

Dated: October 3, 2001.

**Rebecca A. Mullin,**

*Fish & Wildlife Service Collection Officer.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Notice of Reopening the Comment Period for the Draft Southwestern Willow Flycatcher Recovery Plan for Review and Comment

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

**ACTION:** Notice of document availability and reopening of comment period.

**SUMMARY:** The U.S. Fish and Wildlife Service announces the reopening of the comment period for the draft Recovery Plan for the southwestern willow flycatcher (*Empidonax traillii extimus*). Reopening the comment period will allow all interested parties an additional opportunity to submit written comments on the draft plan, will allow further meetings with the six Implementation Subgroups associated with the recovery planning effort, and will allow the Service to schedule public meetings where needed.

The breeding range of this bird includes southern California, southern Nevada, southern Utah, Arizona, New Mexico, western Texas, southwestern Colorado, and possibly extreme northern portions of the Mexican states of Baja, California del Norte, Sonora, and Chihuahua. Within this region, the species breeds in dense riparian tree and shrub communities associated with rivers, swamps, and other wetlands including lakes (e.g., reservoirs). Most of these habitats are classified as forested wetlands or scrub-shrub wetlands. The Service solicits review and comment from the public on this draft plan.

**DATES:** Comments on the draft Recovery Plan must be received on or before December 10, 2001 to receive consideration by the Service.

**ADDRESSES:** Persons wishing to review the draft Recovery Plan may obtain a copy by contacting Greg Beatty, Arizona Ecological Services Field Office, U.S. Fish and Wildlife Service, 2321 West Royal Palm Road, Suite 103, Phoenix, Arizona, 85021-4951 (602/242-0210). Written comments and materials regarding the plan should be addressed to the Field Supervisor at this same address. 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:** Greg Beatty (see **ADDRESSES**).

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On June 6, 2001, the Service published the initial Notice of Availability of the Draft Southwestern Willow Flycatcher Recovery Plan for review and comment (66 FR 30477). The comment period encompassed by the initial Notice of Availability closed on October 4, 2001.

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

The Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*), 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 that public notice and an opportunity for public review and comment be provided during recovery plan development. The Service will consider all information presented during the public comment period prior to approval of each new or revised recovery plan. The Service and other Federal agencies will also take these comments into account in the course of implementing approved recovery plans.

The Draft Southwestern Willow Flycatcher Recovery Plan describes the status, current management, recovery objectives and criteria, and specific actions needed to reclassify the southwestern willow flycatcher from endangered to threatened, and to ultimately delist it. The draft Plan was developed by the Recovery Team. The team is comprised of technical specialists from the U.S. Forest Service, Rocky Mountain Research Station, Albuquerque, New Mexico; the University of California, Santa Barbara, California; New Mexico State University, Las Cruces, New Mexico; USGS Western Ecological Research Center, San Diego State University, San Diego, California; The Nature

Conservancy, Tucson, Arizona; U.S. Bureau of Reclamation, Phoenix, Arizona; USGS Forest and Rangeland Ecosystem Science Center, Colorado Plateau Field Station, Flagstaff, Arizona; Arizona State University, Tempe, Arizona; California Department of Fish and Game, Santa Rosa, California; Southern Sierra Research Center, Weldon, California; New Mexico Department of Game and Fish, Santa Fe, New Mexico; and geographically-based teams of stakeholders (Implementation Subgroups), which include representatives of Native American Tribes, State and local governments, ranchers, private land owners and managers, agency representatives, and others.

The southwestern willow flycatcher is known to currently breed in dense riparian vegetation in southern California, southern Nevada, southern Utah, Arizona, New Mexico, and southwestern Colorado. Although extreme northwestern Mexico and western Texas are considered part of its breeding range, no nesting birds are presently known to occur in these areas. The dense riparian vegetation that is needed for breeding was historically rare and sparsely distributed, and is now more rare. Destruction and modification of riparian habitats have been caused mainly by: reduction or elimination of surface and subsurface water due to diversion and groundwater pumping; changes in flood and fire regimes due to dams and stream channelization; clearing and controlling vegetation, livestock grazing; changes in water and soil chemistry due to disruption of natural hydrologic cycles; and establishment of non-native plants. Concurrent with habitat loss have been increases in brood parasitism by the brown-headed cowbird (*Molothrus ater*) and the presence of nest predation which inhibits reproductive success and further reduces population levels. Actions needed to recover the southwestern willow flycatcher are those that would increase and improve breeding habitat by restoring and/or re-creating natural physical and biotic processes that influence riparian ecosystems, and reducing other stresses on the flycatcher. Specific actions include: changing management of surface and groundwater, including fundamental changes in dam operations, and restoring flood cycles; reducing impacts of domestic livestock, wild burros, and native ungulates; improving metapopulation stability; securing long-term protection of breeding habitat; managing exotic plant species; reducing brood parasitism by brown-headed

cowbirds; conducting research to refine management practices and knowledge of ecology. The draft Plan will be revised and finalized based on comments received during meetings with the Implementation Subgroups, as well as comments received from the public.

#### Public Comments Solicited

The Service solicits written comments on the Draft Southwestern Willow Flycatcher Recovery Plan. All comments received by the date specified above will be considered prior to approval of the plan.

#### Authority

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

Dated: October 1, 2001.

**Stephen C. Helfert,**

*Regional Director.*

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

#### Notice of Intent To Prepare an Amendment to the California Desert Conservation Area Plan and Environmental Impact Statement for the Imperial Sand Dunes Recreation Area in Imperial County, CA

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

**ACTION:** Notice of Intent to Prepare an amendment to the California Desert Conservation Area Plan and an Environmental Impact Statement (EIS) for the Imperial Sand Dunes Recreation Area in Imperial County, California.

**SUMMARY:** In accordance with the Federal Land Policy Act (FLPMA) and the National Environmental Policy Act of 1969 (NEPA), the Bureau of Land Management, California Desert District, El Centro Field Office, will prepare a management plan for the Imperial Sand Dunes Recreation Area (ISDRA). The management plan will amend the CDCA plan. The management plan is needed to replace the existing management plan which has been in place since 1987 and has become outdated as a result of the federal listing of Peirson's milk-vetch as a threatened species, designation of the North Algodones Dunes as wilderness, and substantial changes in visitor use.

**DATES:** The public is invited to submit comments on the scope of the plan amendment and EIS. Written comments will be accepted for 30 days after publication of this notice. Three (3)

public meetings will be held in El Centro, California; San Diego, California; and Phoenix, Arizona. The time and place for these meetings will be published in the San Diego Union Tribune, Arizona Republic, Imperial Valley Press, Yuma Daily Sun. BLM intends to complete the management plan under an accelerated schedule by the Fall of 2002. This schedule will allow BLM to replace the proposed temporary closures of five areas within the Imperial Sand Dunes **Federal Register:** November 16, 2000 (Volume 65, Number 222) with a long term management plan prior to the beginning of the peak recreation use period next year. The proposed temporary closure is to be implemented to protect the Peirson's milk-vetch from potential impact by OHV use while consultation occurs with the U.S. Fish and Wildlife Service in accordance with Section 7 of the Endangered Species Act. To achieve this accelerated schedule, no extensions of the scoping period or the subsequent public review period for the draft management plan and draft EIS are contemplated.

**SUPPLEMENTARY INFORMATION:** On March 16, 2000, the Center for Biological Diversity, and others (Center) filed for injunctive relief in U.S. District Court, Northern District of California (Court) against BLM alleging that BLM was in violation of Section 7 of the Endangered Species Act (ESA), 16 U.S.C. § 1536, by failing to enter into formal consultation with the U.S. Fish and Wildlife Service (FWS) on the effects of adoption of the CDCA Plan, as amended, upon threatened and endangered species. On August 25, 2000, BLM acknowledged through a Court stipulation that activities authorized, permitted, or allowed under the CDCA Plan may adversely affect threatened and endangered species, and that BLM is required to consult with the FWS to insure that adoption and implementation of the CDCA Plan is not likely to jeopardize the continued existence of threatened and endangered species or to result in the destruction or adverse modification of critical habitat of listed species.

Although BLM has received biological opinions on selected activities, consultation on the overall CDCA Plan is necessary to address the cumulative effects of all the activities authorized by the CDCA Plan. Consultation on the overall CDCA Plan is complex and the completion date is uncertain. Absent consultation on the entire CDCA Plan, the impacts of individual activities, when added together with the impacts of other activities in the desert, are not

known. The BLM entered into negotiations with plaintiffs regarding interim actions to be taken to provide protection for endangered and threatened species pending completion of the consultation on the CDCA Plan. Agreement on these interim actions avoided litigation of plaintiffs' request for injunctive relief and the threat of an injunction prohibiting all activities authorized under the Plan. These interim agreements have allowed BLM to continue to authorize appropriate levels of activities throughout the ISDRA planning area during the lengthy consultation process while providing appropriate protection to listed species in the short term. By taking interim actions as allowed under Part 43 of the Code of Federal Regulations (43 CFR Subpart 8364), BLM contributes to the conservation of endangered and threatened species in accordance with Section 7(a)(1) of the ESA. BLM also avoids making any irreversible or irretrievable commitment of resources which would foreclose any reasonable and prudent alternative measures which might be required as a result of the consultation on the CDCA plan in accordance with Section 7(d) of the ESA.

The ISDRA project area, trending generally for 40 miles from the southeast to northwest, comprises approximately 150,000 acres of public lands bounded approximately to the west by the Old Coachella Canal, to the east by the Union Pacific Railroad, to the North by Mammoth Wash, and to the south by Interstate 8 and the California/Mexico border. The primary activities conducted in the ISDRA include recreational camping and use of OHVs. Technical issues to be addressed in the RMP/EIS will include: biological resources (wildlife and botany); cultural resources and paleontology; water resources; noise; land use; geology and soils; mineral resources; socioeconomics; hazardous materials and solid waste; public health; visual resources; and traffic and transportation.

The El Centro Field Office originally started public scoping for this project with a series of seven (7) public scoping meetings conducted in January/February 2000. Comments received during the initial scoping have been retained and will be carried forward through the planning process.

The Tentative Project Schedule is as follows:

- File Draft EIS—February 2002
- File Final EIS—July 2002
- Record of Decision—October 2002
- Public participation will be especially important at several points