely unsuccessful due to low survival rates. Once the number of geese on Buldir Island was large enough, we initiated translocation of wild geese from Buldir Island to other fox-free islands. This approach was much more successful and the release of captive-reared birds was phased out.

As new breeding colonies became established in the Aleutian Islands, the number of Aleutian Canada geese increased rapidly. Annual rates of increase between 1975 and 1989 ranged from 6 to 35 percent, and by winter 1989/1990, the peak winter count reached 6,300 geese. We reclassified the Aleutian Canada goose from endangered to threatened in 1990 (55 FR 51106, December 12, 1990).

Summary of Previous Listing Actions

We first designated the Aleutian Canada goose as an endangered species in the United States on March 11, 1967 (32 FR 4001) under the Endangered Species Preservation Act of 1966 (Pub. L. 89–669, 80 Stat. 926). The Endangered Species Conservation Act of 1969 (Pub. L. 91–135, 83 Stat. 275), which replaced the 1967 law, authorized the listing of foreign species; the Aleutian Canada goose was included on the foreign species list (proposed April 14, 1979 (36 FR 6969); final June 2, 1970 (35 FR 8495)). We proposed the reclassification of the species from endangered to threatened status on September 29, 1989 (54 FR 40142) and finalized the reclassification on December 12, 1990 (55 FR 51106). On April 9, 1998 (63 FR 17350), we published a Notice of Status Review on the Aleutian Canada goose and notified the public of our intent to propose the removal of the species from the threatened species list.

Summary of Current Status

Since the subspecies was downlisted to threatened in 1990, the overall population of Aleutian Canada geese has sustained a strong increase in numbers. Table 1 summarizes peak counts and indirect population estimates of Aleutian Canada geese on the wintering grounds since the subspecies was downlisted in 1990. Peak counts are counts of the geese on the wintering grounds near Modesto, California, during early spring as they arrive at and leave their primary roosts at Castle Rock and Prince Island in northwestern California. Indirect counts are based on a ratio of marked to unmarked birds. (See Other Factors in Support of Delisting for a more detailed discussion of survey techniques). The most recent and highest population estimate of Aleutian Canada geese from the Aleutian Islands is of birds from their staging area near Crescent City in spring 1999. This preliminary estimate suggests that the Aleutian Canada goose population is now about 32,000 individuals (Table 1). Since 1990, the annual rate of growth of the population, based on peak counts of birds in California, has averaged about 20 percent. The overall annual growth rate of the population since recovery activities began in the 1970s has been about 14 percent (M. Fisher, U.S. Fish and Wildlife Service, pers. comm.).

TABLE 1.—PEAK COUNT AND INDIRECT ESTIMATES OF ALEUTIAN CANADA GEESE IN CALIFORNIA (ALEUTIAN ISLAND NESTING GEESE) AND NEAR PACIFIC CITY, OREGON (SEMIDI ISLANDS NESTING GEESE).

Year	California		Pacific City, OR
	Peak count	Indirect count	
1989/1990	6,300	.....	115
1990/1991	7,000	.....	128
1991/1992	7,800	.....	126
1992/1993	11,680	.....	132
1993/1994	15,700	.....	122
1994/1995	19,150	21,769	111
1995/1996	21,421	24,643	107
1996/1997	22,815	23,977	114
1997/1998	27,700	28,984	120
1998/1999	32,281	28,628	*120

*Preliminary estimate (D. Pitkin, U.S. Fish and Wildlife Service, pers. comm.).

The peak count of Semidi Island birds on their wintering grounds near Pacific City, Oregon, during both 1998 and 1999 was 115–120 (D. Pitkin, U.S. Fish and Wildlife Service, pers. comm.). Despite protection on both the breeding and wintering grounds, the Semidi Islands geese have sustained no growth since 1993 (Table 1). The reasons for this are not clear although counts from the wintering range in Oregon indicate poor recruitment in recent years.

Predictably, marked increases of geese on the wintering grounds are mirrored by similar increases on most breeding islands, although nesting geese are far more difficult to enumerate than those on wintering and migration habitat. At

the time of their listing, we believed Aleutian Canada geese to be nesting only on Buldir Island, but based on later discoveries, they also probably nested on Chagulak Island and in the Semidi Islands. Our earliest estimate of the number of geese on Buldir Island was 200–300 birds in 1963 (see Kenyon 1963). By 1995, the last year we surveyed the breeding islands, we estimated the number of breeding geese on Buldir Island was 7,000. Assuming 40% of the population are breeders (Byrd 1995), then by 1995 the number of birds on Buldir Island was about 17,500. We released geese on Agattu Island periodically from 1974 to 1984 (Byrd et al. 1991). By 1990, 100 birds were nesting there and in 1995, we estimated 700 birds were nesting there (1,750 total geese; Byrd 1995). We found similar increases at Alaid-Nizki. We first released geese on Alaid-Nizki in 1981 and, by 1987, they were nesting there. We estimated the number of breeding geese on Alaid-Nizki in 1995 at 248 (or 620 total geese). Byrd (1995) states that the number of geese breeding at Agattu could approach 2,000 in the future and double at Alaid-Nizki. It is unknown how numerous geese on Buldir Island will become. Elsewhere in the Aleutian Islands, we estimate that about 10 birds nested in the Rat Islands in 1995 and about 40 birds nested at Chagulak Island in 1995 (Byrd 1995).

We have also documented recent breeding of Aleutian Canada geese at Amchitka, Amukta, and Little Kiska islands. Although the current status of Aleutian Canada geese on these islands is unknown, we believe reestablishment of breeding populations via translocations to Amchitka and Little Kiska Islands and natural recolonization of Amukta Island to have a low probability of success. We believe the presence of bald eagles (*Haliaeetus leucocephalus*), a major predator of geese, on islands east of Buldir Island to be a factor that has limited the success of translocations to Amchitka, Little Kiska and Kiska Islands.

We believe the small group of geese nesting on Chagulak Island to be stable in number, but the terrain is steep and nesting habitat is limited. We have removed foxes from most of the islands near Chagulak, and to bolster the population of geese in this portion of the Aleutians, translocated geese from Buldir Island to Yunaska Island in 1994 and 1995. We also translocated geese from Buldir Island to Skagul Island in the Rat Island group in 1994 and 1995. We have not conducted subsequent surveys on these islands to determine if the translocations have resulted in establishment of breeding populations on these islands. However, in winter 1997/1998, we observed 15 marked, female geese translocated to Yunaska Island and 13 marked, female geese translocated to Skagul Island in California. These sightings indicate that there are translocated female geese now of reproductive age that still survive and that potentially may already be breeding on these islands.

In the Semidi Islands, investigators studying Aleutian Canada geese found 14 nests on Kiliktagik Island and 3 nests on Anowik Island in 1995, which is 11 nests (39 percent) fewer than were found on the same islands in 1992 (Beyersdorf and Pfaff 1995). Hatching success and overall nesting success of geese in the Semidi Islands in 1995 were lower than their counterparts in the western Aleutian Islands. In addition, recruitment rates for Semidi Islands geese were low compared with rates we observed among Aleutian Island birds based on censuses of hatching-year birds on the wintering grounds each fall in coastal Oregon (D. Pitkin and R. Lowe, U.S. Fish and Wildlife Service, pers. comm.). The reason for lower productivity of Aleutian Canada geese in the Semidi Islands is unknown.

Review of Aleutian Canada Goose Recovery Plan

In accordance with the Act, we appointed a team of experts to write a plan for recovery of the Aleutian Canada goose. The original recovery plan was approved on August 7, 1979, and later revised on September 8, 1982, and September 30, 1991 (Byrd et al. 1991). The most recent version of the recovery plan was written after the Aleutian Canada goose was downlisted to threatened in 1990, and established objectives for measuring recovery and indicating when delisting was appropriate. Recovery plans and objectives are intended to guide and measure recovery, but are supposed to be flexible enough to adjust to new information.

The Aleutian Canada Goose Recovery Plan (Byrd et al. 1991) identified the following recovery objectives: (1) The overall population of Aleutian Canada geese includes at least 7,500 geese, and the long-term trend appears upwards; (2) at least 50 pairs of geese are nesting in each of three geographic parts of the historic range—western Aleutians (other than Buldir Island), central Aleutians, and Semidi Islands, for three or more consecutive years; and (3) a total of 25,000–35,000 acres (ac) of specific land parcels identified by the recovery team as feeding and roosting habitat needed for migration and wintering are secured and are being managed for Aleutian Canada geese. The recovery plan states that failure to achieve a specific acreage target of migration and wintering habitat would not preclude delisting of the Aleutian Canada goose if otherwise warranted. A discussion of the status of the Aleutian Canada goose relative to the recovery objectives follows.

(1) The most recent estimate of the overall population of Aleutian Canada geese is approximately 32,000 birds, which is over four-fold greater than the population objective for delisting. The population trend of Aleutian Canada geese continues upward, and has averaged about 20 percent annual growth since the subspecies was downlisted in 1990. We believe that the subspecies is no longer threatened or endangered and its population may continue to grow in size in the future.

(2) The objective of 50 or more pairs of Aleutian Canada geese nesting in each of 3 geographic parts of the historic range—western Aleutians (other than Buldir Island), central Aleutians, and Semidi Islands, has not been met. The population of Aleutian Canada geese nesting in the western Aleutians far exceeds the delisting objective, with self-sustaining breeding populations established on three islands—Buldir, Agattu, and Alaid/Nizki. Primarily on the strength of recovery in the western Aleutian Islands, the Recovery Team recommended delisting the subspecies (Byrd 1995).

We have not surveyed geese nesting in the central Aleutians since 1993, but existing data suggest the size of the breeding group at Chagulak Island has been stable at about 20–25 pairs since the time of their discovery in 1982. Chagulak Island is very steep and has limited nesting habitat. A substantial increase in the number of birds in the central Aleutian Islands likely will require colonization of new islands. Although we discovered nesting by Aleutian Canada geese on nearby Amukta Island, we do not know if they are currently nesting there or if breeding occurs on Yunaska Island as a result of the translocation of geese there in 1994 and 1995. We have also removed foxes from several other nearby islands, including Carlisle, Herbert, Kagamil, Uliaga and Seguam, and these islands could be colonized by Aleutian Canada geese in the future. We believe that increasing numbers of Aleutian Canada geese in the central Aleutians is desirable. However, we do not view the lack of evidence that there are at least 50 pairs of geese breeding in the central Aleutians as a barrier to delisting because they appear to be from the same breeding segment as the western

Aleutian geese. We surmise this based on their similar physical characteristics, some preliminary data on mitochondrial DNA (Shields and Wilson 1987), and their use of the same wintering area.

The Semidi Islands breeding segment more than doubled in size following closure of the wintering area to hunting in 1982. Since 1990, it has fluctuated moderately in size on its wintering area, averaging about 120 geese. However, the lack of an increase in these birds since 1993, given protection of the birds on the breeding and wintering grounds, and the availability of unexploited breeding and wintering habitat, cannot be fully explained with existing information. Local farmers in Oregon maintain that these geese have used the same local farms for at least 65 years and have never been numerous (R. Lowe, U.S. Fish and Wildlife Service, pers. comm.). Despite lack of a persistent and positive population response of Semidi Islands geese, we believe this should not be a barrier to delisting the Aleutian Canada goose subspecies because of the health and vigor of the subspecies as a whole. Furthermore, we can continue to protect this breeding segment from various forms of take under provisions of the Migratory Bird Treaty Act (see Summary of Factors Affecting the Species below). We will continue to closely monitor the status of the Semidi Islands breeding segment of Aleutian Canada geese on its wintering grounds.

Although the criteria of 50 or more pairs nesting in each of 3 geographic parts of their historic range has not been fully met, the Recovery Team in 1995 considered the following factors overriding: the population is approximately three times higher (now almost four times higher) than the minimum suggested for delisting; the population is continuing to increase at a high rate; there are now self-sustaining breeding populations in the western Aleutians on Buldir, Agattu, and Alaid/Nizki islands; and we have removed foxes from islands in the central Aleutians and translocations of birds there has bolstered goose numbers.

(3) We have not fully met the recovery objective of conserving and managing 25,000–35,000 ac of migration and wintering habitat; however, the recovery team allowed that not attaining this acreage target would not preclude delisting if this action was otherwise warranted. The original target of greater than 25,000 ac was derived by summing the acreage of most parcels of land that have been used by Aleutian Canada geese on their wintering grounds and on principal migration stopovers outside of Alaska since their recovery began. The acreage target reflects inclusion of parcels that are no longer used by Aleutian Canada geese. We believe that sufficient progress is being made toward this objective to warrant delisting the Aleutian Canada goose. The population has responded very favorably to management actions taken on its behalf by the Service, States, and private landowners in migration and wintering areas. More than 8,000 ac of currently-used winter and migration habitat are secure (Table 2), and we have an active acquisition program for both fee title and perpetual conservation easements in the Sacramento and San Joaquin Valleys. This total secure acreage does not include 33,108 ac of national wildlife refuge land and 67,000 ac of private land protected under perpetual conservation easements within the Grassland Ecological Area located approximately 40 miles south of the main use area for Aleutian Canada geese. We have documented recent use by Aleutian Canada geese in this area. (D. Woolington, U.S. Fish and Wildlife Service, pers. comm.).

TABLE 2.—SECURE LANDS IN MIGRATION OR WINTERING AREAS UNDER FEDERAL, STATE OR PRIVATE OWNERSHIP AND CURRENTLY BEING MANAGED FOR ALEUTIAN CANADA GEESE

Location	Owner/Manager	Acreage	Goose use
CALIFORNIA			
Northwestern CA			
Castle Rock	FWS	13	Roosting.
Prince Island	Tribal	6	Roosting.
Lake Earl Wildlife Area	State of CA	470	Feeding.
Lake Earl Project	State of CA	230	Feeding.
Colusa Area			
833 Reclamation District	Local Gov't.	2,000	Feeding/roosting.
Butte Sink NWR	FWS	733	Feeding/roosting.
El Sobrante Area			
East Bay Municipal Utility District	Local Gov't.	.....	Feeding/roosting.
Modesto Area			
San Joaquin River NWR	FWS	[1] 1,607	Feeding/roosting.
Faith Ranch	Gallo Family	1,964	Feeding/roosting.
OREGON			
Oregon Islands NWR	FWS	45	Roosting.
Nestucca Bay NWR	FWS	120	Feeding.
BLM grazing land	BLM	537	Feeding.
Floras Lake Park	Curry County	300	Roosting.
Total	.....	8,025	

[1] 6,108 acres are currently in the refuge but only 1,607 acres are suitable for Aleutian Canada geese.

As the population of Aleutian Canada geese continues to grow, we plan to secure additional parcels of migration and wintering habitat. Acquisition of additional goose habitat remains a top priority for the San Joaquin River National Wildlife Refuge for geese that nest in the Aleutian Islands, and for the Nestucca Bay National Wildlife Refuge

in coastal Oregon for geese that nest in the Semidi Islands.

The concentration of relatively large numbers of Aleutian Canada geese on small areas of wintering and migration habitat, most of which is in private ownership, has created conflicts between landowners and geese. Typically the conflicts occur over sprouting grain or pasture grass that is used by both geese and livestock. Northwestern California, particularly in the Smith River bottoms, remains an increasingly controversial area for Aleutian Canada geese because only about 700 ac of State land are now actively managed as foraging habitat for geese in this area. Many geese forage on intensively managed, privately owned pastures in this area during their brief fall stopover and more extensive spring stopover.

In response to the competition between geese and livestock on private lands, the Service in the Modesto area and the State of California in northwestern California are more actively managing their lands to attract geese away from private parcels. In addition, the Service and State provide technical assistance to willing landowners to help them manage their lands for geese.

We acknowledge the important role that private landowners have played in the recovery of the Aleutian Canada goose. Aleutian Canada geese have used and continue to heavily use private lands for feeding, loafing and roosting. Some landowners actively manage their lands for geese with technical assistance from State and Service wildlife biologists. Other landowners have shown considerable patience as goose numbers have increased and geese have impacted their crops and competed with their livestock for grass. The depredation problem may intensify as Aleutian Canada goose numbers continue to increase.

Other Factors in Support of Delisting

The Aleutian Canada Goose Recovery Team lists three additional factors in support of removing the Aleutian Canada goose from the list of threatened and endangered species (Byrd 1995). First, a program designed to reestablish Aleutian Canada geese in the Asian portion of their range is underway through the cooperation of Japanese and Russian wildlife agencies and the Service. Lee (1998) provides a chronological history of this effort, highlights of which are summarized below.

In 1992, we transported 19 captive Aleutian Canada geese to Petropavlovsk, Kamchatka, Russia to establish a captive population of geese as a nucleus for reintroduction of Aleutian Canada geese in Russia. In 1993, a Japanese/Russian team identified Ekarma Island in the northwest Kuril Islands as a suitable fox-free island for future releases of Aleutian Canada geese. A total of 86 captive-reared geese was released in 1995, 1996 and 1997. In winter 1997/1998, Japanese scientists observed at least 15 Aleutian Canada geese on the wintering grounds in Japan, including 4 marked birds from the 1997 release of 33 geese. Seven of the birds appeared to be a family group, and Gerasimov (1998) speculated that the unmarked Aleutian Canada geese may have been progeny of birds from the earlier releases on Ekarma Island. We are very encouraged by the early successes of the goose restoration efforts in Russia and Japan, and will continue to support and participate in this international phase of the overall restoration program.

Second, the State of California and some cooperating local landowners are implementing a plan to reduce depredations by geese on privately owned pastures in the Smith River bottoms in northwestern California. This plan focuses on providing high quality forage for geese on about 200 ac of managed pastures owned by the State of California and hazing birds off of private pastures. A multi-agency ''Lake Earl Working Group'' was formed to address the depredation problem in northwestern California, and local farmers are working with the State of California to help manage State lands for geese through fertilization of pastures and grazing by livestock. Results are encouraging thus far. In 1995 almost no use by geese occurred on State lands. The amount of time geese spent on State land increased to 12 percent in 1996, 20 percent in 1997 and 44 percent in 1998. Further increases in the amount of time geese spend on State land on the order of an additional 20 percent are expected (M. Fisher, U.S. Fish and Wildlife Service, pers. comm.).

We do not wish to overstate the success of management of State lands in northwestern California as a mechanism to reduce conflicts between Aleutian Canada geese and private landowners. Intensive management of State lands in northwestern California has been a great success to date; however, there is a finite amount of forage available there and these lands must also be managed for other wildlife species and habitat values. Furthermore, most State lands consist of poor soils which are not as amenable to intensive management for geese as nearby privately owned parcels.

Lastly, we have developed a new procedure to monitor the population of Aleutian Canada geese wintering in California, enabling us to detect and respond to reverses in the growth of the population. We currently use two procedures to measure population size. The first involves coordinated peak counts of Aleutian Canada geese on the wintering grounds near Modesto, and during early spring as they arrive at and leave their primary roosts at Castle Rock and Prince Island in northwestern California. This technique has proved extremely reliable in the past; however, because numbers of Aleutian Canada geese are now large, obtaining complete counts is difficult. In addition, Aleutian Canada geese now often winter in mixed flocks with the similar-looking Cackling Canada goose (*Branta canadensis minima*). As a result, we recently developed an indirect survey technique that is based on a ratio of marked to unmarked birds. Comparisons of surveys using the indirect method with ''complete'' counts of geese suggest a high degree of concordance between the methods. We anticipate that the indirect count method will become more reliable and widely used if the Aleutian Canada goose population continues to grow.

In summary, the Recovery Plan for the Aleutian Canada goose identified three criteria to use for evaluating when recovery had occurred and when delisting was appropriate. To date, only one recovery objective, attainment of a total population of the subspecies of at least 7,500, has been completely achieved, but we believe that the population is of sufficient size that threats to maintaining recovery have been sufficiently reduced or eliminated to warrant delisting. Contrary to our expectations, the Aleutian Canada geese in the central Aleutians have not recovered despite protection of these birds both on the breeding and wintering grounds. Similarly, the segment of birds breeding in the Semidi Islands has not increased in number although it is not known how large this group of birds was historically. We have not conducted surveys recently in the central Aleutians to determine the current goose population on Chagulak Island and to evaluate the success of recent transplants and determine the number of pioneering birds to fox-free islands in the area. Nevertheless, the explosive growth of the western Aleutian breeding segment assures the future viability of the Aleutian Canada goose subspecies. We remain concerned about the lack of growth of the Semidi Islands breeding segment. However, in recent history this small group of birds has been relatively stable and obvious threats have been removed. We believe

we can effectively protect this breeding segment from various forms of take under provisions of the Migratory Bird Treaty Act (see Summary of Factors Affecting the Species below). In regard to conservation and management of migration and wintering habitat, we support additional acquisition and management of habitat, both to secure wintering and migration habitat and as a tool to reduce future competition between geese and farmers.

Summary of Comments and Recommendations

On April 9, 1998, we published a Notice of Status Review of the Aleutian Canada goose requesting information and comments on the status of the Aleutian Canada goose and notifying the public of our intent to prepare a proposal to remove the subspecies from the list of threatened and endangered species if appropriate (63 FR 17350, April 9, 1998). We received five comments on the notice, including one from a branch of the U.S. Armed Services, one from a public utility, and three from individuals and organizations. Three of the responses supported delisting the Aleutian Canada goose; none opposed delisting. Only one issue of concern was raised in the comments. This issue and our response is presented below.

Comment: Subpopulations like the Semidi Islands group may need continued protection under the Act.

Our response: We remain concerned about the stable but small number of Semidi Islands geese despite protection of these birds on their winter and summer ranges, and will continue to monitor their status. We believe that protective measures available under the Migratory Bird Treaty Act, i.e., continued hunting closures and regulation of various forms of take, would provide strong protection for Semidi Islands geese. The Service and the Pacific Flyway Council will ensure that Semidi Islands geese are considered during annual regulatory framework changes that govern the sport harvest of waterfowl, and that appropriate hunting closures to protect Semidi Islands geese on the wintering grounds are maintained. These regulatory changes have proven to be very effective in protecting other populations of geese in the Pacific Flyway. Additionally, the Pacific Flyway Technical Committee established an Aleutian Canada Goose subcommittee in 1997 that includes State and Federal agency representatives. This subcommittee has begun drafting a management plan for Aleutian Canada geese to ensure that appropriate management activities are continued following delisting.

Summary of Factors Affecting the Species

In accordance with the Act and implementing regulations at 50 CFR part 424, a species shall be listed if the Secretary of the Interior determines that one or more of five factors listed in section 4(a)(1) of the Act threatens the continued existence of the species. A species may be delisted according to § 424.11(d) if the best available scientific and commercial data indicate that the species is neither endangered or threatened for one of the following reasons:

1. Extinction;
2. Recovery; or
3. Original data for classification of the species were in error.

After a thorough review of all available information, we have determined that Aleutian Canada geese are no longer endangered or threatened with extinction. A substantial recovery has taken place since the mid-1970s, and none of the five factors addressed in section 4(a)(1) of the Act currently jeopardizes the continued existence of this subspecies of goose. These factors and their relevance to Aleutian Canada geese are discussed below.

A. The Present or Threatened Destruction, Modification, or Curtailment of its Habitat or Range

Threats to habitat of Aleutian Canada geese still exist, primarily in the form of development and modification of wintering and migration habitat, and the continued presence of foxes on former nesting islands in Alaska. However, both on the breeding and wintering/migration grounds, improvements to habitat have been and continue to be made through predator removal, fee title acquisition and establishment of conservation easements to protect migration and wintering habitat, and management of migration and wintering habitat.

Restoration of habitat on the breeding grounds in the Aleutian Islands and islands south of the Alaska Peninsula continues as the fox removal program proceeds. Since 1949, we have restored 33 islands, totaling more than 596,000 ac, by removing Arctic and red foxes. In 1998, 2 additional islands were cleared of foxes, and 11 islands are scheduled for restoration between 1999 and 2004. We plan to remove foxes from 223,000-ac Attu Island in 1999. Attu Island is close to Agattu Island and to the Alaid-Nizki Island group, all of which have rapidly growing reestablished populations of Aleutian Canada geese, and Attu would provide a substantial amount of nesting habitat if it was colonized. Once cleared of foxes, transplants of family groups of Aleutian Canada geese to Attu Island would be logistically feasible. All of the extant nesting islands of Aleutian Canada geese in Alaska, as well as most of the islands within its historic nesting range, are protected as part of the Alaska Maritime National Wildlife Refuge.

Even if additional fox-free nesting islands are not colonized by Aleutian Canada geese in the foreseeable future, we believe that the availability of nesting habitat in the Aleutian Islands is not likely to limit future population growth or change in a manner that would lead to a decline in goose abundance. We believe there is considerable unoccupied nesting habitat available for geese on existing nesting islands. Despite the availability of nesting habitat, natural expansion to unoccupied islands east of Buldir is not expected to occur rapidly because of the presence of bald eagles, a predator of Aleutian Canada geese, and the strong tendency for Canada geese to return to natal areas to breed.

On the wintering grounds, improvements to habitat are ongoing through fee title acquisition of land, establishment of conservation easements, and management of those lands for feeding, loafing and roosting by Aleutian Canada geese. The intent is to provide attractive, high quality habitat for geese on managed lands to reduce crop depredation on neighboring private farms and ranches. Over 8,000 ac of winter and migration habitat are secure (Table 2) and are being used by Aleutian Canada geese. In addition, 33,108 ac of national wildlife refuge land and 67,000 ac of private land protected under perpetual conservation easements within the Grassland Ecological Area are located approximately 40 miles south of the main use area for Aleutian Canada geese and have recently been used by Aleutian Canada geese.

In addition to migration and wintering habitat already in conservation status, we are working to increase our land holdings of habitat currently used by Aleutian Canada geese in the Modesto, California area. Land acquisition or conservation activities within and near the San Joaquin River National Wildlife Refuge that are underway include:

(1) Acquisition of 3,100 ac south of Highway 132 and along the San Joaquin River, part of which will be suitable winter range for Aleutian Canada geese;

(2) Negotiation of a conservation easement with the owner of a 1,994-ac

ranch currently used by Aleutian Canada geese for feeding, loafing and roosting. The landowner is currently working with the Service to manage this land for geese. This ranch is currently included within the authorized boundary of the San Joaquin River National Wildlife Refuge; and

(3) Negotiation for fee title acquisition of 378 acres and a long-term conservation easement on 705 acres on another nearby ranch currently used by Aleutian Canada geese for feeding, loafing and roosting. Agricultural practices used on these parcels favor Aleutian Canada geese although conflicts between the geese and the landowner are intensifying as goose numbers increase. This ranch is also included within the authorized boundary of the San Joaquin River National Wildlife Refuge.

Activities to acquire or conserve other lands within the wintering and migration range of the Aleutian Canada geese include:

(1) Negotiation for purchase of the two dairies on which Aleutian Canada geese from the Semidi Islands winter. These dairies are within the authorized boundary of the Nestucca Bay National Wildlife Refuge. The Service has made offers on both pieces of property, but thus far purchase agreements have not been reached; and

(2) Evaluation by the State of California of acquisition proposals for additions to the Lake Earl Wildlife Area in northwestern California as suitable goose foraging habitat.

We believe that sufficient breeding, migration, and wintering habitat will remain secure over the long-term to allow for the continued viability of this subspecies.

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

Historically, Aleuts residing in the Aleutian Islands harvested Aleutian Canada geese for food. In addition, market hunters on the wintering grounds, and more recently, sport hunters, harvested Aleutian Canada geese in the Pacific Flyway. After introduced foxes had reduced the breeding range of the Aleutian Canada goose and prior to the identification of the goose's wintering range, sport hunting likely limited population growth. Therefore, establishment of areas closed to hunting was an effective conservation measure and likely was responsible for early increases in goose numbers.

Delisting of the Aleutian Canada goose will not result in overutilization of the subspecies because take will still be governed by the Migratory Bird Treaty Act and corresponding regulations codified in 50 CFR Part 20. After the Aleutian Canada goose is delisted, we must decide if and when they can be taken for recreational hunting and for other purposes. A regulatory framework already exists for managing migratory waterfowl in the United States (U.S. Fish and Wildlife Service 1988). (See discussion of existing regulatory mechanisms under factor D.)

Other than sport hunting, no appreciable demand for Aleutian Canada geese for commercial or recreational purposes is anticipated. There may be a small demand for birds for scientific purposes. As with hunting, we will regulate take through the Migratory Bird Treaty Act.

C. Disease or Predation

Because many waterfowl species in the Pacific Flyway are now highly concentrated on the greatly reduced wetland acres of their wintering grounds, they are vulnerable to disease. Disease and other health factors accounted for 28 percent of the mortality of Aleutian Canada geese on wintering and migration areas between 1975 and 1991 (n = 583 birds; Springer and Lowe 1998). Avian cholera, a highly infectious disease caused by the bacterium *Pasteurella multocida*, has been identified as the cause of mortality of most of the Aleutian Canada geese found dead on the wintering grounds near Modesto. From 1983 to 1998, the number of Aleutian Canada geese that are known to have died annually from avian cholera has ranged from none to 155. However, an exceptional cold period during December 1998 in California set the stage for an extensive and intense avian cholera outbreak during January 1999. Approximately 809 Aleutian Canada geese died of avian cholera during that month. Additional birds probably died that are not included in the mortality count, as coyotes (*Canis latrans*) may have removed some of the carcases. Although this outbreak was the worst known for Aleutian Canada geese, it claimed only about 2.5 percent of the total population. Rapid response to the outbreak and effective management of afflicted wetlands minimized the toll on the subspecies.

Based on these data, we conclude that disease is a chronic, low-level problem on the wintering grounds which may occasionally flare up into a severe outbreak. However, effective land management should prevent future outbreaks from having serious consequences at the population level. The Aleutian Canada Goose Recovery Team has prepared and revised a disease and contamination hazard contingency plan that provides information and direction to reduce the incidence and severity of both disease and contamination hazards (Byrd et al. 1996). We implement this plan through an active program of collecting and disposing of dead and diseased waterfowl to reduce exposure of healthy geese.

Currently, we employ seasonal biologists to monitor Aleutian Canada geese in the Sacramento and San Joaquin Valleys and in the Crescent City area. Much of this effort is focused on the San Joaquin River National Wildlife Refuge and neighboring areas and includes monitoring for disease outbreaks. When a disease outbreak occurs, these employees and other refuge staff begin an intensive effort of carcass retrieval and disposal to break the cycle of cholera infection. Refuge staff also have the ability to manage disease by managing water levels at roost sites and wetland basins to avoid concentrating bacteria in those waters.

Besides disease, other sources of mortality of Aleutian Canada geese include shooting (49 percent), drowning (see below), collisions and predation (12 percent) and trapping accidents (2 percent) (Springer and Lowe 1998). Collectively, they account for only a small amount of annual mortality. Shooting of Aleutian Canada geese occurred prior to establishment of hunting closures, but declined after closures were established. Occasionally, Aleutian Canada geese are shot outside the closed areas (Springer and Lowe 1998).

On the breeding grounds, predators still prevent breeding on many islands. As mentioned above, we continue to implement an aggressive program to eradicate introduced foxes from islands within the Alaska Maritime National Wildlife Refuge. However, on islands east of Buldir, predation by bald eagles, in concert with the high degree of site fidelity exhibited by geese, may limit colonization of new nesting islands. Non-native rats, ground squirrels, and voles have also been introduced on a variety of islands within the nesting range of the Aleutian Canada goose and will be difficult, if not impossible, to eradicate. These species may prey on Aleutian Canada goose eggs, hatchlings or goslings if they have the opportunity, although a study completed in the Semidi Islands suggests that ground squirrels were not a predator of goose eggs (Beyersdorf and Pfaff 1995). Predation of goslings in the Semidi Islands by ground squirrels and

Glaucous-winged gulls (*Larus glaucescens*) may be a factor limiting production of this breeding segment although it has not been quantified (Beyersdorf and Pfaff 1995).

D. The Inadequacy of Existing Regulatory Mechanisms

If delisted, Aleutian Canada geese will remain protected under the Migratory Bird Treaty Act, which regulates taking of all migratory birds. Once delisted, we will evaluate, with cooperation from the States through the Pacific Flyway Council, and with public comment, whether protections should be relaxed to allow some take through sport hunting and other means, and to manage current and future depredation problems on the wintering grounds and along migration routes. An effective regulatory framework is in place to manage waterfowl (U.S. Fish and Wildlife Service 1988). This annual rulemaking process provides for participation by the States through the Flyway Councils and opportunity for public input. The Pacific Flyway Council, which is composed of wildlife agency directors from each of the western States and Canadian provinces in the Pacific Flyway, including Alaska, will participate in the formulation of any regulations regarding future hunting of Aleutian Canada geese. An Aleutian Canada goose subcommittee of the Pacific Flyway Study Committee (waterfowl experts from the Flyway States) has undertaken the drafting of a management plan for the Aleutian Canada Goose that will ensure that overutilization does not occur (T. Rothe, Alaska Department of Fish and Game, pers. comm.). Continued closure of Canada goose hunting in the wintering area of the Semidi Islands geese will be a part of any regulatory framework that emerges for Aleutian Canada geese.

Two recent case histories provide good examples of the effectiveness of waterfowl management under the provisions of the Migratory Bird Treaty Act. By the mid-1980s, populations of the Cackling Canada goose and Pacific white-fronted goose (*Anser albifrons frontalis*) had plummeted to 24,000 birds and 97,000 birds, respectively. As a result of reductions in sport hunting bag limits, establishment of areas closed to hunting on the wintering grounds, and voluntary reductions in take by Alaska Natives on the breeding grounds, the population of Cackling Canada goose has increased to more than 200,000 birds and the Pacific white-fronted geese to more than 300,000 birds (R. Oates, U.S. Fish and Wildlife Service, pers. comm.). We believe the provisions of the Migratory Bird Treaty Act will allow sufficient protection of the Aleutian Canada goose, including the small group of birds that breeds in the Semidi Islands and winters near Pacific City, Oregon.

E. Other Natural or Manmade Factors Affecting its Continued Existence

Three incidences of drowning of Aleutian Canada geese in ocean surf have occurred in recent years (Springer et al. 1989, Pitkin and Lowe 1994): 43 geese near Crescent City, California in 1984; 23 geese near Pacific City, Oregon in 1987; and 10 geese near Pacific City, Oregon in 1993. All drowning incidents were related to storms. Because the number of birds in the Semidi Islands breeding segment is small, we are concerned about these drowning incidents, but little can be done to prevent their reoccurrence.

At their lowest population level, Aleutian Canada geese may have numbered in the low hundreds (see Kenyon 1963) and were distributed on three widely separated remnant nesting islands. Populations that go through small population bottlenecks may exhibit reduced genetic variability and suffer from inbreeding depression. Such populations may not be able to successfully adapt to changes in the environment or to stochastic (random) events. The lack of growth of the Semidi Islands breeding segment of Aleutian Canada geese despite protection on the breeding and wintering grounds led to speculation that this breeding segment was inbred and lacked genetic variability. A recent genetic study showed several potential indicators of a recent genetic bottleneck, including the fact that the Semidi Islands geese have fewer alleles per loci, as well as a lower haplotype and nucleotide diversity when compared to Buldir Island birds, indicating lower overall genetic diversity. However, statistical tests were inconclusive (Pierson et al. 1998).

In summary, we have carefully reviewed all available scientific and commercial data and conclude the threats that caused the population of Aleutian Canada geese to decline no longer pose a risk to the continued survival of the subspecies. A sustained recovery has occurred during the last three decades as a result of removal of foxes from nesting islands in Alaska, closure of wintering and migration areas to hunting, and conservation and management of wintering and migration areas. This recovery indicates that the subspecies as a whole is no longer endangered or likely to become endangered in the foreseeable future throughout a significant portion of its range. Therefore, the species no longer meets the Act's definitions of endangered or threatened. Under these circumstances, removal from the list of threatened and endangered wildlife is appropriate.

Effects of This Rule

Take, as defined in the Act, of the Aleutian Canada goose is currently prohibited. If this proposal is made final, direct protection by the Act will no longer be provided to the subspecies. In addition, Federal agencies will no longer be required to consult with us to insure that the actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of the species. However, the Aleutian Canada goose would still be afforded protection under the Migratory Bird Treaty Act. The Migratory Bird Treaty Act regulates the taking of migratory birds for educational, scientific, and recreational purposes. It also states that the Secretary of the Interior is authorized and directed to determine, if, and by what means, the take of migratory birds should be allowed, and to adopt suitable regulations permitting and governing the take. In adopting regulations, the Secretary is to consider such factors as distribution and abundance to ensure that take is compatible with the protection of the species.

Delisting of the Aleutian Canada goose under the Endangered Species Act will not affect ongoing negotiations to secure habitat in the migration and wintering grounds (see discussion under factor A). We will continue to acquire or conserve additional lands for Aleutian Canada geese and other migratory waterfowl through fee title acquisition of land or establishment of conservation easements.

Future Conservation Measures

Section 4(g)(1) of the Act requires that we monitor species for at least 5 years after delisting. If evidence acquired during this monitoring period shows that endangered or threatened status should be reinstated to prevent a significant risk to the subspecies, we may use the emergency listing authority provided by the Act. At the end of the 5-year monitoring period, we will decide if relisting, continued monitoring, or an end to monitoring activities is appropriate. We propose the following plan for monitoring Aleutian Canada geese in the event they are delisted.

Proposed Monitoring Plan

This monitoring plan is designed to detect changes in the status of the Aleutian Canada goose primarily by: (1)

Monitoring population size on wintering and migration areas; (2) monitoring productivity of the Semidi Islands population segment on the wintering grounds; and (3) monitoring the status of breeding birds on nesting islands in Alaska.

(1) Monitoring population size on wintering and migration areas: We propose to monitor the population of Aleutian Canada geese by using either or both the indirect population estimation procedure based on a marked to unmarked ratio of birds on their wintering grounds in the Modesto area, or direct counts of geese as they leave their roosts while staging in northwestern California in spring. Aleutian Canada geese nesting in the Semidi Islands will be most effectively monitored by conducting counts of foraging birds on their wintering grounds near Pacific City, Oregon.

(2) Monitoring productivity of the Semidi Islands breeding segment on its wintering range: Lack of productivity on Kiliktagik and Anowik Islands appears to be the principal factor in the lack of growth in the Semidi Islands breeding segment. The reasons for this lack of productivity are not understood. Because it is possible to distinguish hatching year birds from older birds on their winter range, we propose to monitor production of the Semidi Islands geese by making direct counts of birds on their winter range in Oregon.

(3) Monitoring the status of breeding birds on nesting islands in Alaska: The status of Aleutian Canada geese on their nesting islands was last summarized in 1995 (Beyersdorf and Pfaff 1995, Byrd 1995). We propose to determine the status of nesting Aleutian Canada geese on all the known nesting islands (Agattu, Alaid/Nizki, Buldir, Chagulak, Amukta, Kilikitagik, Anowik), and islands on which transplants of geese have occurred but for which the current breeding status is unknown (Little Kiska, Amchitka, Skagul, Yunaska), at least once during the 5-year monitoring period.

We will consider relisting if during, or after, the 5-year monitoring period, it appears that a reversal of the recent recovery has taken place. We have not established any firm thresholds that if reached will trigger relisting, but relisting will be considered if:

(1) The overall population of Aleutian Canada geese declines by 25 percent below the current level, and there is a negative population trend for 2 or more years based on either direct or indirect population estimates of birds in migration and wintering areas; and if

(2) Through disease or other stochastic (random) events, Aleutian Canada geese decline appreciably and may be extirpated from one or more of their principal nesting islands (Agattu, Alaid/Nizki, or Buldir islands).

We may determine that monitoring is no longer warranted if studies indicate that the overall population of Aleutian Canada geese is stable at current levels or increasing and that no known factors threaten the subspecies. If the Service has identified one or more factors that are believed to have the potential to cause a decline, monitoring will be continued beyond the 5-year period. Consistent with all other flyway management plans, a Pacific Flyway management plan for Aleutian Canada geese will include a population objective and monitoring activities to assess the effects of management activities.

We remain committed to monitoring the status of the Semidi Islands geese as long as necessary to ensure the population's health. Consequently, we will continue to monitor this breeding segment beyond the 5-year period on an annual basis on the wintering grounds and occasionally on the breeding grounds.

In addition to monitoring the status of the Aleutian goose in the United States, we also intend to actively support and participate in the ongoing efforts to restore Aleutian Canada geese in Russia and Japan.

Public Comments Requested

We request comments on three aspects of this proposed rulemaking: (1) the proposed removal of the Aleutian Canada goose from the List of Endangered and Threatened Wildlife; (2) the clarity of this proposal, pursuant to Executive Order 12866, which requires agencies to write clear regulations; and (3) the collection of information from the public during the 5-year monitoring period.

Proposed Delisting

We intend that any final action resulting from this proposal be as accurate as possible. Therefore, we request information and comments concerning the status of the Aleutian Canada goose and this proposal. We request information and comments from all affected Federal, State and local government agencies, the scientific community, industry, private interests, and all other interested parties. In particular, comments are sought concerning:

(1) Biological or other relevant data concerning the range, distribution, numbers and threats to Aleutian Canada geese; and

(2) Suggestions on the 5-year monitoring plan outlined above.

In developing the final rule for the Aleutian Canada goose, we will take into consideration any information and comments received. Therefore, the final rule may differ from this proposal.

The Endangered Species Act allows for public hearings on this proposal, if requested. We must receive requests within 45 days of the date of publication of the proposal in the **Federal Register**. Such requests must be made in writing, and should be addressed to Ann Rappoport (see address above).

Executive Order 12866

Executive Order 12866 requires agencies to write regulations that are easy to understand. We invite your comments on how to make this proposal easier to understand including answers to questions such as the following:

(1) Is the discussion in the ''Supplementary Information'' section of the preamble helpful in understanding the proposal?

(2) Does the proposal contain technical language or jargon that interferes with its clarity?

(3) Does the format of the proposal (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce its clarity? What else could we do to make the proposal easier to understand?

Send a copy of any comments that concern how we could make this rule easier to understand to the office identified in the **ADDRESSES** section at the beginning of this document.

Paperwork Reduction Act

Office of Management and Budget (OMB) regulations at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act, require that Federal agencies obtain approval from OMB before collecting information from the public. The OMB regulations at 5 CFR 1320.3(c) define a collection of information as the obtaining of information by or for an agency by means of identical questions posed to, or identical reporting, record keeping, or disclosure requirements imposed on ten or more persons. Furthermore, 5 CFR 1320.3(c)(4) specifies that ''ten or more persons'' refers to the persons to whom a collection of information is addressed by the agency within any 12-month period. For purposes of this definition, employees of the Federal government are not included.

This rule does not include any collections of information that require approval by OMB under the Paperwork Reduction Act. The information needed to monitor the status of the Aleutian

Canada goose following delisting will be collected primarily by our personnel. We do not anticipate a need to request data or other information from ten or more persons during any 12-month period to satisfy monitoring information needs. If it becomes necessary to collect information from 10 or more non-Federal individuals, groups, or organizations per year, we will first obtain information collection approval from OMB.

National Environmental Policy Act

We have determined that we do not need to prepare an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, in connection with regulations adopted pursuant to section 4(a) of the Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244).

Listing Priority Guidance

The processing of this proposed rule conforms with our Listing Priority Guidance for Fiscal Years 1998 and 1999, published on May 8, 1998. This guidance clarifies the order in which we will process rulemakings, giving the highest priority (Tier 1) to processing emergency rules to add species to the Lists of Endangered and Threatened Wildlife and Plants; second priority (Tier 2) to processing final determinations on proposals to add species to the lists, processing new proposals to add species to the Lists, processing administrative findings on petitions (to add species to the lists, delist species, or reclassify listed species), and processing a limited number of proposed or final rules to delist or reclassify species; and third priority (Tier 3) to processing proposed or final rules designating critical habitat. Processing of this delisting proposal is a Tier 2 action.

References Cited

A complete list of all references cited herein is available upon request from Ann Rappoport (see address above).

Author. The primary author of this proposal is Anthony DeGange (see address above).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Proposed Regulations Promulgation

Accordingly, we hereby propose to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

§ 17.11 [AMENDED]

2. Section 17.11(h) is amended by removing the entry for the ''Goose, Aleutian Canada, Branta canadensis leucopareia'' under ''Birds.''

Dated: July 8, 1999.

John G. Rogers, Jr.,

Acting Director, Fish and Wildlife Service.

[FR Doc. 99–19900 Filed 7–30–99; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 990722200–9200–01; I.D. 060899D]

RIN 0648–AG88

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coral Reef Resources of Puerto Rico and the U.S. Virgin Islands; Amendment 1

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS issues this proposed rule to implement Amendment 1 to the Fishery Management Plan for Corals and Reef Associated Plants and Invertebrates of Puerto Rico and the U.S. Virgin Islands (FMP). This rule proposes to establish a marine conservation district (MCD) of approximately 16 square nautical miles (mi2)(41 km2) in the Exclusive Economic Zone (EEZ), southwest of St. Thomas, U.S. Virgin Islands (USVI), in an area known as ''Hind Bank.'' Within the MCD, fishing for any species and anchoring by fishing vessels would be prohibited. The intended effect is to protect important marine resources.

DATES: Written comments must be received on or before September 17, 1999.

ADDRESSES: Comments on the proposed rule must be sent to the Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

Requests for copies of Amendment 1, which includes a regulatory impact review (RIR), an initial regulatory flexibility analysis (IRFA), and a final supplemental environmental impact statement (FSEIS), should be sent to the Caribbean Fishery Management Council (Council), 268 Munoz Rivera Avenue, Suite 1108, San Juan, PR 00918-2577.

FOR FURTHER INFORMATION CONTACT: Michael Barnette, 727-570-5305.

SUPPLEMENTARY INFORMATION: The fishery for coral reef resources and related fisheries off Puerto Rico and the U.S. Virgin Islands are managed under the FMP. The FMP was prepared by the Council, and was approved and implemented by NMFS, under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), through final regulations at 50 CFR part 622.

This proposed rule would implement Amendment 1 and establish a MCD of approximately 16 mi2 (41 km2) in the EEZ off the USVI southwest of St. Thomas, in an area known as ''Hind Bank.'' The purpose of the MCD is to protect coral reef resources, reef fish stocks, and their habitats. Fishing and anchoring of fishing vessels would be prohibited within the MCD. The ban on anchoring of fishing vessels would aid in enforcement of the fishing prohibition and protect the reefs from direct physical damage from anchoring.

Caribbean coral reefs are under considerable ecological stress as a result of the effects of coastal development and deforestation (sedimentation, pollution, dredging) and fishing (gear impacts and overfishing effects). The FMP currently prohibits the taking of corals and live rock in the EEZ and limits the type of gear used to collect live reef invertebrates and algae for aquariums.

The FMP was recently amended by a generic essential fish habitat (EFH) amendment (Generic EFH Amendment) that addressed EFH requirements for all the Council's FMPs. The Generic EFH Amendment designated U.S. Caribbean coral and coral reef areas as EFH. NMFS approved these EFH designations under the Generic EFH Amendment for 17 selected species and corals (15 reef fish species, spiny lobster, and queen conch), and published a notice of agency decision in the **Federal Register** (64 FR 14884; March 29, 1999). Amendment 1 is intended to protect coral reef resources and associated species, and EFH within the MCD.

Amendment 1 would specifically address fishing effects on reefs by