

peregrinus anatum) occurs throughout much of North America from the subarctic boreal forests of Alaska and Canada south to Mexico. American peregrine falcons nest from central Alaska, central Yukon Territory, and northern Alberta and Saskatchewan, east to the Maritimes and south (excluding coastal areas north of the Columbia River in Washington and British Columbia) throughout western Canada and the United States to Baja California, Sonora, and the highlands of central Mexico. American peregrine falcons that nest in subarctic areas generally winter in South America. Those that nest at lower latitudes exhibit variable migratory behavior; and some do not migrate.

Peregrine falcons declined precipitously in North America following World War II, a decline attributed largely to organochlorine pesticides, mainly DDT, applied in the United States and Canada. Because of the decline, the American peregrine was listed as endangered in 1970 (35 FR 16047).

Recovery goals for American peregrine falcons in the United States were substantially exceeded in some areas, and in August 1999 the American peregrine was removed from the List of Endangered and Threatened Wildlife and Plants (64 FR 46541). Anticipating delisting, in June 1999 the States, through the International Association of Fish and Wildlife Agencies, proposed allowing take of nestling American peregrines for falconry.

In an October 1999 **Federal Register** notice (64 FR 53686), we stated that we would consider a conservative take of nestling peregrines from healthy populations of American peregrine falcons in the western U.S. and Alaska. We published a Final Environmental Assessment in April 2001. The draft Revised Environmental Assessment was done to correct an error in the modeling on which the earlier Environmental Assessment was based. In the models the breeding age for American peregrines was inadvertently set at two years of age, rather than three. Though some peregrines breed as early as age two, to be conservative we intended to model breeding first at age three. Corrected modeling and evaluation of recent American peregrine falcon population data in the western United States indicated that the adult mortality figure used for comparisons in the original Environmental Assessment was too high. Therefore, we based analyses in the revised Environmental Assessment on updated American peregrine falcon population,

productivity, and mortality information for the western U.S. population.

The nesting population in States west of 100° longitude in 1998 was at least 1091 pairs. Based on recent data provided by the States, we believe that since delisting the American peregrine falcon population in the western United States has grown. At a minimum, we believe the population to have been 10% greater in 2001 than it was in 1998. We also determined that recent productivity in the western United States has averaged about 1.51 young per nesting attempt.

To determine an appropriate value to use for adult mortality in the assessment, we used post-delisting data from Arizona, California, Colorado, Idaho, Montana, New Mexico, Oregon, Washington, and Wyoming. Population data from those States, combined with modeling of population change, indicated that adult mortality since delisting has been 10.1% per year.

We considered six alternatives to address potential take of nestling American peregrine falcons in the western United States and Alaska. The No Action Alternative would mean that no legal take of peregrine falcons for falconry can occur. We also evaluated allowing take of 5%, 10%, 15%, and 20% of annual production in states west of 100° longitude. The sixth alternative we evaluated was lifting the current restriction on take by falconry permittees in 11 contiguous western States and Alaska. The preferred alternative is to allow take of 5% of the nestlings produced in Western States, with take at the discretion of each State. The 5% level of take would allow continued good population growth if population density does not affect reproduction or survival.

Dated: March 20, 2003.

Paul R. Schmidt,

Assistant Director, Migratory Birds and State Programs.

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DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Law and Order on Indian Reservations

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Intent to reassume judicial jurisdiction.

SUMMARY: This notice announces the Bureau of Indian Affairs' intent to reassume judicial jurisdiction for the Kaw Nation of Oklahoma and to

administer court cases under the Court of Indian Offenses for the Southern Plains Region.

EFFECTIVE DATE: April 29, 2003.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION: This notice is published in accordance with the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs under part 209, Chapter 8, of the Departmental Manual (209 DM 8).

On November 16, 2002, the Kaw Executive Council passed a motion to return court function to the Bureau of Indian Affairs. On December 12, 2002, Resolution 96(a) was adopted by a majority of the Executive Council for the same purpose. By letter dated February 28, 2003, the Office of Self-Governance, Department of the Interior, advised the Kaw Nation that the funding for the tribal court was being withdrawn and that the Bureau of Indian Affairs, Southern Plains Regional Office's (formerly the Anadarko Area Office) Court of Indian Offenses would reassume jurisdiction over matters arising within the Kaw Nation, as listed in 25 CFR part 11.100(a)(9)(x). The Court of Indian Offenses for the tribes in western Oklahoma was established in response to the decisions of *United States v. Littlechief*, No. CR-76-207-D, and *State of Oklahoma v. Littlechief*, 573 P.2d 263 (Okla. Crim. App. 1978), which held that the State of Oklahoma lacked jurisdiction over matters occurring on trust or restricted lands (44 FR 37502). This Court of Indian Offenses continues to serve those tribes in the Southern Plains Region which have not established tribal courts. The Kaw Nation's retrocession and closing of its tribal court creates a jurisdictional vacuum. In order to protect lives, persons, and property of people residing within the Nation's jurisdiction, the Bureau of Indian Affairs must immediately reassume judicial jurisdiction within the Indian country of the Kaw Nation of Oklahoma, until such time as the Nation reestablishes its court in accordance with 25 CFR 11.100(c). For this reason, effective April 29, 2003, the Bureau of Indian Affairs reassumes