

**ADDRESSES:** If you wish to review this agency draft recovery plan, you may obtain a copy by contacting the Asheville Field Office, U.S. Fish and Wildlife Service, 160 Zillicoa Street, Asheville, North Carolina 28801 (Telephone 828/258-3939), or by visiting our recovery plan Web site at <http://endangered.fws.gov/recovery/index.html#plans>. If you wish to comment, you may submit your comments by any one of several methods:

1. You may submit written comments and materials to the State Supervisor, at the above address.

2. You may hand-deliver written comments to our Asheville Field Office, at the above address, or fax your comments to (828)258-5330.

3. You may send comments by e-mail to [bob\\_butler@fws.gov](mailto:bob_butler@fws.gov). For directions on how to submit electronic filing of comments, see the "Public Comments Solicited" section.

Comments and materials received are available on request for public inspection, by appointment, during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Bob Butler at the above address (Telephone 828/258-3939, Ext. 235).

**SUPPLEMENTARY INFORMATION:**

**Background**

We listed these five mussels as endangered species under the Act, on January 10, 1997. The five freshwater mussels are restricted to either the Cumberland River system (Cumberland elktoe), the Tennessee River system (purple bean and rough rabbitsfoot), or both of these river systems (oyster mussel and Cumberlandian combshell). They once existed in hundreds of stream miles and now survive in only a few relatively small, isolated populations in Alabama, Kentucky, Mississippi, Tennessee, and Virginia. Currently they are found in the Clinch River (Tennessee and Virginia), Duck River (Tennessee), Nolichucky River (Tennessee), Powell River (Tennessee and Virginia), Bear Creek (Alabama and Mississippi), Beech Creek (Tennessee), Buck Creek (Kentucky), Copper Creek (Virginia), Indian Creek (Virginia), Marsh Creek (Kentucky), Sinking Creek (Kentucky), Laurel Fork (Kentucky), Big South Fork (Kentucky and Tennessee), and several tributaries in the Big South Fork drainage (Rock Creek, in Kentucky; and the New River, Clear Fork, North Prong Clear Fork, Bone Camp Creek, Crooked Creek, North White Oak Creek, and White Oak Creek, all in Tennessee).

Habitat alteration continues to be the major threat to the continued existence of these species. This includes the negative effects of impoundments, channelization, mining, pollutants, sedimentation, and construction activities. Alien species (e.g., the zebra mussel, *Dreissena polymorpha*) and genetic factors associated with increasingly small and isolated populations are also factors contributing to the continued imperilment of these five mussels.

Restoring an endangered or threatened animal or plant to the point where it is again a secure, self-sustaining member of its ecosystem is a primary goal of the endangered species program. To help guide the recovery effort, we are preparing recovery plans for most listed species native to the United States. Recovery plans describe actions considered necessary for conservation of the species, establish criteria for downlisting or delisting, and estimate time and cost for implementing recovery measures.

The Endangered Species Act of 1973, as amended (16 U.S.C. *et seq.*) (Act), requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act, as amended in 1988, requires us to provide a public notice and an opportunity for public review and comment be provided during recovery plan development. We will consider all information presented during a public comment period prior to approval of each new or revised recovery plan. We and other Federal agencies will take these comments into account in the course of implementing approved recovery plans.

We developed a technical draft of this recovery plan and released it for review by the professional community in 1998. We incorporated received comments where appropriate into this subsequent agency draft recovery plan, which we are now making available for review by all interested agencies and parties, including the general public.

The objective of this draft plan is to provide a framework for the recovery of these five species so that protection under the Act is no longer necessary. As recovery criteria are met, the status of the species will be reviewed and they will be considered for removal from the *Federal List of Endangered and Threatened Wildlife and Plants* (50 CFR part 17).

**Public Comments Solicited**

We solicit written comments on the recovery plan described. We will consider all comments received by the

date specified above prior to final approval of the plan.

Please submit electronic comments as an ASCII file format and avoid the use of special characters and encryption. Please also include your name and return address in your e-mail message. If you do not receive a confirmation from the system that we have received your e-mail message, contact us directly by calling our Asheville Field Office (see **ADDRESSES** section).

Our practice is to make all 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. In some circumstances, we would withhold also from the rulemaking record a respondent's identity, as allowable by law. If you wish for us to withhold your name and/or address, you must state this prominently at the beginning of your comments. 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.

**Authority**

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

Dated: April 4, 2003.

**J. Mitch King,**

*Deputy Regional Director, Southeast Region, Fish and Wildlife Service.*

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**DEPARTMENT OF THE INTERIOR**

**Bureau of Indian Affairs**

**Office of the Special Trustee for American Indians**

**Working Group on Land Consolidation Program: Call for Nominations**

**AGENCIES:** Bureau of Indian Affairs, Interior, Office of the Special Trustee for American Indians, Interior.

**ACTION:** Notice.

**SUMMARY:** The Bureau of Indian Affairs (BIA) and the Office of the Special Trustee for American Indians (OST) in the Department of the Interior intend to assemble a working group to address the rapidly increasing fractionation of

ownership of Indian land. This fractionation is due to the system of allotments established by the General Allotment Act of 1887. The President's fiscal year (FY) 2004 Budget, which is now before Congress, incorporates a request for a significant increase for the Indian Land Consolidation program aimed at reducing the number of individual owners in parcels of Indian lands allotted to individuals. This notice serves as a call for nominations of Tribal officials to participate in a working group to discuss the issue of fractionation, problems caused by fractionation, and the universe of possible solutions.

**DATES:** All nominations must be postmarked within 30 days of the date of publication in the **Federal Register**. Final selections will be made by and served at the discretion of the Deputy Commissioner for Indian Affairs and the Special Trustee for American Indians.

**FOR FURTHER INFORMATION CONTACT:** You can obtain information and a copy of the Call for Nominations at the following offices: ATTN: Terry Virden, Deputy Commissioner for Indian Affairs, Bureau of Indian Affairs, Room 4160, 1849 C Street, NW., Washington, DC 20240, or ATTN: Donna Erwin, Acting Special Trustee, Office of the Special Trustee for American Indians, Room 5140, 1849 C Street, NW., Washington, DC 20240.

**SUPPLEMENTARY INFORMATION:** The allotment of Indian lands—dividing tribal lands into small parcels and allocating those parcels to individual Indians—became Federal policy in 1887 with the enactment of the General Allotment Act. By the 1930s, however, it was widely accepted that the policy was a failure and, in 1934, it was ended with passage of the first Indian Reorganization Act. Interests in these allotted lands started to “fractionate” as interests divided among the heirs of the original allottees, expanding rapidly with every generation.

Today, there are approximately four million owner interests in the 10 million acres of individually-owned trust lands, and these four million interests could expand to 11 million interests by 2030. Moreover, there are an estimated 1.4 million fractional interests of 2 percent or less involving 58,000 tracks of individually-owned trust and restricted lands. There are now single pieces of property with ownership interests that are less than 0.000002 percent of the whole interest.

Addressing this issue is critical to improving the management of trust assets. The Department of the Interior, the Department in which the BIA and OST are located, is bound by its trust

obligations to manage each owner's interest, regardless of size. Reduction of fractional interests will increase the likelihood of more productive economic use of the land, reduce record keeping and large numbers of small dollar financial transactions, and decrease the number of interests subject to probate.

Starting in 2004, the BIA will oversee the National Indian Land Consolidation Program. The BIA and OST are now establishing a working group that will consist of Tribal leaders and Departmental personnel to discuss fractionation, the problems associated with fractionation, and possible solutions to problems. The BIA and OST are interested in receiving nominations of Tribal officials from Tribes with highly fractionated lands or other Tribal officials having a strong interest in resolving the problem of fractionation who would participate in this working group. Participants should be prepared to engage in serious dialog on all matters relating to the problem of fractionation of Indian lands. Nominees should be committed to spending a significant amount of time reviewing existing statutes and programs, discussing the issues within a diverse working group, and exploring creative solutions to the problems discussed. Participation should plan to meet approximately once per month from June through August 2003. Travel and per diem expenses will be provided.

Tribal officials who have been nominated to serve as a member of this working group must complete and submit the following information to the BIA or OST at the address listed above in the section titled **ADDRESSES AND FOR FURTHER INFORMATION CONTACT** within 30 days of publication of this Notice in the **Federal Register**:

- A. Nominee's Full Name:
- B. Business Address:
- C. Business Phone:
- D. Home Address:
- E. Home Phone:
- F. Title/Position in Tribe:
- G. Qualifications (e.g., education, experience, or whether you are a Tribal official owning lands with fractionated interests):
- H. Nominated by: Include Nominator's Name, Address and Telephone Number(s).
- I. Date of Nomination.
- J. A minimum of Two Letters of Reference.
- K. A brief Summary or Explanation of Specific Methods, Conceptions, or Proposals That You Will be Prepared to Discuss With the Working Group Regarding Potential Solutions to Fractionation and Problems

Associated with Fractionation. Groups may nominate more than one person. If nominating more than one person, please indicate your preferred order of appointment selection.

Dated: April 11, 2003.

**Richard V. Fitzgerald,**  
*Trust Policy Manager.*

Dated: April 15, 2003.

**Aurene M. Martin,**  
*Acting Assistant Secretary—Indian Affairs.*  
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## DEPARTMENT OF THE INTERIOR

### Office of the Secretary

#### Working Group on the Re-Engineering (“To-Be”) Process and Fiduciary Trust Improvement Efforts: Call for Nominations

**AGENCIES:** Bureau of Indian Affairs and Office of the Special Trustee for American Indians, Interior.

**ACTION:** Notice.

**SUMMARY:** The Bureau of Indian Affairs (BIA) and the Office of the Special Trustee for American Indians (OST) in the Department of the Interior (Department) are seeking to assemble a working group to provide input and comment on the re-engineering process and fiduciary trust improvement efforts. The department has worked extensively on examining the current fiduciary trust management practices and ways to improve and change how the Department manages the Indian fiduciary trust. The Trust Business Process Modeling Team completed numerous regional workshops allowing for the BIA, OST, Minerals Management Service, Bureau of Land Management, Office of Hearings and Appeals and Tribal entities to document their current fiduciary trust management practices (“As-Is” process). During these workshop discussions, a baseline model for each core trust business process was closely reviewed, analyzed and commented on by Interior and Tribal staff responsible for performing the fiduciary trust functions. The information collected from these discussions will serve as the foundation for re-engineering the management of trust assets (“To-Be” process). This notice serves as a call for nominations of Tribal officials to participate in a working group to discuss the processes and provide input and comments on potential alternatives on how the fiduciary trust process should be improved and administered.