(B) A County that has a Breeding Bird Management Goal of zero, as listed in the table in paragraph (c)(5)(ii)(A) of this section, may qualify for incidental take exemption for the activities listed in paragraph (c)(3) of this section by providing documentation to the Service that management focusing on maintenance of wintering habitat for Pacific Coast WSP is occurring in the County.

(C) A County with a Breeding Bird Management Goal currently identified as ''unknown,'' as listed in the table in paragraph (c)(5)(ii)(A) of this section, may qualify for incidental take exemption for the activities listed in paragraph (c)(3) of this section by providing documentation to the Service that management addressing breeding and/or wintering plovers is occurring in the County.

(D) A County's 4(d) incidental take exemption for the activities listed in paragraph (c)(3) of this section will apply for as long as Pacific Coast WSP populations remain above recovery goals.

(6) *How will the Service inform the public of annual Breeding Bird Management Goal numbers?*

(i) We will provide the most up-to-date information on Breeding Bird Management Goals on the Arcata Fish and Wildlife Office Web site at *http://arcata.fws.gov/es/birds/ploverbreedingdata.htm.* We will post the Breeding Bird Management Goals on the Web site prior to January 31 of each year.

(ii) Jurisdictions may also obtain Breeding Bird Management Goals by contacting the Arcata Fish and Wildlife Office at 1655 Heindon Road, Arcata, CA 95521; 707–822–7201 (voice); 707–822–8411 (fax).

Dated: April 12, 2006.

Matt Hogan,

Acting Assistant Secretary for Fish, Wildlife, and Parks.

[FR Doc. 06–3793 Filed 4–20–06; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AT91

Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Fender's Blue Butterfly (Icaricia icarioides fenderi), Lupinus sulphureus ssp. kincaidii (Kincaid's Lupine), and Erigeron decumbens var. decumbens (Willamette Daisy)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of comment period and notice of public hearing.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the reopening of the public comment period and a public hearing on the proposed designation of critical habitat for the Fender's blue butterfly (*Icaricia icarioides fenderi*), *Lupinus sulphureus* ssp. *kincaidii* (Kincaid's lupine), and *Erigeron decumbens* var. *decumbens* (Willamette daisy).

DATES: *Written comments:* We will accept comments from all interested parties until 5 p.m. PST on May 19, 2006. *Public hearing:* The public hearing will be held on May 9, 2006, from 7 p.m. until 8:30 p.m. An informal informational meeting will precede the hearing from 5 p.m. until 6:30 p.m.

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

(1) You may submit written comments and information to Kemper McMaster, Field Supervisor, U.S. Fish and Wildlife Service, Oregon Fish and Wildlife Office, 2600 SE. 98th Avenue, Suite 100, Portland, OR 97266.

(2) You may hand-deliver written comments to our Oregon Fish and Wildlife Office, at the above address.

(3) You may send comments by electronic mail (e-mail) to *fw1willamettech@fws.gov.* Please see the Public Comments Solicited section below for file format and other information about electronic filing.

(4) You may fax your comments to 503/231–6195.

(5) You may submit your comments through the Federal E-rulemaking Portal at *http://www.regulations.gov.*

Public Hearing

The public hearing will be held at the Corvallis Benton County Library, 645 NW. Monroe Avenue, Corvallis, OR 97330.

FOR FURTHER INFORMATION CONTACT: Kemper McMaster, Field Supervisor, U.S. Fish and Wildlife Service, Oregon Fish and Wildlife Office, 2600 SE. 98th Avenue, Suite 100, Portland, OR 97266 (telephone 503/231–6179; facsimile 503/231–6195).

SUPPLEMENTARY INFORMATION:

Public Comments Solicited

We intend that any final action resulting from the proposal will be as accurate and as effective as possible. Therefore, comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning the proposed rule are hereby solicited. Comments particularly are sought concerning:

(1) The reasons any habitat should or should not be determined to be critical habitat as provided by section 4 of the Endangered Species Act (Act), including whether the benefit of designation would outweigh any threats to the species due to designation;

(2) Specific information on the Fender's blue butterfly, *Lupinus sulphureus* ssp. *kincaidii*, and *Erigeron decumbens* var. *decumbens* and their habitat, and which habitat or habitat components (i.e., physical and biological features) are essential to their conservation, such as soil moisture gradient, microsite preferences, and light requirements;

(3) Specific information on: The amount and distribution of the Fender's blue butterfly, *Lupinus sulphureus* ssp. *kincaidii*, and *Erigeron decumbens* var. *decumbens* habitat; what areas should be included in the designations that were occupied at the time of listing and contain the features that are essential to the conservation of the species and why; what areas were not occupied at the time of listing but are essential to the conservation of the species and why;

(4) Land use designations and current or planned activities in the subject areas and their possible impacts on proposed critical habitat; we specifically solicit information including:

(a) The benefits provided by a management plan; specifically describe how the plan addresses each primary constituent element (PCE) in the absence of designated critical habitat; describe conservation benefits to Fender's blue butterfly, *Lupinus sulphureus* ssp. *kincaidii*, or *Erigeron decumbens* var. *decumbens*; include citations that point to the certainty of implementation of those aspects of the management plans;

(b) The benefits of excluding from the critical habitat designation the areas

covered by the management plan; we are especially interested in knowing how partnerships may be positively or negatively affected by a designation, or through exclusion from critical habitat, and costs associated with designation; and

(c) With specific reference to sections 4(a)(3) and 4(b)(2) of the Act, we request information from the Department of Defense to assist the Secretary of the Interior in making a determination as to whether any proposed critical habitat overlaps with lands, administered by or under the control of the Department of Defense, covered by an Integrated Natural Resources Management Plan (INRMP) that benefits the conservation of the species;

(5) Any foreseeable economic, national security, or other potential impacts resulting from the proposed designation and, in particular, any impacts on small entities; and

(6) Whether our approach to designating critical habitat could be improved or modified in any way to provide for greater public participation and understanding, or to assist us in accommodating public concerns and comments.

If you wish to comment, you may submit your comments and materials concerning the proposal by any one of several methods (see **ADDRESSES** section). Please submit Internet comments to *fw1willamettech@fws.gov* in ASCII file format and avoid the use of special characters or any form of encryption. Please also include ''RIN 1018–AT91'' in your e-mail subject header and your name and return address in the body of your message. If you do not receive a confirmation from the system that we have received your Internet message, contact us directly (see **ADDRESSES** section). Please note that the Internet address *fw1willamettech@fws.gov* will be unavailable at the termination of the public comment period.

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 addresses 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 to withhold your name and/or address, you must state this prominently at the beginning of your comment, but you should be aware that the Service may be required to disclose your name and address pursuant to the Freedom of Information Act. 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 materials received will be available for public inspection, by appointment, during normal business hours at the Oregon Fish and Wildlife Office (see **ADDRESSES** section).

Public Hearing

Anyone wishing to make an oral statement for the record is encouraged to provide a written copy of their statement and present it to us at the hearing. In the event there is a large attendance, the time allotted for oral statements may be limited. Oral and written statements receive equal consideration. There are no limits on the length of written comments submitted to us. If you have any questions concerning the public hearing, please contact the Oregon Fish and Wildlife Office (see **ADDRESSES** above). Persons needing reasonable accommodations in order to attend and participate in the public hearings should contact Patti Carroll at 503/231–2080 as soon as possible. In order to allow sufficient time to process requests, please call no later than one week before the hearing date. Information regarding the proposal is available in alternative formats upon request.

Background

On November 2, 2005, we published a proposed rule in the **Federal Register** (70 FR 66492) to designate approximately 3,089 acres (ac) (1,250 hectares (ha)) as critical habitat for Fender's blue butterfly, 724 ac (293 ha) as critical habitat for *Lupinus sulphureus* ssp. *kincaidii*, and 718 ac (291 ha) as critical habitat for *Erigeron decumbens* var. *decumbens.* The proposed critical habitat is located in Polk, Benton, Yamhill, Lane, Marion, Linn, and Douglas Counties, Oregon, and Lewis County, Washington. The original comment period on the proposed critical habitat rule closed on January 3, 2006.

Section 4(b)(5)(E) of the Act (16 U.S.C. 1531 *et seq.*) requires that a public hearing be held if it is requested within 45 days of the publication of a proposed rule. In response to a timely request received for a public hearing, we are conducting the public hearing on the date and at the address described in the **DATES** and **ADDRESSES** sections above, and reopening the comment period accordingly.

Author

The primary author of this package is Mikki Collins, Oregon Fish and Wildlife Office, U.S. Fish and Wildlife Service.

Authority

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

Dated: April 14, 2006.

Matt Hogan,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. E6–5975 Filed 4–20–06; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AU58

Endangered and Threatened Wildlife and Plants; Reinstated Proposed Rule to List the Flat-Tailed Horned Lizard as Threatened

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the reopening of the public comment period for the reinstated proposed rule to list the flat-tailed horned lizard (*Phrynosoma mcallii*) as a threatened species pursuant to the Endangered Species Act of 1973, as amended (Act). On November 17, 2005, the U.S. District Court for the District of Arizona vacated the January 3, 2003, withdrawal of the proposed rule to list the flat-tailed horned lizard, remanded the matter to us for further consideration in accordance with its August 30, 2005, and November 17, 2005, orders, and ordered us to make a new listing decision.

Pursuant to the Court's November 17, 2005, order, on remand we ''need only address the matters on which the court's August 30, 2005, Order * * * found the January 3, 2003, Withdrawal unlawful, which may summarily be identified as whether the lizard's lost historical habitat renders the species in danger of extinction in a significant portion of its range.'' To ensure our new final listing decision is based on the best scientific and commercial data currently available, we are reopening the public comment period on the 1993 proposed