

determination on the California tiger salamander accordingly” (68 FR 13502).

Pursuant to that announcement and given the potential issues surrounding the correct status for the Sonoma and Santa Barbara populations, we now propose the following:

(1) That the Sonoma County DPS of the California tiger salamander be reclassified from endangered to threatened.

(2) That the Santa Barbara County DPS of the California tiger salamander be reclassified from endangered to threatened.

(3) That the proposed special rule under section 4(d) of the ESA be extended to the DPSs in Santa Barbara and Sonoma Counties, as well as to the Central California DPS.

The basis for proposing that the special rule be extended to Santa Barbara and Sonoma Counties is that our analysis in those areas, like that in the range of the Central California tiger salamander, shows that grazing generally is compatible with the continued use of rangelands by the California tiger salamander as long as intensive burrowing rodent control programs are not implemented on such areas and grazing is not excessive. Indeed, in Santa Barbara County, the only remaining sites with large amounts of suitable salamander habitat (eight ponds at five sites) currently are being grazed. These rangelands are the only undeveloped habitat in the area and thus provide the only chance for salamanders to breed successfully. Additionally, in all areas, to the extent that conversion of rangelands to more intensive agricultural activity is postponed, conservation of the tiger salamander will be enhanced.

If this proposal is finalized without change, all three DPSs will have the same status. We are not, however, proposing at this time to eliminate the DPSs in favor of a single listed population. We will take public comment on that issue.

Public Comments Solicited

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

(1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to the California tiger salamander;

(2) The location of any additional populations or breeding sites of this species, and the reasons why any habitat should or should not be determined to be critical habitat pursuant to section 4 of the Act;

(3) Additional information concerning the range, distribution, and population sizes of this species;

(4) Current or planned activities or land use practices in the subject area and their possible impacts on this animal;

(5) Additional information pertaining to the promulgation of a special rule to exempt from section 9 take prohibitions existing routine ranching practices located on private and Tribal lands where the Central DPS occurs; and

(6) Additional information pertaining to the Central, Sonoma County, and Santa Barbara County populations, including data on their validity as DPSs, or whether other designations, such as a single rangewide designation or combinations of designations including additional DPSs, is more appropriate.

If you wish to comment, you may submit your comments and materials concerning this proposal by any one of several methods: (1) You may submit written comments and information to the Field Supervisor at the address provided in the **ADDRESSES** section above; (2) You also may comment via the electronic mail (e-mail) to catiger@R1.fws.gov. Please submit e-mail comments as an ASCII file avoiding the use of special characters and any form of encryption. Please also include “Attn: [1018-AI68]” and your name and address in your e-mail message. If you do not receive a confirmation from the system that we have received your e-mail message, contact us directly by calling our Sacramento Fish and Wildlife Office at telephone number 916/414-6600. Please note the internet address CATIGER@R1.fws.gov will be terminated at the close of the comment period; and (3) You may hand-deliver comments to our Sacramento Fish and Wildlife Office (see **ADDRESSES** section above).

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Commenters may request that we withhold their home addresses from the rulemaking record, which we will honor to the extent allowed by law. There also may be circumstances in which we would withhold from the rulemaking record a commenter's identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the

beginning of your comment. 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 above address.

Public Hearings

The Act provides for one or more public hearings on this proposal, if requested. Requests for public hearings must be made within 45 days of the publication of a proposed rule (section 4(b)(5)(E) of the Act). Given the high likelihood of requests, and the need to proceed as expeditiously as possible, the Service will hold public hearings on the dates and locations described in the **DATES** and **ADDRESSES** sections above.

The purpose of the public hearings announced here is to take oral comments on the proposed listing. Oral comments will be transcribed and will be given equal weight to comments submitted by other means. However, we encourage those commenting orally to submit written versions of their comments as well.

Persons needing reasonable accommodations in order to attend and participate in a public hearing should contact the Field Supervisor of the Sacramento Fish and Wildlife Office (see **ADDRESSES** section) as soon as possible. In order to allow sufficient time to process requests, please call no later than 1 week before the hearing.

Peer Review

In accordance with our policy published on July 1, 1994 (59 FR 34270), we will solicit the expert opinions of at least three appropriate and independent specialists regarding the proposed rule. The purpose of such review is to ensure listing decisions are based on scientifically sound data, assumptions, and analyses. We will send these peer reviewers copies of this proposed rule immediately following publication in the **Federal Register**. We will invite these peer reviewers to comment, during the public comment period, on the specific assumptions and conclusions regarding the proposed listing and special rule.

Executive Order 12866

Executive Order 12866 requires agencies to write regulations that are easy to understand. We invite your comments on how to make this proposal