

manufactured—includes scraps)
 JWL—*Jewelry* (other than ivory jewelry)
 KEY—*Ivory piano keys*
 LPS—*Small leather product* (small manufactured leather products, e.g. notebooks, purses, wallets, watch bands)
 LPL—*Large leather products* (large manufactured leather products, e.g. briefcases, furniture, handbags, suitcases)
 LIV—*Live specimens* (live animal or plant specimens)
 LVS—*Leaves*
 ME—*Meat*
 MED—*Medicinals*
 MUS—*Musk*
 OIL—*Oil*
 PIV—*Pianos with ivory keys*
 PLA—*Fur plates* (plates of fur skins—includes rugs if made from more than one skin)
 ROO—*Dead roots* (roots, usually ginseng)
 RUG—*Rugs* (rugs if made from one skin)
 SAL—*Saw logs* (substantially whole tree trunks)
 SAW—*Sawn wood* (tree trunks sawn into unworked planks, beams, blocks, etc.)
 SCA—*Scales* (Scales of turtles, other reptiles, fish, pangolins)
 SDL—*Seedlings*
 SEE—*Seeds*
 SHE—*Shells* (raw or unworked shells of molluscs or eggshell, except whole eggs)
 SHO—*Shoes* (shoes or boots)
 SID—*Sides* (skin sides or flanks, not including tinga frames)
 SKE—*Skeletons* (substantially whole skeletons)
 SKI—*Skins* (substantially whole skins, raw or tanned, including tinga frames)
 SKP—*Skin pieces* (pieces of skin, including scraps, raw or tanned)
 SKU—*Skulls*
 SOU—*Soup*
 SPE—*Scientific specimens* (scientific or biological specimens, including blood, tissue, histological preparations)
 SPR—*Shell products* (products from mollusc or turtle shells)
 STE—*Stems* (plant stems)
 TAI—*Tails*
 TEE—*Teeth* (tusks are recorded as “TUS”)
 TIM—*Timber* (raw timber except saw-logs and sawn wood)
 TRI—*Trim* (shoe trim, garment trim, or other decorative trim)
 TRO—*Trophies* (all the trophy parts of one animal, if they are exported together e.g., horns, skull, cape, backskin, tail, and feet constitute one trophy)
 TUS—*Tusks* (substantially whole tusks, whether worked or not)
 UNS—*Unspecified*
 VEN—*Veneers*
 WAX—*Wax* (including ambergris)
 WPR—*Wood products* (wood products, including furniture, cactus rainsticks, etc.)
 18b. Use one-letter code for wildlife source from the list below.
 W—Specimens taken from the wild
 R—Specimens originating from a ranching operation
 D—Appendix—I animals bred in captivity for commercial purposes and Appendix I plants artificially propagated for

commercial purposes, as well as parts and derivatives thereof, exported under the provisions of Article VII, paragraph 4, of the Convention.

A—Plants that are artificially propagated, parts and derivatives.
 C—Animals bred in captivity, parts and derivatives.
 F—Animals born in captivity (F1 or subsequent generations) that do not fulfill the definition of “bred in captivity” in Resolution Conf. 10.16, as well as parts and derivatives thereof.
 U—Source unknown (must be justified)
 I—Confiscated or seized specimens.
 P—Pre-convention
 19a. Provide the specific quantity of wildlife, and the unit of measure from the list. Multiply pairs by two.
 C3—Cubic centimeters
 GM—Grams
 KG—Kilograms
 LT—Liters
 MT—Meters
 M2—Square meters
 M3—Cubic Meters
 NO—Number of specimens

19b. Indicate total value of items containing wildlife in U.S. dollars (rounded to the nearest dollar).

20. Use two-letter ISO (International Organization for Standardization) Code for country where animal originated.

21. Sign and date the form. Type or print your name below signature.

If additional space is needed, please use continuation form USFWS Form 3-177a.

Dated: February 2, 2000.

Jamie Rappaport Clark,
Director, U.S. Fish and Wildlife Service.
 [FR Doc. 00-3741 Filed 2-17-00; 8:45 am]
BILLING CODE 4310-55-U

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of a Habitat Conservation Plan and Receipt of an Application for an Incidental Take Permit for the Wiley Creek Unit, Linn County, OR

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of application.

SUMMARY: This notice advises the public that Mr. Alvin and Mrs. Marsha Seiber (applicants) have applied to the Fish and Wildlife Service (Service) for an incidental take permit pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The application has been assigned permit number TE022715-0. The proposed permit would authorize the incidental take, in the form of habitat modification, of the northern spotted owl (*Strix occidentalis caurina*), federally listed as threatened. The permit term has not yet been defined by

the applicants. The permit would address up to approximately 200 acres, which is the entirety of their property in Linn County, Oregon.

The Service announces the receipt of the applicant's incidental take permit application and the availability of the proposed Wiley Creek Unit Habitat Conservation Plan (Plan) and draft Implementation Agreement, which accompany the incidental take permit application, for public comment. The Plan describes the proposed project and the measures the applicant will undertake to mitigate for project impacts to the spotted owl. These measures and associated impacts are also described in the background and summary information that follow. The Service is presently reviewing our responsibilities for compliance under the National Environmental Policy Act (NEPA) and will announce the availability of any appropriate NEPA documents at a later date.

DATES: Written comments on the permit application and Plan should be received on or before March 20, 2000.

ADDRESSES: Individuals wishing copies of the permit application or copies of the full text of the Plan, should immediately contact the office and personnel listed below. Documents also will be available for public inspection, by appointment, during normal business hours at the address below. Comments regarding the permit application, Draft Implementation Agreement or the Plan should be addressed to State Supervisor, Fish and Wildlife Service, Oregon State Office, 2600 S.E. 98th Avenue, Suite 100, Portland, Oregon 97266. Please refer to permit number TE022715-0 when submitting comments.

FOR FURTHER INFORMATION CONTACT: Mr. Rich Szlemp, Fish and Wildlife Service, Oregon State Office, telephone (503) 231-6179.

SUPPLEMENTARY INFORMATION: Section 9 of the Act and federal regulation prohibits the “taking” of a species listed as endangered or threatened. However, the Service, under specific circumstances, may issue permits to “incidentally take” listed species, which is take that is incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for threatened species are promulgated in 50 CFR 17.32. Regulations governing permits for endangered species are promulgated in 50 CFR 17.22.

Background

The applicants are proposing to harvest approximately 40 acres of mature second growth forest from a 200-

acre parcel of land which contains a little over 150 acres of forest land. These 40 acres have been delineated by the Oregon Department of Forestry as a portion of an approximately 70-acre spotted owl core area under the Oregon Forest Practices Act (OFPA). The remaining approximately 30 acres are located immediately to the north on adjacent private property. The surrounding ownership primarily consists of private forest lands. There are a few scattered parcels of Federal forest lands within a radius of five miles of the property, with much larger contiguous Federal forest lands (Willamette National Forest) located about seven miles to the northeast. A spotted owl nest tree is located within about 300 feet of the northern portion of the property on adjacent private land. A pair of spotted owls was last documented using this site in 1996. Other federally listed species may also be affected by the proposed Plan. Steelhead salmon (*Oncorhynchus mykiss*), federally listed as threatened, are found in Little Wiley Creek within the property boundaries. The eastern portion of the harvest area encompasses both sides of Cedar Creek, which is a perennial fish-bearing stream that drains into Little Wiley Creek. No surveys have been conducted for bald eagles (*Haliaeetus leucocephalus*), which are also federally listed as threatened, but the Plan area does contain potential suitable bald eagle habitat.

The Wiley Creek Plan area contains forests that are generally second growth between 40-65 years old. The predominant species are Douglas-fir, silver fir, and western hemlock, with scattered western red cedar, big-leaf maple, and alder. The percent canopy coverage and relative density of trees varies widely throughout the Plan area. Most of the surrounding land is similar second growth, with many patches of clearcuts that are less than 20 years old.

The Wiley Creek Plan contains two alternatives: preferred and no action. Under the preferred alternative, the applicants would harvest 40 acres of mature second growth timber in the Plan area to the extent allowed by the OFPA rules. Under the no action alternative, the subject timber would be left standing. The applicants rejected the no action alternative because they believe it would deny them of all economically productive use of the subject timber.

The applicants propose the following minimization and mitigation measures:

a. Conduct harvest activities outside of the nesting season for the spotted owl (March 1—September 15), except for road building

b. Replant Douglas-fir, western red cedar, and/or western hemlock over the harvest units. As per OFPA Rules, this planting will take place within 12 months after completion of harvest.

c. Meet current OFPA Rules with regard to management of riparian areas.

d. Meet the current OFPA Rules to leave standing and unharvested, all snags and dead trees until they have fallen to the ground and rotted away except when they provide a safety hazard for the logging operation.

Summary of Service's Concerns and Recommendations

The Wiley Creek Plan was prepared without any technical assistance from the Service. The Service received the Plan and application on November 26, 1999. The Wiley Creek Plan lacks much of the biological analysis and information routinely provided by other applicants or developed by working together with the Service prior to submitting an incidental take permit application. For example, no information on the quality of the existing northern spotted owl habitat, current information on northern spotted owl survey efforts, or surrounding landscape was provided in the Plan. Information on the timber harvest or yarding methods was inadequate to determine effects to the listed species and the affected environment. Information on the effect of implementing the proposed minimization or mitigation measures was also lacking. Potential effects to steelhead were also not addressed.

Service employees visited the Plan area on January 25, 2000, to assess existing habitat conditions and to evaluate additional options to minimize and mitigate impacts to spotted owls. However, on February 4, 2000, the applicants' counsel informed the Service that there will be no changes in the Wiley Creek Plan. The applicants' counsel also requested this notice be published prior to February 15, 2000.

The Service has reviewed the Wiley Creek Plan and has some concerns with the adequacy of the minimization and mitigation measures. We specifically invite the public to provide comments on these measures proposed by the applicant. We also invite comment on potential alternative options. The Service believes that other practicable minimization and mitigation measures may exist that would provide the basis for reducing the net long-term adverse effects to owls by allowing for the regeneration of suitable nesting habitat conditions within a shorter time period than would result from the proposed harvest. These alternatives could also

provide some increased opportunities for owl foraging and roosting immediately after the timber harvest, which would minimize and mitigate the incidental take of owls. Specifically, the Service wishes to receive comment on options that may include partial harvest of the proposed 40 acres that would provide some level of spotted owl habitat either immediately after harvest or within a given period of time after harvest. Additionally, we seek comments on the management of the remaining forested acreage on the applicant's property that would provide habitat conditions to mitigate for the loss of the 40 acres of forest proposed for clearcut harvest. Comments on alternatives should include discussion of time periods that would be appropriate to create or maintain spotted owl habitat to mitigate for any potential losses of suitable habitat under any suggested alternative. This information would assist the Service in addressing appropriate permit duration.

The impacts from the applicant's preferred alternative would reduce the likelihood of spotted owls nesting within the boundaries of the 70 acre core area due to the smaller remaining patch of habitat surrounded by recent clearcut timber harvests. The OFPA requires the leaving of two trees per acre with a minimum of 11 inches diameter at breast height per acre harvested. The location and size of actual leave trees has not been specified. Based upon the available size classes and numbers, these trees will not likely provide or contribute to any measurable spotted owl habitat immediately post-harvest. Except for some potential clumping of trees, and the riparian buffer areas, the remaining landscape would consist of a very open canopy that would not be conducive to owl nesting, roosting, or foraging. The Plan would leave a minimum 70-foot riparian buffer along Cedar Creek and a minimum 50-foot buffer along an unnamed tributary that enters into Cedar Creek. These narrow, treed corridors would not provide suitable forested habitat conditions for spotted owls.

This notice is provided pursuant to section 10(c) of the Act. The Service will evaluate the permit application, Plan, and comments submitted thereon to determine whether the application meets the requirements of section 10(a) of the Act. If it is determined that the requirements are met, a permit will be issued for the incidental take of the northern spotted owl. The final permit decision will not be made prior to ensuring compliance with NEPA.

Dated: February 10, 2000.

Anne Badgley,

Regional Director, Region 1, Portland, Oregon

[FR Doc. 00-3783 Filed 2-17-00; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Final Determination To Acknowledge the Cowlitz Indian Tribe

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs (Assistant Secretary) by 209 DM 8. Pursuant to 25 CFR 83.10(m), notice is hereby given that the Assistant Secretary acknowledges that the Cowlitz Indian Tribe, c/o Mr. John Barnett, 1417 15th Avenue, P.O. Box 2547, Longview, Washington 98632-8594 exists as an Indian tribe within the meaning of Federal law. This notice is based on a determination that the group satisfies all seven criteria for acknowledgment in 25 CFR 83.7.

DATES: This determination is final and will become effective on May 18, 2000, pursuant to 25 CFR 83.10(l)(4), unless a request for reconsideration is filed pursuant to 25 CFR 83.11.

A notice of the Proposed Finding to acknowledge the Cowlitz Indian Tribe (CIT) was published in the **Federal Register** on February 27, 1997 (62 FR 8983). The original 180-day comment period provided under the regulations closed August 26, 1997, but was extended to November 19, 1997, at the request of the Quinault Indian Nation (Quinault). Then, as a result of a Stipulated Order entered on the docket in *Quinault Indian Nation v. Gover* (Civ. No. C97-5625RJB, D. W.D. Wash.), a case involving Quinault's FOIA request for CIT materials, the public comment period was reopened for 75 days. A formal meeting was held under 25 CFR 83.10(j)(2). Quinault submitted additional comments December 12, 1998, and the CIT submitted its reply February 9, 1999.

This determination is made following a review of the Cowlitz Indian Tribe's response to the Proposed Finding, the public comments on the Proposed Finding, and the Cowlitz response to the public comments. This notice is based on a determination that the group satisfies the seven criteria for

acknowledgment in 25 CFR 83.7, as modified by 25 CFR 83.8.

This final determination incorporates the evidence considered for the proposed finding, new documentation and argument received from third parties and the petitioner, including that in the formal meeting, and interview and documentary evidence collected by the BIA during the final evaluation. The final determination reaches factual conclusions based on a review and reanalysis of the existing record in light of this new evidence.

The proposed finding evaluated this case under § 83.8 of the regulations and concluded that the CIT was Federally acknowledged in 1855 when its leaders represented the tribe at the Chehalis River Treaty negotiations. This final determination now extends the date of previous Federal acknowledgment to 1878-1880 to when Federal Indian agents appointed Atwin Stockum chief in 1878 and included both the Lower Cowlitz and Upper Cowlitz bands in Office of Indian Affairs censuses taken in 1878 and 1880. The proposed finding found that the government administratively joined the Lower Cowlitz, which included the Lower Cowlitz metis, and the Upper Cowlitz. Although Government documents of the 1860's and 1870's noted separate groups, they handled them together. The Quinault Nation submitted substantial comment, disagreeing both with the finding that different Cowlitz populations amalgamated and with the application of 83.8 to the amalgamated entity. First, the Cowlitz metis were always part of the Lower Cowlitz. Second, the regulations allow for amalgamations of historical tribes at § 83.6(f). Because both the Upper and Lower Cowlitz bands had prior recognition in 1880, and because the regulations do not require that the amalgamated entity have separate Federal recognition when made up of two recognized entities, Quinault's arguments against the applicability of 83.8 is rejected.

The CIT meets criterion 83.7(a), as modified by the application of § 83.8(d)(1), which requires external sources to identify the petitioner from the date of last Federal acknowledgment until the present not only as an Indian entity, but also as the same entity, which was previously acknowledged. The proposed finding found that certain Federal records, ethnographers, local historians and newspapers have identified the CIT as an Indian entity on a substantially continuous basis since 1855. The Quinault Nation's comments disputed the analysis but did so by confusing the concepts of "recognition"

which refers to an actual government-to-government relationship between an Indian tribe and the Federal Government, and "identification" as required under 83.7(a) which refers to naming or identifying the petitioner as an Indian entity, without regard to the actual political character, social organization or origins of the entity or the political relationships that entity may or may not maintain with other governments. Quinault's comments did not require a change in the proposed finding for 83.7(a) as modified by 83.8(d)(1).

Under 83.8(d)(2), the regulations require petitioners to demonstrate that they meet the criterion for community at 83.7(b). They do not need to demonstrate that they meet the criterion for community from 1878-80, the last point of unambiguous Federal acknowledgment, to the present. The proposed finding and final determination define the period for the modern community as 1981 to the present, starting some ten years before the documented petition and the response to the technical assistance letters were submitted. Quinault argues that the Government used this earlier data as evidence for community at a later date. The Department disagrees. The pre-1981 activities only provide background for evaluating community at present and do not constitute actual evidence for meeting 83.7(b) at present; other evidence demonstrates community at present.

Quinault comments extensively on the period between 1878 and 1981 and attempts to demonstrate that CIT did not meet the requirements of § 83.7(b). They often compared the evidence in other cases to evidence in this case in an attempt to show that the criteria were applied arbitrarily. However, under 83.8(d)(2), the petitioner need not demonstrate existence as a community historically. Further, as the preamble to the regulations explains, evidence submitted by previously acknowledged petitioners concerning their continued existence is entitled to greater weight. The reduced burden is in part accomplished by the requirement to show continued existence under criterion 83.7(c), not 83.7(b). To evaluate the evidence submitted under 83.7(b) for all time periods as Quinault suggests the Government should have been done, is contrary to the regulations. Therefore, this final determination finds Quinault's comments on historic community are irrelevant because they discuss evidence for community during time periods when the petitioner is not required to demonstrate that they meet criterion