

TABLE 1.—INCIDENCE OF TRUMPETER SWAN HARVEST DURING SWAN SEASON IN THE PACIFIC FLYWAY—Continued

Year	Utah		Montana (PF) <sup>1</sup>		Montana (CF) <sup>1</sup>		Nevada	
	Swans examined	Trumpeters detected	Swans examined	Trumpeters detected	Swans examined	Trumpeters detected	Swans examined	Trumpeters detected
1995 .....	244	3 (1 adult, 2 juveniles)	110	3 (juveniles)	22	0	66	0
1996 .....	701	7 (4 adults, 3 juveniles) <sup>2</sup>	181	3 (adults)	32	0	110	1 (juvenile)
1997 .....	497	3 (2 adults, 1 juvenile)	217	1 (adult)	55	2 (1 adult, 1 juvenile)	116	0
1998 .....	879	1 (juvenile)	168	3 (2 adults, 1 juvenile)	47	2 (adults)	156	0
1999 .....	647	0	153	7 (4 adults, 3 juveniles)	50	2 (adults)	186	0
2000 .....	454	1 (adult)	203	3 (2 adults, 1 juvenile)	57	0	65	0
2001 .....	229	0	244	0	64	2 (1 adult, 1 juvenile)	51	0

<sup>1</sup> Most if not all of these swans likely are from the Interior Canada flock.

<sup>2</sup> In 1996, six of the seven trumpeters detected in Utah's harvest were swans marked and translocated from Idaho and released in Utah as part of a research proposal. The other swan was a marked swan that was translocated from Idaho to Oregon 2 years earlier.

### Petition Finding

On the basis of the data in our files, we find that the Tri-State Area flock of trumpeter swans does not constitute a DPS in the meaning of the Act and, therefore, is not a listable entity. The available information does not demonstrate that the flock is discrete, because the proposed DPS is not markedly separated from other segments of trumpeter swans in North America and is not significant under the DPS policy. The petitioners assert that the largely nonmigratory behavior exhibited by this group of birds indicates that the segment is distinct from other flocks because it is physically separated by several hundred miles from other breeding populations. However, current banding and marking information, although limited in extent, indicates that there is some dispersal of swans from the Yellowstone Ecosystem to other parts of the RMP area and vice versa, and that pairings between Tri-State birds and Canadian birds can be expected to occur. All trumpeter swans in the RMP are sympatric during several months (approximate November to March) of the year. Pairing of trumpeter swans generally occurs during the fall and winter months (Johnsgard 1978, Gale *et al.* 1987). Thus, this mixing of birds in winter provides the opportunity for such pairings to occur. One interflock pairing has been documented (Gale *et al.* 1987). Current data do not provide evidence that the Tri-State Area

flock is genetically different than other trumpeter swan flocks, and no data suggest physical, physiological, ecological, or significant behavioral differences between the birds in the Yellowstone Ecosystem and the rest of North America.

The petitioners allege that the trumpeter swans in the lower 48 States are managed differently than the Canadian birds, but we find that essentially no differences in management exist, because both countries are party to the Migratory Bird Treaty, coordinate on planning and implementation of swan management goals, conduct similar management activities, and promote population growth of flocks. Both trumpeter and tundra swans are cooperatively managed by Canadian and United States Federal agencies, States, and Provinces through management plans developed specifically for these species.

In North America the species has increased from less than 4,000 birds in 1968 to nearly 24,000 birds in 2000, which represents an average annual population growth of 5.9 percent (Dubovsky and Cornely 2002). The RMP increased from approximately 800 birds in 1968 to more than 3,600 birds in 2000 (Caithamer 2001). This RMP average population growth rate was 4.8 percent per year. Therefore, we conclude that the trumpeter swan is not in need of additional protection beyond the current provisions of the MBTA.

### References Cited

A complete list of References Cited is available from the Regional Office or our website (*see ADDRESSES*).

### Author

The primary author of this document is Chuck Davis, Region 6 Endangered Species Listing Coordinator (*see ADDRESSES*).

### Authority

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

Dated: January 15, 2003.

**Marshall P. Jones, Jr.,**

*Acting Director, U.S. Fish and Wildlife Service.*

[FR Doc. 03-1804 Filed 1-27-03; 8:45 am]

BILLING CODE 4310-55-P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Notice of Availability of a Draft Recovery Plan for the Rough Popcorn Flower (*Plagiobothrys hirtus*) for Review and Comment

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of document availability.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, announce the availability for public review of a draft