

collection period for critical habitat development in early summer 1993. Continued discussions led to a mutual recognition of the significant differences between resource management and habitat conditions on federally administered lands and Jicarilla Apache Reservation lands. These differences afforded an opportunity to address the threats identified in the listing proposal through the development of a tribal management plan for the owl. Working independently, the Jicarilla Game and Fish Department developed a draft "Conservation Plan for the Mexican Spotted Owl on the Jicarilla Apache Reservation, New Mexico" and requested review of the document by the New Mexico Ecological Services State Office at a meeting on November 21, 1994. Reviews were conducted and recommendations provided by the Service at that meeting and during subsequent telephone conversations with representatives of the Tribe. On December 16, 1994, the Jicarilla Apache Tribal Council approved the plan and formally submitted it to the Service.

The plan addresses the identified threats to owl habitat by maintaining sufficient suitable habitat across the landscape and the site-specific retention of complex forest structure following timber harvest. Nest/roost habitats, primarily in mixed conifer and steep slope areas, are not managed for timber extraction and are to remain in suitable nest-roost condition. Foraging habitat consisting of ponderosa pine is to be managed almost entirely by uneven-aged methods. Timber harvest may lower the quality of a fraction of the foraging habitat base, but adequate residual structure remains so that the habitat may rapidly reattain suitable condition. At any point in time the majority of foraging habitat remains in suitable foraging condition across the landscape. Site-specific management of territories address both habitat conditions and behavioral disturbance within owl territories. Territorial management includes the establishment of 300-acre protected activity centers (PAC) around nest-roost sites. No timber, or oil and gas development is to occur within these areas, and no behaviorally disturbing activities are permitted within 1/4 mile of any nest or roost site during the breeding season. Habitat in the areas surrounding the PACs are to be managed as described above.

The plan fully incorporates the Service's criteria for management of critical habitat. These criteria were adopted, in part, from the recommended guidelines outlined in the Draft Recovery Plan prepared by the Mexican

Spotted Owl Recovery Team. In addition, the Jicarilla plan has increased protection in ponderosa pine foraging habitat above those levels identified in the Draft Recovery Plan.

Based on information provided during the initial public comment period by the Jicarilla Apache Indian Tribe, the Service has determined that identified threats to the species over the majority of its range have been removed on the Jicarilla Apache Indian Reservation through the establishment and enforcement of the Tribe's Mexican Spotted Owl Conservation Plan. Therefore, the Service proposes to delete the 101,923 acres in Critical Habitat Units NM-JAIR-1, NM-JAIR-2, NM-JAIR-3, NM-JAIR-4, and NM-JAIR-5, on the Jicarilla Apache Indian Reservation from the proposed rule to designate critical habitat based on the new information provided by the Tribe.

Section 4(b)(2) of the Act (16 U.S.C. 1533 (b)(2)) requires the Service to consider economic and other impacts of designating a particular area as critical habitat. In a final designation of critical habitat, the Service is required to balance the benefits of excluding a significantly impacted area against the benefits of including that area within the boundaries of critical habitat. In fulfillment of that requirement, the Service has prepared a draft economic analysis of the effects that may be caused by the designation of critical habitat. The Service will provide a copy of the Economic Analysis to interested parties upon request. Based on the data provided for the draft economic analysis, and the assessment of identified economic impacts, the lands of the Navajo Nation, and the Southern Ute, Mescalero Apache, and San Carlos Apache tribes are being proposed for exclusion under section 4(b)(2), contingent upon Service receipt and review of specific economic information for each of those tribes, and biological data concerning the presence, distribution, and habitat use of Mexican spotted owls on those tribal lands. Information provided for the draft economic analysis indicates that significant economic impacts may occur on lands of these tribes due to the designation of critical habitat. However, the information was not conclusive. In one instance, data were grouped together for three of the tribes: Jicarilla Apache, Mescalero Apache, and Southern Ute. Such aggregation does not allow specific impacts to be delineated for individual tribes. In another instance, information provided on economic impacts on the Navajo Reservation was contradictory and may require further review and analysis.

While information is available regarding economic effects, biological information is lacking concerning the abundance, distribution and management of Mexican spotted owls on the Navajo, Southern Ute, Mescalero Apache, and San Carlos Apache reservation lands. Therefore, the Service is inviting submission of information and comment on these and any other relevant issues. A more detailed discussion of economic impacts is provided in the Economic Analysis. The Service will consider the critical habitat designation in light of all additional relevant information obtained during the comment period before making a final decision with respect to the proposed rule.

A series of public hearings have been scheduled in connection with the announcement of availability of the draft economic analysis; notice of the times and locations of the hearings appears elsewhere in today's issue of the **Federal Register**. Comments regarding the proposed exclusions described above will also be accepted at these hearings or in writing through the end of the comment period on May 8, 1995.

Author

The primary author of this notice is Jennifer Fowler-Propst, New Mexico State Supervisor, at the above address.

Authority

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

Dated: March 6, 1995.

George T. Frampton Jr.,

Assistant Secretary for Fish and Wildlife and Parks.

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50 CFR Part 17

RIN 1018-AD02

Endangered and Threatened Wildlife and Plants; Notice of Document Availability, Notice of Public Hearings, and Reopening of Public Comment Period

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability, reopening of public comment period, notice of public hearings.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces availability of a draft economic analysis of its proposal to designate critical habitat for the Mexican spotted owl. A comment period is opened and public hearings

will be held on the analysis and the proposal.

DATES: Comment: The original comment period on the proposed rule to designate critical habitat extended from December 7, 1994, to March 7, 1995. The comment period is now reopened until May 8, 1995.

Hearings: The Service will hold four public hearings at the times noted below. Public hearings will be held from 6 p.m. to 9 p.m. on the following dates: March 22, 1995, in Santa Fe, New Mexico; March 23, 1995, in Socorro, New Mexico; March 29, 1995, in Tucson, Arizona; and March 30, 1995, in Flagstaff, Arizona.

ADDRESSES: Hearings: The public hearings will be held at the following places: Santa Fe—Morgan Hall, 310 Old Santa Fe Trail, Santa Fe, New Mexico; Socorro—Galena Auditorium, New Mexico Institute of Mining and Technology, 1 Olive Lane, Socorro, New Mexico; Tucson—Rincon Room, Student Union, Second Floor, University of Arizona, Tucson, Arizona; Flagstaff—Flagstaff High School Auditorium, 400 West Elm Street, Flagstaff, Arizona.

Documents and comments: Requests for copies of the Service's Economic Analysis and comments concerning that document and the proposal to designate critical habitat for the Mexican spotted owl should be sent to the State Supervisor, U.S. Fish and Wildlife Service, 2105 Osuna NE., Albuquerque, New Mexico 87113. Comments and

materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Jennifer Fowler-Propst, New Mexico State Supervisor, at the above address, telephone (505) 761-4525.

SUPPLEMENTARY INFORMATION:

Background

The Service listed the Mexican spotted owl as a threatened species on March 16, 1993 (58 FR 14248). A proposal to designate critical habitat was published on December 7, 1994 (59 FR 63162). A total of 4,770,223 acres was proposed for inclusion in critical habitat.

Section 4(b)(2) of the Act (16 U.S.C. § 1533 (b)(2)) requires the Service to consider economic and other impacts of designating a particular area as critical habitat. In a final designation of critical habitat, the Service is required to balance the benefits of excluding areas against the benefits of including those areas within the boundaries of critical habitat. In fulfillment of that requirement, the Service has prepared a draft economic analysis of the effects that may be caused by the designation of critical habitat. The Service will provide a copy of the economic analysis to interested parties upon request. The Service will consider the critical habitat designation in light of all additional relevant information obtained during the comment period before making a

final decision with respect to the proposed rule.

The comment period on the proposal is reopened until May 8, 1995, to receive views and recommendations on both the proposed designation and the draft economic analysis. Public hearings on the proposal and the draft economic analysis will be held at the times and places listed above. Oral statements at the hearings may be limited to several minutes if there are many requests to speak. Oral comments presented at the public hearings are given the same weight and consideration as written comments. If the public hearings are of insufficient time to provide for all who wish to speak, all who are not accommodated will be asked to submit their comments in writing. There are, however, no limits to the length of written comments or materials presented at the hearing or mailed to the Service.

Author

The primary author of this notice is Jennifer Fowler-Propst, New Mexico State Supervisor, at the above address.

Authority

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

Dated: March 3, 1995.

Edward H. Cynar, II,

Acting Director, Fish and Wildlife Service.
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