

Wildlife Service, Rock Island Field Office and Diane Lynch, U.S. Fish & Wildlife Service, Northeast Regional Office.

#### List of Subjects in 50 CFR Part 17

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

#### Proposed Regulation Promulgation

Accordingly, as first proposed July 6, 1999, at 64 FR 36454, we 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 “Eagle, bald” under “BIRDS” from the List of Endangered and Threatened Wildlife.

#### § 17.41 [Amended]

3. Section 17.41 is amended by removing and reserving paragraph (a).

Dated: October 31, 2005.

**H. Dale Hall,**

*Director, Fish and Wildlife Service.*

[FR Doc. 06–1442 Filed 2–15–06; 8:45 am]

**BILLING CODE 4310–55–P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

RIN 1018–AT38

#### Endangered and Threatened Wildlife and Plants; Designating the Greater Yellowstone Ecosystem Population of Grizzly Bears as a Distinct Population Segment; Removing the Yellowstone Distinct Population Segment of Grizzly Bears From the Federal List of Endangered and Threatened Wildlife

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

**ACTION:** Proposed rule; extension of comment period.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce an extension of the comment period for the proposed rule to establish a distinct population segment (DPS) of the grizzly bear (*Ursus arctos horribilis*) for the greater Yellowstone Ecosystem and

surrounding area and remove the Yellowstone DPS from the List of Threatened and Endangered Wildlife. Comments previously submitted need not be resubmitted as they have already been incorporated into the public record and will be fully considered in the final decision and rule.

**DATES:** The public comment period is extended until March 20, 2006. Any comments that are received after the closing date may not be considered in the final decision on the proposal.

**ADDRESSES:** If you wish to comment on the proposal, you may submit your comments and materials concerning the proposal by any one of several methods—

1. You may submit written comments to the Grizzly Bear Recovery Coordinator, U.S. Fish and Wildlife Service, University Hall 309, University of Montana, Missoula, Montana 59812.

2. You may hand deliver written comments to our Missoula office at the address given above.

3. You may send comments by electronic mail (e-mail) to [FW6\\_grizzly\\_yellowstone@fws.gov](mailto:FW6_grizzly_yellowstone@fws.gov). See the Public Comments Solicited section below for file format and other information about electronic filing.

Comments and materials received, as well as supporting documentation used in preparation of the proposed action, will be available for inspection after the close of the public comment period, by appointment, during normal business hours, at our Missoula office (See address above).

**FOR FURTHER INFORMATION CONTACT:** Dr. Christopher Servheen, Grizzly Bear Recovery Coordinator, U.S. Fish and Wildlife Service, at our Missoula office (see address above) or telephone (406) 243–4903. Persons who use a Telecommunications Device for the Deaf may call the Federal Information Relay Service at 1–800–877–8339, 24 hours a day, 7 days a week.

#### SUPPLEMENTARY INFORMATION:

##### Background

On November 17, 2005, the Service published a proposal to establish a DPS of the grizzly bear (*Ursus arctos horribilis*) for the greater Yellowstone Ecosystem and surrounding area and to remove the Yellowstone DPS from the List of Threatened and Endangered Wildlife (70 FR 69854). Robust population growth, coupled with State and Federal cooperation to manage mortality and habitat, widespread public support for grizzly bear recovery, and the development of adequate regulatory mechanisms, has brought the Yellowstone grizzly bear population to

the point where making a change to its status is appropriate. The proposed delisting of the Yellowstone DPS would not change the threatened status of the remaining grizzly bears in the lower 48 States, which would remain protected by the Endangered Species Act (16 U.S.C. 1531 *et seq.*). The comment period on this proposal opened for 60 days on November 17, 2005. Due to the complexity of this proposed action, we are extending the comment period for an additional 30 days to allow all interested members of the public ample opportunity to comment.

#### Public Comments Solicited

We intend that any final action resulting from the proposed rule will be as accurate and as effective as possible. Therefore, we solicit comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning the proposed rule. Generally, we seek information, data, and comments concerning the status of grizzly bears in the Yellowstone ecosystem. Specifically, we seek documented, biological data on the status of the Yellowstone ecosystem grizzly bears and their habitat, and the management of these bears and their habitat.

Submit comments as indicated under **ADDRESSES**. If you wish to submit comments by e-mail, please avoid the use of special characters and any form of encryption. Please also include your name and return address in your e-mail message.

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the rulemaking record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the rulemaking record a respondent's identity, as allowable by law. If you wish us to withhold your name or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety. Comments and other information received, as well as supporting information used to write the proposal, will be available for public inspection, by appointment, during normal business

hours at our Missoula Office (*see ADDRESSES*). In making a final decision on the proposed rule, we will take into consideration the comments and any additional information we receive. Such communications may lead to a final rule that differs from the proposal.

#### Authority

The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

Dated: February 9, 2006.

**Marshall P. Jones, Jr.,**

*Acting Director, U.S. Fish and Wildlife Service.*

[FR Doc. E6-2205 Filed 2-15-06; 8:45 am]

BILLING CODE 4310-55-P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

#### Endangered and Threatened Wildlife and Plants; 90-Day Finding on a Petition To List *Sidalcea hendersonii* (Henderson's checkermallow) as Threatened or Endangered

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

**ACTION:** Notice of petition finding.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce a 90-day finding on a petition to list *Sidalcea hendersonii* (Henderson's checkermallow) under the Endangered Species Act of 1973, as amended. We find the petition does not provide substantial scientific information indicating that listing *S. hendersonii* may be warranted. Therefore, we will not be initiating a further status review in response to this petition, however, we ask the public to submit to us any new information that becomes available concerning the status of the species or threats to it.

**DATES:** The finding announced in this document was made on February 16, 2006.

**ADDRESSES:** You may submit information by any of the following methods:

(1) E-mail: [Liz\\_Kelly@fws.gov](mailto:Liz_Kelly@fws.gov). Include *Sidalcea hendersonii* (Henderson's checkermallow) in the subject line of the message.

(2) Fax: 503-231-6195.

(3) Mail: Kemper McMaster, State Supervisor, Oregon Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2600 SE. 98th Avenue, Suite 100, Portland, OR 97266-1398.

(4) Hand Delivery/Courier: You may hand-deliver documents to our office (*see mailing address above*).

The petition and supporting information are available for public inspection, by appointment, during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Liz Kelly, Newport Field Office, U.S. Fish and Wildlife Service, 2127 SE. Marine Science Drive, Newport, OR 97365; or by electronic mail to [Liz\\_Kelly@fws.gov](mailto:Liz_Kelly@fws.gov) (telephone: 541-867-4558; fax: 541-867-4551). Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800-877-8339, 24 hours a day, 7 days a week.

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 4(b)(3)(A) of the Act requires that we make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific information to indicate that the petitioned action may be warranted. To the maximum extent practicable, this finding is to be made within 90 days of receipt of the petition, and the finding is to be published promptly in the **Federal Register**.

This finding summarizes the information included in the petition and information available to us at the time of the petition review. Under section 4(b)(3)(A) of the Act and our regulations in 50 CFR 424.14(b), our review of a 90-day finding is limited to a determination of whether the information in the petition meets the "substantial scientific information" threshold. Our standard for substantial scientific information with regard to a 90-day listing petition finding is "that amount of information that would lead a reasonable person to believe that the measure proposed in the petition may be warranted" (50 CFR 424.14(b)).

We have to satisfy the Act's requirement that we use the best available science to make our decisions. However, we do not conduct additional research at this point, nor do we subject the petition to rigorous critical review. Rather, at the 90-day finding stage, we accept the petitioner's sources and characterizations of the information, to the extent that they appear to be based on accepted scientific principles (such as citing published and peer reviewed articles, or studies done in accordance with valid methodologies), unless we have specific information to the contrary. Our finding considers whether the petition states a reasonable case for listing on its face. Thus, our 90-day

finding expresses no view as to the ultimate issue of whether the species should be listed.

On December 29, 2003, the Service received a petition dated December 15, 2003, from Dr. Rhoda Love on behalf of The Native Plant Society of Oregon (NPSO) requesting that the Service list *Sidalcea hendersonii* (Henderson's checkermallow) as a threatened or endangered species under the Act. Action on this petition was precluded by nearly all of our listing funds being obligated to court orders and settlement agreements for other listing actions.

The petition contained detailed information on the natural history of *Sidalcea hendersonii*, its population status, and existing threats to the species. Potential threats discussed in the petition include destruction and modification of habitat, predation, inadequacy of existing regulatory mechanisms, and other natural and manmade factors such as flooding and siltation. In response to the petitioner's request to list *S. hendersonii*, the Service sent a letter to the petitioner dated February 13, 2004, explaining that initial review of the petition did not indicate that an emergency listing was warranted and that the Service would review the petition and determine whether or not the petition presents substantial scientific information indicating that listing *S. hendersonii* may be warranted.

On January 17, 2006, we received additional information from the NPSO dated January 7, 2006, related to the petition. The additional information included an analysis of the Washington Natural Heritage Program (WNHP) 2005 report on the Washington Status of *Sidalcea hendersonii* (Henderson's checkermallow).

#### Species Information

*Sidalcea hendersonii* was first recorded in 1841 by botanist William Breckenridge in southwestern Washington. Two more specimens were collected from British Columbia on Saturna Island in 1858 and Vancouver Island in 1883. Originally identified as either *S. malvaeflora* or *S. campestris*, the specimens were not recognized as *S. hendersonii* until examined by Eva M. F. Roush for her 1931 monograph on the genus. *Sidalcea hendersonii* did not gain its scientific name until 1887. In Oregon, the plant was first collected by Louis F. Henderson on July 3, 1887, on the Columbia River estuary "near Clatsop Bay." Two weeks earlier on June 15, 1887, the plant had been collected by Thomas Jefferson Howell at the mouth of the Umpqua River and labeled as *S. campestris* Greene. The