

plan amendment are also available by request from the U.S. Fish and Wildlife Service, Eastern Washington Field Office, 11103 E. Montgomery Drive, Spokane Valley, WA 99206 (telephone: 509-891-6839). Written comments and materials regarding this draft recovery plan amendment should be addressed to the above address.

**FOR FURTHER INFORMATION CONTACT:**

Chris Warren, Fish and Wildlife Biologist, by writing to the above address, by calling 509-893-8020, or by electronic mail at: [chris\\_warren@fws.gov](mailto:chris_warren@fws.gov).

**SUPPLEMENTARY INFORMATION:**

**Background**

Recovery of endangered or threatened animals and plants is a primary goal of our endangered species program and the Endangered Species Act (Act) (16 U.S.C. 1531 *et seq.*). Recovery means improvement of the status of listed species to the point at which listing is no longer appropriate under the criteria set out in section 4(a)(1) of the Act.

The Act requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Recovery plans help guide conservation efforts by describing actions considered necessary for the recovery of the species, establishing criteria for downlisting or delisting listed species, and estimating time and cost for implementing the measures needed for recovery. Section 4(f) of the Act requires that public notice and an opportunity for public review and comment be provided during recovery plan development. A draft recovery plan for the Columbia Basin pygmy rabbit was made available for public comment from September 7 to November 6, 2007 (72 FR 51461). The recovery plan has not yet been finalized; because new scientific information has substantially changed our recommended recovery strategy, we are now publishing this amendment to the draft recovery plan for additional public comment before we prepare a final recovery plan.

We will consider all comments we receive during the public comment period. Substantive comments may or may not result in changes to the recovery plan; comments regarding recovery plan implementation will be forwarded to appropriate Federal or other entities so that they can take them into account during the course of implementing recovery actions. Responses to individual commenters will not be provided, but we will provide a summary of how we

addressed substantive comments in an appendix to the final recovery plan.

Pygmy rabbits are typically found in habitat types that include tall, dense stands of sagebrush (*Artemisia spp.*), on which they are highly dependent for both food and shelter throughout the year. Historically, pygmy rabbits were found throughout the semi-arid sagebrush steppe biome of the Great Basin and adjacent intermountain regions of the western United States, including portions of Oregon, California, Nevada, Utah, Idaho, Montana, Wyoming, and Washington. The population within the Columbia Basin of central Washington is disjunct from the remainder of the species' range. Museum specimens and sighting records indicate that during the first half of the 20th century, the Columbia Basin pygmy rabbit likely occurred in portions of six Washington counties: Douglas, Grant, Lincoln, Adams, Franklin, and Benton. This range declined due to large-scale loss and fragmentation of native shrub-steppe habitats, primarily for agricultural development, and by the late 1980s it was known only from southern Douglas County. We listed the Columbia Basin distinct population segment of the pygmy rabbit under emergency provisions of the Act on November 30, 2001 (66 FR 59734), and fully listed it as endangered on March 5, 2003 (68 FR 10388).

The last known wild population of the Columbia Basin pygmy rabbit was extirpated in 2004, and an experimental release of 20 captive individuals in 2007 failed. The remaining captive population is derived from controlled intercross breeding between Columbia Basin individuals and pygmy rabbits of the same taxonomic classification from Idaho, and currently comprises 92 individuals averaging 65 percent Columbia Basin ancestry. The condition of the captive population has deteriorated in recent years due to poor reproductive success, soil-borne diseases, habituation to captive conditions, and genetic bottlenecks. The prospects for long-term viability of the population in captivity are considered poor. The recovery plan amendment recommends that, to effectively reintroduce captive rabbits to the wild, 100 to 200 rabbits should be released annually for up to 3 years; this program will include supplementation of the captive pygmy rabbits with wild pygmy rabbits translocated from outside of the Columbia Basin. The amendment also recommends surveys of suitable habitat within the Columbia Basin to locate undiscovered populations of wild Columbia Basin pygmy rabbits.

**Public Comments Solicited**

We solicit written comments on the amendment to the draft recovery plan described in this notice. All comments received by the date specified above will be considered in development of a final recovery plan for the Columbia Basin pygmy rabbit.

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

Dated: June 8, 2011.

**Theresa E. Rabot,**

*Acting Regional Director, Region 1, U.S. Fish and Wildlife Service.*

[FR Doc. 2011-16379 Filed 6-28-11; 8:45 am]

**BILLING CODE 4310-55-P**

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**[FWS-R1-ES-2011-N065; 10120-1112-0000-F3]**

**Endangered and Threatened Wildlife and Plants; Proposed Programmatic Safe Harbor Agreement for the Lahontan Cutthroat Trout in Southeastern Oregon**

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

**ACTION:** Notice of availability; receipt of permit application.

**SUMMARY:** The Oregon Department of Fish and Wildlife (ODFW) has applied to the U.S. Fish and Wildlife Service (Service) for an enhancement of survival permit pursuant to the Endangered Species Act of 1973, as amended (ESA). The permit application includes a proposed Programmatic Safe Harbor Agreement (Agreement) between the ODFW and the Service. The requested permit would authorize the ODFW to extend incidental take coverage with assurances to eligible landowners who are willing to carry out habitat management measures that would benefit the threatened Lahontan cutthroat trout (*Oncorhynchus clarki henshawi*) by enrolling them under the Agreement as Cooperators through issuance of Certificates of Inclusion. The covered area or geographic scope of this Agreement includes the Quinn River, Coyote Lake, and Alvord basins located in Harney and Malheur Counties, Oregon. The Service is making the permit application, proposed Agreement, and related documents available for public review and comment.

**DATES:** All comments must be received from interested parties on or before July 29, 2011.

**ADDRESSES:** Please address written comments to Nancy Gilbert, Field Supervisor, Bend Field Office, U.S. Fish and Wildlife Service, 20310 Empire Ave., Ste. A-100, Bend, OR 97701. Alternatively, you may send comments by facsimile to (541) 383-7638. Please include your name and return address in your comments and refer to the "Lahontan Cutthroat Trout Programmatic Safe Harbor Agreement."

**FOR FURTHER INFORMATION CONTACT:** Nancy Gilbert, Field Supervisor, Bend Field Office (see **ADDRESSES** above); telephone (541) 383-7146. 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:**

##### **Availability of Documents**

You may obtain copies of the documents for review by contacting the Service's Bend Field Office (see **ADDRESSES** above), or by making an appointment to view the documents at the above address during normal business hours. These documents are also available electronically for review on the Service's Bend Field Office Web site at <http://www.fws.gov/oregonfwo/FieldOffices/Bend/>. Comments and materials we receive, as well as supporting documentation we used in preparing the Agreement, will become part of the public record and will be available for public inspection, by appointment, during normal business hours. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

##### **Background**

The Lahontan cutthroat trout was listed as an endangered species by the Service in 1970 (35 FR 16047; October 13, 1970) and reclassified as threatened in 1975 (40 FR 29863; July 16, 1975). The primary threats affecting Lahontan cutthroat trout include habitat degradation, habitat fragmentation, and hybridization with and competition from introduced nonnative salmonids. On March 30, 2009, the Service completed a 5-year status review of the Lahontan cutthroat trout that determined that "Lahontan cutthroat

trout populations have been and continue to be impacted by nonnative species interactions, habitat fragmentation and isolation, degraded habitat conditions, drought, and fire." Furthermore, the status review found that "[t]he present or threatened destruction, modification, or curtailment of [the] Lahontan cutthroat trout's habitat and range continues to be a significant threat and in some instances is increasing in magnitude and severity."

Under a Safe Harbor Agreement, participating landowners voluntarily undertake management activities on their property to enhance, restore, or maintain habitat benefiting species listed under the ESA (16 U.S.C. 1531 *et seq.*). Safe Harbor Agreements, and the subsequent enhancement of survival permits that are issued pursuant to section 10(a)(1)(A) of the ESA, encourage private and other non-Federal property owners to implement conservation efforts for listed species by assuring the landowners that they will not be subjected to increased property use restrictions as a result of their efforts to either attract listed species to their property, or to increase the numbers or distribution of listed species already on their property. Application requirements and issuance criteria for enhancement of survival permits for Safe Harbor Agreements are found in 50 CFR 17.22(c). These permits allow any necessary future incidental take of any covered species above the mutually agreed upon baseline conditions for those species in accordance with the terms of the permit and accompanying agreement.

##### **Proposed Agreement**

We jointly developed the proposed Agreement with the ODFW for the conservation of the Lahontan cutthroat trout. The proposed term of the permit and Agreement is 30 years. The area covered by this Agreement includes all non-Federal land portions of the Quinn River, Coyote Lake, and Alvord basins located in Harney and Malheur Counties, Oregon; these areas comprise the estimated historical and current distribution of the species in Oregon. Sites within basins not currently occupied by the Lahontan cutthroat trout will have a baseline condition of zero unless a landowner is willing to accept a baseline greater than zero to support an enhanced level of conservation after the Agreement expires. Sites within basins currently occupied by the Lahontan cutthroat trout will have their baseline conditions determined on a case-by-case basis, with landowner consent.

The purpose of this Agreement is to enhance the reintroduction and long-term recovery of the Lahontan cutthroat trout within the Northwest Geographic Management Unit that includes the Quinn River, Coyote Lake, and Alvord basins in southeastern Oregon, by encouraging private landowners to voluntarily create, enhance, maintain, or restore Lahontan cutthroat trout habitat. Under this Agreement, private lands may be enrolled through individual Cooperative Agreements between the ODFW and cooperating landowners (Cooperators). The duration of the Cooperative Agreements will be a minimum of 10 years. Cooperators will be issued a Certificate of Inclusion, which will allow activities on the enrolled properties to be covered by ODFW's section 10(a)(1)(A) Enhancement of Survival permit. Cooperators may renew their Cooperative Agreements to remain in effect for the 30-year duration of the permit.

Cooperators will avoid conducting activities that could adversely affect the Lahontan cutthroat trout's habitat during the term of their Cooperative Agreement. Using site-specific Cooperative Agreements, ODFW intends to enroll landowners who are willing to allow the introduction or expansion of Lahontan cutthroat trout within streams on their private lands. Landowners would also voluntarily commit to engage in conservation practices that may include: Control of herd stocking rates and seasons, livestock exclusion, off-site water development, alternative haying, crop selection modification, fertilizer management, and modification of irrigation practices. Several additional conservation measures that may be implemented include: Road or trail management, including improved stream crossings or fish passage structures; riparian vegetation plantings and rehabilitation projects; and stream habitat improvement projects.

Without the regulatory assurances provided through the Agreement and permit, landowners may be unwilling or reluctant to engage in activities that would place federally listed species such as the Lahontan cutthroat trout onto their properties. The proposed Agreement is expected to provide a net conservation benefit to the Lahontan cutthroat trout in Oregon by expanding and possibly creating new populations through translocations or by enhancing the quality, quantity, or connectivity of existing habitat for naturally occurring populations, thereby increasing the distribution and abundance of the species.

The Service has made a preliminary determination that the proposed Agreement and permit application are eligible for a categorical exclusion under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*; NEPA). We explain the basis for this determination in an Environmental Action Statement that is also available for public review (*see* **AVAILABILITY OF DOCUMENTS** section above). The Service will evaluate the permit application, associated documents, and comments submitted thereon to determine whether the permit application meets the requirements of section 10(a)(1)(A) of the ESA and NEPA regulations.

If we determine that all requirements are met, we will sign the Agreement and issue an enhancement of survival permit under section 10(a)(1)(A) of the ESA to ODFW for the take of Lahontan cutthroat trout, incidental to otherwise lawful activities in accordance with the terms of the Agreement. This notice is provided pursuant to section 10(c) of the ESA and NEPA regulations (40 CFR 1506.6).

Dated: June 21, 2011.

**Paul Henson,**

*State Supervisor, Oregon Fish and Wildlife Office, Portland, Oregon.*

[FR Doc. 2011-16336 Filed 6-28-11; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[LLMT924000/L1430000.FR0000; SDM 98838]

#### Notice of Application for Disclaimer of Interest; Pennington County, South Dakota

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

**ACTION:** Notice.

**SUMMARY:** An application has been filed with the Bureau of Land Management (BLM) by Larin Roozenboom and Laura Roozenboom (hereafter "the applicants"), for a recordable Disclaimer of Interest from the United States. This notice is intended to inform the public of the pending application.

**DATES:** Comments must be received on or before September 27, 2011.

**ADDRESSES:** Address all written comments to Cynthia Staszak, Chief, Branch of Land Resources, BLM Montana State Office, 5001 Southgate Drive, Billings, MT 59101-4669. Only written comments will be accepted. Refer to serial No. SDM 98838.

#### FOR FURTHER INFORMATION CONTACT:

Tami Lorenz, BLM Montana State Office, 5001 Southgate Drive, Billings, MT 59101-4669; 406-896-5053. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 315 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1745), and the regulations contained in 43 CFR Part 1864, a recordable disclaimer, if issued, will confirm that the United States has no valid interest. The recordable Disclaimer of Interest application is for the surface and subsurface estate in the following described land:

#### Black Hills Meridian

T. 2 N., R. 6 E.,  
Sec. 7, SE $\frac{1}{4}$ SE $\frac{1}{4}$ .

The parcel located within the above described land contains 6.50 acres in Pennington County.

The SE $\frac{1}{4}$ SE $\frac{1}{4}$  of sec. 7 is divided by a county boundary line which separates Meade County and Pennington County. The line runs east to west along the north side of the southern section line. There are approximately 6.50 acres between the county boundary and the south section line. The Federal surface and subsurface estate to be disclaimed lies within the Black Hills National Forest.

Public Sale Patent No. 3863 dated June 1, 1898, conveyed T. 2 N., R. 6 E., Black Hills Meridian sec. 7, SE $\frac{1}{4}$ SE $\frac{1}{4}$ , containing 40 acres, out of Federal ownership. Subsequent land transactions occurred between 1898 and October 16, 1900, when the same legal description was deeded back to the United States through Warranty Deed (WD) from Price & Baker Company. The legal description was correct, but erroneously cited only Meade County. The document was only recorded in Meade County.

Pennington County's records, therefore, showed a tax delinquency, so the County sold the 6.50 acres in a tax sale on June 25, 1943, to L.A. Eberlein, the applicants' predecessor in interest. The cloud on the applicants' title was the initial error of not recording the document conveying ownership back to the United States in Pennington County, and Pennington County's subsequent error of selling the 6.50 acres for non-payment of taxes.

All persons who wish to present comments, suggestions, or objections in connection with the proposed disclaimer may do so by writing to the undersigned authorized officer at the above address. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

**Authority:** 43 CFR 1864.2.

**Cynthia Staszak,**

*Chief, Branch of Land Resources.*

[FR Doc. 2011-16348 Filed 6-28-11; 8:45 am]

**BILLING CODE 4310-DN-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[LLIDI00000.L71220000.FM0000.  
LVTF7724IDOO (IDI-35073)]

#### Public Land Order No. 7772; Partial Revocation of the Executive Order dated April 17, 1926; Idaho

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

**ACTION:** Public Land Order.

**SUMMARY:** This order partially revokes a withdrawal created by an Executive Order insofar as it affects 369.68 acres of public lands withdrawn from settlement, sale, location or entry under the public land laws for protection of springs and waterholes and designated as Public Water Reserve No. 107. This order also opens the lands to exchange.

**DATES:** *Effective Date:* June 29, 2011.

#### FOR FURTHER INFORMATION CONTACT:

Laura Bingham, BLM, Idaho State Office, 1387 S. Vinnell Way, Boise, Idaho 83709, (208) 373-3866 or Jan Parmenter, BLM, Idaho Falls District Office, 1405 Hollipark Drive, Idaho Falls, Idaho 83401, (208) 524-7562.

**SUPPLEMENTARY INFORMATION:** The Bureau of Land Management has determined that portions of the withdrawal created by an Executive Order dated April 17, 1926, for Public Water Reserve No. 107 are no longer used for the purpose for which the lands were withdrawn, and partial revocation of the withdrawal is needed to facilitate a pending land exchange.