and 16⅔ percent, respectively. Payment of a $500.00 administrative fee has been made.

Having met all the requirements for reinstatement of the lease as set out in section 31(d) and (e) of the Mineral Leasing Act of 1920 (30 U.S.C. 188), the Bureau of Land Management is proposing to reinstate the lease effective February 1, 1989, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above, and the reimbursement for cost of publication of this notice.

Date: June 2, 1989.

Fred O'Ferrall,

Chief, Leasable Minerals Section.

[FR Doc. 89-13663 Filed 6-8-89; 8:45 am]

BILLING CODE 3210-40-M

[NV-930-09-4212-14; N-39873]

Battle Mountain District Shoshone-Eureka Resource Area; Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Realty action; noncompetitive sale of Federal lands in Lander County, Nevada.

SUMMARY: The following land has been found suitable for direct sale under Sections 203 and 209 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713) at no less than the appraised fair market value. The land will not be offered for sale until at least 60 days after the date of this Notice.

Mount Diablo Meridian

T. 24 N., R. 41 E.,
Sec. 9, NE¼SE¼.

A parcel of land containing 40.00 acres, more or less.

The land described is hereby segregated from appropriation under the public land laws, including the mining laws, pending disposition of this action or 270 days from the date of publication of this Notice, whichever occurs first.

J.P. Bowers has asked to buy this land to augment the farming operation he and his brothers own in Antelope Valley, Nevada. The sale is consistent with the Shoshone-Eureka Resource Management Plan. No conflicts with State or local land use plans have been identified. The subject lands are within the Cottonwood grazing allotment and grazing permittees will be sent the required two-year grazing notices prior to sale.

It has been determined that the subject parcel contains no known mineral values; therefore, mineral interests may be conveyed simultaneously. Acceptance of the sale offer will constitute an application for conveyance of those mineral interests. A nonrefundable fee of $50 will be required from purchaser for purchase of the mineral interests.

The patent, when issued, will be subject to all valid existing rights and will contain the following reservation to the United States;

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, in accordance with the Act of August 30, 1890 (26 Stat. 391; U.S.C. 945).

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, Bureau of Land Management, P.O. Box 1420, Battle Mountain, Nevada 89820. Objections will be reviewed by the State Director who may sustain, vacate or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.

Date Signed: June 1, 1989.

Thomas H. Jury,

Acting District Manager.

[FR Doc. 89-13664 Filed 6-8-89; 8:45 am]

BILLING CODE 4310-HC-M

[NV-930-09-4212-14; N-48553]

Realty Action; Battle Mountain District, Tonopah Resource Area, Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Realty action; noncompetitive sale of Federal Land in Nye County, NV.

SUMMARY: In response to a request from Kathleen A. Hill, the following described Federal lands have been identified as suitable for direct sale under sections 203 and 209 of the Federal Land Policy and Management Act of 1976 at not less than the appraised fair market value.

Mount Diablo Meridian

T. 2 N., R. 42 E.,
Sec. 1, lots 16, 18 and 19

A parcel of land containing 28.40 acres.

This is an isolated parcel of Federal land within Tonopah. Ms. Hill is the adjacent landowner and holds the mining claims which encumber the parcel. These lands are not required for any Federal purpose. Disposal is consistent with the Bureau's planning for this area and would be in the public interest. No conflicts with State or local planning have been identified.

The lands are within the Ralston Grazing Allotment. The permittee is hereby notified that this sale may effect his AUMs.

Minimum bid for this parcel will be fair market value which will be determined by an appraisal and which will be made available prior to the sale.

Under no circumstances will these lands be sold sooner than 60 days after publication of this notice.

The patent, when issued, will contain the following reservation to the United States: A right-of-way thereon for ditches and canals constructed by the authority of the United States, in accordance with the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).

Segregation

Upon publication of this Notice in the **Federal Register** the above-described Federal lands will be segregated from all forms of appropriation under the public land laws, including locations under the mining laws.

Comments

For a period of 45 days from the date of publication of this Notice in the **Federal Register**, interested parties may submit comments to the District Manager, Bureau of Land Management, P.O. Box 1420, Battle Mountain, Nevada 98920. Objections will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.

Date signed: May 19, 1989.

James D. Currivan,

District Manager, Battle Mountain District.

[FR Doc. 89-13709 Filed 6-8-89; 8:45 am]

BILLING CODE 4310-HC-M

[OR-943-09-4214-10; GP9-237; OR-36826]

Conveyance of Public Land; Order Providing for Opening of Lands; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This action informs the public of the conveyance of 76.46 acres of public lands out of Federal ownership. This action will also open 159.14 acres of reconveyed lands to surface entry, mining and mineral leasing.

EFFECTIVE DATE: July 17, 1989.

FOR FURTHER INFORMATION CONTACT: Champ Vaughan, BLM Oregon State Office, P.O. Box 2965, Portland, Oregon, 97208, 503-231-6905.

SUPPLEMENTARY INFORMATION:

Notice is hereby given that in an exchange of lands made pursuant to section 206 of the Act of October 21, 1976, 90 Stat. 2756, 43 U.S.C. 1716, a patent has been issued transferring 76.46 acres of lands in Lane County, Oregon, from Federal to private ownership.

In the exchange, the following described lands have been reconveyed to the United States:

Willamette Meridian

T. 16 S., R. 3 E.,

Sec. 32, Government lots 13 and 14; SAVE AND EXCEPT those tracts conveyed to Lane County, Oregon, for South McKenzie road (Goodpasture Road) by Deed recorded August 25, 1958, Recorder's Reception No. 46588, and for the Goodpasture connector by Deed dated May 19, 1982, Recorder's Reception No. 82-14764, Lane County, Oregon Deed Records.

T. 17 S., R. 3 E.,

Sec. 5, SW¼NE¼ and Government lots 2 and 3; SAVE AND EXCEPT that tract conveyed to Lane County, Oregon, for South McKenize Road (Goodpasture Road) by Deed recorded August 25, 1958, Recorder's Reception No. 46588, Lane County, Oregon Deed Records.

The areas described aggregate after making the aforesaid exceptions, approximately 159.14 acres in Lane County.

At 8:30 a.m., on July 17, 1989, the above described lands will be open to operation of the public lands laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications receieved at or prior to 8:30 a.m., on July 17, 1989, will be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

4. At 8:30 a.m., on July 17, 1989, the above described lands will be open to location and entry under the United States mining laws. Appropriation of land under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes betwen rival locators over possessory rights since Congress has provided for such determinations in local courts.

At 8:30 a.m., on July 17, 1989, the above described lands will be open to applications and offers under the mineral leasing laws.

Robert E. Mollohan,

Acting Chief, Branch of Lands, and Minerals Operations.

Dated: June 1, 1989.

[FR Doc. 89-13665 Filed 6-8-89; 8:45 am]

BILLING CODE 4310-33-M

[U-58162; UT-040-09-4212-14]

Realty Action; Sale of Public Lands in Kane County, UT

AGENCY: Bureau of Land Management, Interior.

ACTION: Under section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716) public land described as SLM, Utah, T. 43 S., R. 4.5 W., section 31, Lots 1 & 2 (containing 79.8 acres), is proposed for direct sale to Charles and Carol Compas at the appraised fair market value of $15,500.00. The lands described are hereby segregated from all forms of appropriation under the public land laws, including the mining laws, pending disposition of this action.

SUMMARY: The purpose of this sale is to dispose of public land that is difficult and uneconomical to manage by a governmental agency.

DATES: Comments will be accepted on or before July 24, 1989. The sale will be held no less than 60 days from the first date of publication of this notice.

ADDRESS: Detailed information concerning the sale is available at the Kanab Area Office, 318 North First East, Kanab Utah 84741, (801) 644-2672. Comments should also be sent to the same address. The sale will be held in the Kanab Area Office.

SUPPLEMENTARY INFORMATION: The terms and conditions applicable to the sale are:

1. The sale will be for surface estate only. Minerals will remain with the United States Government.

2. There is reserved to the United States a right-of-way for ditches or canals constructed by the Authority of the United States, Act of August 30, 1890, 26 Stat. 391, 43 U.S.C. 945.

3. Title transfer will be subject to valid existing rights, including a 66 foot wide county road right-of-way crossing the southeast corner of the 79.80 acre tract, and a 2.5 acre right-of-way for a water diversion and dike structure.

Any comments received during the comment period will be evaluated and the State Director may vacate or modify this realty action. In the absence of any objections, this Realty Notice will become the final determination of the Department of the Interior.

Date: May 31, 1989.

Gordon R. Staker,

District Manager.

[FR Doc. 89-13666 Filed 6-8-89; 8:45 am]

BILLING CODE 4310-DQ-M

Fish and Wildlife Service

Moratorium on Importation of Raw and Worked Ivory From all Ivory Producing and Intermediary Nations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: Effective immediately, the United States establishes a moratorium on importation of raw and worked African elephant ivory from all ivory producing and intermediary nations. This action is being taken under authority of sections 2202(a) and 2202(b) of the African Elephant Conservation Act, which require the Department of the Interior to establish moratoria on ivory trade with all nations which cannot meet its criteria for continuation of trade with the United States. Despite the existence of an Ivory Trade Control System set up by the parties to the Convention on International Trade in Endangered Species (CITES), most ivory is traded outside of the system and illegal and excessive taking of elephants is now taking place at unsustainable levels. Ivory producing nations are currently unable to effectively control taking of elephants, and intermediary nations cannot ensure that all ivory trade originates from legal sources. In October 1989, the 102 parties to CITES will decide whether to end all commerical trade in African elephant ivory, as recently proposed by the United States and a number of African nations. Import of legally taken sport hunted trophies will not be affected by this action.

DATES: The effective date of the moratoria established by this notice is June 9, 1989.

FOR FURTHER INFORMATION CONTACT: Marshall P. Jones, Chief, Office of Management Authority, or Mr. Frank McGilvrey, African Elephant Coordinator, Office of Management Authority, P.O. Box 3507, Arlington, Virginia 22204-3507 (telephone 703/358-2093).

SUPPLEMENTARY INFORMATION:

Background

The African elephant (*Loxodonta africana*) is protected by the provisions of an international treaty and two U.S. domestic laws. Internationally, in 1977 the African elephant was listed on Appendix II to the convention on International Trade in Endangered Species (CITES). Under provisions of this listing and subsequent resolutions adopted by the CITES party nations, commercial trade in African elephant ivory is allowed, subject to regulation by a system of export permits and an Ivory Control System administered by the CITES Secretariat. (The Asian elephant, *Elephas maximas*, is listed on CITES Appendix I and as endangered under the U.S. Endangered Species Act, prohibiting all commercial trade in its ivory).

Since 1978 the African elephant has been listed as a threatened species under the endangered Species Act of 1973 (16 U.S.C. 1531–1543). Trade in African elephant ivory is allowed by a special rule promulgated under the authority of section 4(d) of the Act and codified at 50 CFR 17.40(e). The principal conditions applied by the special rule to imports are that the ivory must originate in a CITES party country, must be imported from a CITES party country, and must be imported from a CITES party country, and must be accompanied by proper CITES export permits and documentation. On 5 May 1989, the Service issued a rulemaking proposal (54 FR 19416) to revise the special rule to conform to the requirements of the African Elephant Conservation Act, which are discusseed later in this notice. On 9 May 1989, the Service found pursuant to section 4(b)(3)(A) of the Act that a petition submitted in February 1989 presents substantial evidence that reclassification of the African elephants to endangered status may be warranted, but that the status of the species was not so precarious so as to require emergency reclassification to endangered status under section 4(b)(7) of the Act. The Service has initiated a status review of the species and must issue a finding by February 1990 as to whether reclassification to endangered status is in fact warranted.

The newest U.S. domestic measure, signed into law on 7 October 1988, is the African Elephant Conservation Act (the Elephant Act), which was Title II of the Endangered Species Act Amendments of 1988 (16 U.S.C. 4201 *et seq.*). The goal of the Elephant Act is for the United States to help perpetuate healthy populations of the African elephant by supporting conservation programs and ending its participation in illegal or excessive ivory harvest and trade. In order to implement the latter requirement, the Service has undertaken three major actions. These are:

(1) On 27 December 1988 (53 FR 52242), in compliance with sections 2202 (a) and (b) of the Elephant Act, the Service placed a moratorium on all ivory imports into the United States from nations which are not parties to CITES.

(2) On 24 February 1989 (54 FR 8008), in response to information contained in a petition from the World Wildlife Fund and information obtained from other sources, the Service placed a moratorium on all ivory imports into the United States from the nation of Somalia under provisions of sections 2202 (a) and (b) of the Elephant Act.

(3) On 3 February 1989 (54 FR 5553), in compliance with section 2201(b) of the Elephant Act, the Service announced initiation of a review of the elephant conservation and protection programs of all ivory producing nations (defined by the Act as those African nations within which is located any part of the range of a population of African elephants). The comment period for this review closed on 5 June 1989. The Act contains five criteria on which this review is to be based:

(A) The country is a party to CITES and adheres to the CITES Ivory Trade Control System.

(B) The country's elephant conservation program is based on the best available information, and the country is making expeditious progress in compiling information on the elephant habitat condition and carrying capacity, total population and population trends, and the annual reproduction and mortality of the elephant populations within the country.

(C) The taking of elephants in the country is effectively controlled and monitored.

(D) The country's ivory quota is determined on the basis of information referred to in subparagraph (B) and reflects the amount of ivory which is confiscated or consumed domestically by the country.

(E) The country has not authorized or allowed the export of amounts of raw ivory which exceed its ivory quota under the CITES Ivory Control System.

Simultaneously, in letters to each of the 33 ivory producing nations, the Assistant Secretary for Fish and Wildlife and Parks requested comments on their ability to comply with these criteria and adequately conserve the species. The letters also explained that section 2202(a) of the Act requires the Service to establish a moratorium on all ivory imports into the United States from any nation immediately upon finding that the country cannot meet all of the criteria of section 2201(b)(1). The letter noted that many of the nations addressed have already prohibited legal ivory exports, and that a moratorium by the Service would serve to bolster their laws in that case. It went on to state that the Service would assume that any nation which did not respond to the notice was requesting the Service to place a moratorium on ivory imports into the United States.

In the same 3 February 1989 Federal Register notice, the Service also requested information from interested parties on ivory trading practices of intermediary nations (defined by the Act as nations which export raw or worked ivory originating in another country), in order to determine whether there are intermediary nations which:

1. Are not parties to CITES;
2. Do not adhere to the CITES Ivory Control System;
3. Import raw ivory from countries which are not ivory producers;
4. Import raw or worked ivory form countries not party to CITES;
5. Import raw or worked ivory originating in an ivory producing country that was taken or exported in violation of the laws of that ivory producing country;
6. Substantially increases its exports of raw or worked ivory form a country that is subject to a moratorium; or
7. Imports raw or worked ivory form a country subject to a moratorium, after the first three months of that moratorium, unless the ivory is imported by a vessel during the first six months of the moratorium and is accompanied by shipping documents showing it was exported before establishment of the moratorium.

A finding that a country fails to meet any one of these criteria requires the Service to impose an immediate moratorium on ivory imports, in accordance with seciton 2202(b) of the Elephant Act.

At the time of publication of this notice, the Service already had on hand substantial information regarding general difficulties with control of the ivory trade. At a CITES African Elephant Working Group meeting in Nairobi, Kenya, in November 1988, the Service and other representatives in attendance received presentations from experts on the ivory trade and its effects on elephant populations. These presentations indicated that the volume of ivory trade taking place within the CITES system represents only a small fraction of the total ivory trade, and that

this total now greatly exceeds the annual sustainable harvest of ivory. Many ivory movements between African nations also were reportedly not being recorded within the CITES system, making it virtually impossible to track the original source of ivory shipments or the amount of ivory leaving source nations. The February 1989 petition to the Service for reclassification of the elephant to endangered status under the Endangered Species Act likewise presented information indicating that the ivory trade had become excessive and perhaps out of control.

Subsequent to publication of the 3 February 1989 notice, two additional significant events have occurred which have a major effect on the reviews. First, on 12 May 1989, proposals for changes in the listing of species on Appendix I and Appendix II of CITES were due to the CITES Secretariat for consideration at the October, 1989, CITES Conference of the Parties. Due to the failure of international efforts to control illegal trade in African elephant ivory and the resulting deteriorating status of wild populations of the species, at least seven African nations have called for a halt to the commercial ivory trade. Four of these nations, including Tanzania, Kenya, Gambia, and Somalia, have submitted formal proposals that the African elephant be reclassified to CITES Appendix I, which would end all international commercial trade in ivory and other elephant products. On 12 May 1989 the Department of the Interior submitted a similar United States proposal to the CITES Secretariat recommending reclassification of the African elephant to Appendix I and thus an end to the commercial trade.

These Appendix I proposals confirm and expand upon information available regarding failure of international ivory trade control efforts. The proposal from Tanzania, for example, notes the large worldwide volumes of illegal ivory trade and trade with non-CITES nations, as well as the amount of undocumented raw ivory trade between some African nations. It also presents statistics for 1987 (the most recent year for which such statistics are available) showing that the CITES registered legal ivory trade of 154 metric tons was only 20% of the total estimated world trade of 771 tons. Moreover, the Tanzanian proposal cites work by an ivory trade expert and contractor to the CITES Secretariat that most of the "official" ivory in trade is now seized contraband—i.e. ivory from illegal and excessive taking of elephants. It goes on to reference work by a noted population biologist to conclude that "the unauthorized offtake presently far exceeds the species' maximum sustainable yield, i.e., CITES is in fact facilitating the continuing unsustainable offtake of elephants by allowing for very large amounts of ivory from poached elephants to enter the legal international trade."

Secondly, on 1 June 1989, the Ivory Trade Review (Ivory Group), a consortium of wildlife conservation groups which have been participating in a cooperative study of the ivory trade, released a public statement on its findings. The study was commissioned by the African Elephant and Rhino Specialist Group of the International Union for the Conservation of Nature and Natural Resources, was funded by Wildlife Conservation International (a division of the New York Zoological Society), the World Wildlife Fund, and the Service, and was carried out in collaboration with Trade Records Analysis of Flora and Fauna in Commerce (TRAFFIC), the CITES Secretariat, and the African Wildlife Foundation.

The Ivory Group's statement presents further evidence of the chaotic, uncontrolled conditions of the international ivory trade today. For example, it found that poaching has become so prevalent that "the legal (i.e. government controlled) and the illegal trades have become virtually indistinguishable" and that "exploitation of elephants to supply ivory, as currently practiced throughout most of the continent (of Africa) is quite unsustainable." The Ivory Group also points out that recent proposals for Appendix I status for the species will lead to a rapid rise in the price of ivory and very likely to "unprecedented poaching efforts". Thus its findings that illegal and legal trade can no longer be distinguished even by the most conscientious of governments, and that ivory harvests are unsustainable, will likely become even more critical factors over the next few months. For these reasons, the Group not only concluded that it would support proposals for CITES Appendix I status, but also recommended an immediate, voluntary ban on all ivory trade until the October meeting of the CITES Conference of the Parties, in order to help prevent an increasing slaughter of elephants this summer.

Review of Ivory Producing Nations

The Service has taken into the account both of these new developments in the course of its review of the adequacy of ivory producing nations to meet the criteria of the Act, in conjunction with all other available information. Specifically, the Service notes that:

(1) Most of the ivory producing nations have such low elephant populations that they have determined that no sustainable harvest is possible and have requested no ivory export quota in 1989. No imports of ivory from these nations into the United States would be permissible.

(2) As noted in the Ivory Group's findings, there is now likely no sustainable harvest of elephants throughout most of Africa, even among nations which have CITES export quotas, due to the rapidly declining populations. Many nations which sincerely desire to effectively manage their elephant populations nevertheless lack the resources to adequately assess population levels and determine scientific harvest rates. Furthermore, any harvest of elephants may now represent a lack of effective control of taking, because of recent, drastic population declines for the species as a whole. The extensive ivory movements among African nations undocumented by the CITES system make it even more difficult to determine the amount of harvest being allowed within some nations.

(3) Among the nations which have ivory export quotas, the Service has also found that most now have significant poaching problems. Even those nations which have made diligent efforts to control poaching are finding that the high price of ivory and increasingly well-organized efforts of the poachers and middlemen, often from outside their national borders, make it impossible for them to control the illegal take with currently available resources. Furthermore, there is a great likelihood that the increasing price of ivory over the next few months, as warned by the Ivory Group, may lead to an even greater gap between available resources and those needed to overcome poaching problems. Under these new conditions the indistinguishability of legal and illegal ivory will become an even more critical problem, and the proportion of illegal ivory in trade will almost certainly increase even more from the 80% estimate of 1987.

Based on these considerations, the Service has determined that no ivory producing nation is able to comply with all of the criteria of section 2201(b)(1) of the Act. Furthermore, the Service has determined that the particular criterion 2201(b)(1)(C), effective control and monitoring of take, cannot be complied with by any ivory producing nation under the current chaotic condition of the ivory trade. Accordingly, as required

by section 2202(a) of the Act, the Service hereby imposes an immediate moratorium on all African elephant ivory imports from all ivory producing nations.

Review of Intermediary Nations

Many of the factors discussed above regarding ivory-producing nations have a significant bearing on the ability of intermediary nations to comply with the criteria of section 2202(b) of the Act. The Service has taken all available information into account in reaching the following findings:

(1) The Service's review of the ivory trading practices of all major intermediary nations which are parties to CITES has indicated that every one of these nations has engaged in import of raw ivory from other intermediary nations, a criterion for establishment of a moratorium under section 2202(b)(3). This is a pervasive practice among all of the major intermediary nations which they have not stopped, despite numerous communications from the Service, and which in many cases they apparently cannot stop if they are continue to deal in ivory at all under current market conditions.

(2) In addition, due to the virtual impossibility of distinguishing legal from illegal ivory (as described in the preceding discussion for ivory producing nations), it is also no longer possible for any intermediary nation to ensure that it is not importing raw or worked ivory from an ivory producer in violation of the laws of the ivory producer. In such cases, it is also impossible for intermediary nations to ensure that they are not importing ivory which originated in nation which is not a party to CITES or for which a moratorium on ivory imports into the United States has already been established. The Service notes that the United States itself, as an intermediary nation, would be subject to some of these same difficulties regarding the origin of ivory imports into this country.

Based on these considerations, the Service has determined that under current chaotic conditions no intermediary nation is able to comply with all of the criteria of section 2202(b) of the Elephant Act. Furthermore, the Service has determined that specific criterion 2202(b)(3), avoidance of import of raw or worked ivory taken in violation of the laws of the ivory producer, cannot be complied with by *any* intermediary nation. Accordingly, as required by section 2202(b) of the Act, the Service hereby imposes an immediate moratorium on imports of African elephant ivory from all intermediary nations.

Relationship of Elephant Act Moratorium to CITES Actions

The Service is taking this action in order to implement the requirements of the Elephant Act and in hopes of contributing to a reduction, rather than an increase, in demand for African elephant ivory between now and the CITES Conference of the Parties in October, 1989. At that time, the 102 CITES parties will determine what action should be taken with regard to the pending proposals for Appendix I status. Results of this meeting will be taken into account in deciding whether changes are necessary regarding the moratoria now placed on ivory imports under the Elephant Act.

Relationship of Elephant Act Moratoria to the Endangered Species Act

As noted previously in this notice, on 5 May 1989 (54 FR 19416), the Service published a proposed revision to the existing special rule for the African elephant, which was adopted under the authority of the Endangered Species Act and is codified at 50 CFR 17.40(e). As specifically indicated in that proposed rulemaking, however, the proposal does not serve to delay the effectiveness of the Elephant Act. It is rather intended to conform the provisions of the existing special rule to the terms of the new law. Section 2302 of the Elephant Act specifically provides that the authority of the Department of the Interior under the Elephant Act is in addition to, and shall not affect, the authority of the Department under the Endangered Species Act. Consistent with this additional authority, the Service has already imposed moratoria on all countries not party to CITES (53 FR 52241, 27 December 1988) and on the nation of Somalia (54 FR 8008, 24 February 1989). As indicated above, additional moratoria are now being imposed on all imports from ivory producing and intermediary nations, effective immediately. These actions will be taken into account as the Service continues its review of the proposed amendment to the African elephant special rule under the Endangered Species Act.

Sport-Hunted Trophies

Section 2202(e) of the Elephant Act makes a specific exception allowing import of legally taken sport-hunted trophies into the United States, from all countries which have CITES ivory export quotas, even if these countries are otherwise subject to a moratorium on ivory imports. Legal sport hunting is effectively controlled by the nations which permit it and has not been found to be contributing to the African elephant's decline. On the contrary, it contributes substantial revenues to the wildlife management programs of these nations. On 20 March 1989 (54 FR 11449) the Service published a notice detailing the countries which have duly established quotas and from which legally taken sport-hunted trophies may be imported.

The Service will update this notice as additional quotas are established by the CITES Secretariat and will continue to accept import of legally taken sport-hunged trophies from all nations which have such a quota. The Service will also continue to review sport hunting take of elephants to ensure that it has not become a factor contributing to the species' decline.

The primary author of this rule is Marshall P. Jones, Chief, Office of Management Authority, U.S. Department of Interior, Fish and Wildlife Service.

Dated: June 7, 1989.

Susan Reece Lamson,

Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 89-13911 Filed 6-8-89; 8:45 am]

BILLING CODE 4310-55-M

Availability of a Draft Recovery Plan for Aplomado Falcon for Review and Comment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability and public comment period.

SUMMARY: The U.S. Fish and Wildlife Service announces the availability for public review of a draft recovery plan for northern aplomado falcon. These falcons historically occurred from Trans-Pecos, Texas, southern New Mexico, and southeastern Arizona southward into Central America. The plan calls for reestablishing aplomado falcon populations in portions of the U.S. historic range. 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 July 10, 1989 to be considered by the Service.

ADDRESSES: Written comments and materials regarding the plan should be addressed to Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, NM, 87103. The plan is available for public inspection, by appointment, during normal business hours at the Regional Office of U.S. Fish and Wildlife Service, 500 Gold Avenue