

U.S.C. 1531 *et seq.*) (Act), threatened Utah prairie dog (*Cynomys parvidens*). Anticipated incidental take of this species is in conjunction with otherwise legal activities including installation of a television coaxial cable which passes through occupied Utah prairie dog habitat on private property approximately 8 miles southeast of Panguitch, Garfield County, Utah.

Notice is hereby given that on November 19, 1999, as authorized by the provisions of the Act, the Service issued an incidental take permit (permit number TE-017010) to the above-named party subject to certain conditions set forth herein. The permit was granted only after it was determined that it was applied for in good faith, that by granting the permit it will not be to the disadvantage of the threatened species, and that it will be consistent with the purposes and policy set forth in the Act, as amended.

Additional information on this permit action may be obtained by contacting the Assistant Field Supervisor, U.S. Fish and Wildlife Service, Utah Ecological Services Field Office, 145 East 1300 South Street, Suite 404, Salt Lake City, Utah 84115, telephone (801) 524-5001, on weekdays between the hours of 8 AM and 4:30 PM.

Dated: November 23, 1999.

Susan E. Baker,

Regional Director, Region 6, Fish and Wildlife Service.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

RIN 1018-AF66

Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); Carrying Out the Inclusion of All Species of the Order Acipenseriformes (Sturgeon and Paddlefish) in the Appendices to CITES

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of policy.

SUMMARY: We will no longer issue or accept for import any "pre-Convention" certificates for caviar. A pre-Convention certificate for caviar documents that the caviar pre-dates April 1, 1998, the effective date of the listing of all previously unlisted species of the Order Acipenseriformes (sturgeon and paddlefish) in the Appendices to the Convention on International Trade in

Endangered Species of Wild Fauna and Flora (CITES).

DATES: This policy is effective on December 6, 1999.

FOR FURTHER INFORMATION CONTACT:

Teiko Saito, Chief, Office of Management Authority, U.S. Fish and Wildlife Service, telephone (703) 358-2093, fax (703) 358-2280.

SUPPLEMENTARY INFORMATION: To make sure that commercial demand does not threaten the survival of wild sturgeon, the Tenth Meeting of the Conference of the Parties to CITES (COP10) adopted a proposal on June 20, 1997, to include all previously unlisted species of the Order Acipenseriformes (sturgeon and paddlefish) in Appendix II of CITES, effective April 1, 1998. Therefore, all international shipments of sturgeon and paddlefish specimens or their parts and products, including caviar, made on or after April 1, 1998, must include a valid CITES export permit, re-export certificate, or pre-Convention certificate, which shows that the CITES treaty is being followed.

We have issued pre-Convention certificates for the re-export of caviar only when we were satisfied that it was imported before April 1, 1998. We have learned from the sturgeon products industry and others that the normal shelf life for caviar is 12 months. On the effective date of this policy, the normal shelf life of any caviar imported before April 1, 1998, will have been exceeded by more than 8 months. In addition, it has become evident since April 1, 1998, that the false declaration of caviar as having been acquired before April 1, 1998, is a means of circumventing the CITES treaty. So, we will no longer issue pre-Convention certificates for caviar.

On March 12, 1999, the CITES Secretariat issued Notification to the Parties No. 1999/23, which recommends that no permits or certificates declaring pre-Convention caviar should be accepted after April 1, 1999. Consistent with that recommendation, we will no longer accept pre-Convention certificates for the importation of Appendix II sturgeon caviar into the United States.

For imports, this policy does not affect aquaculture-produced caviar or caviar harvested from the wild after April 1, 1998, which will continue to be allowed with a valid CITES export permit from the country of origin or a valid CITES re-export certificate from the country of re-export. For exports or re-exports from the United States, this policy does not affect aquaculture-produced caviar or caviar acquired from the wild after April 1, 1998, if a valid

CITES permit or re-export certificate is issued and accompanies the shipment.

On October 26, 1999, we published a proposed policy [64 FR 57645] that we would no longer issue or accept for import any pre-Convention certificates for caviar. Effective [date of publication], we are going to carry out this policy.

Comments and Information Received

Comments were received from one conservation organization. This organization strongly supported the proposed policy to no longer issue or accept pre-Convention certificates for caviar.

Required Determinations

This document has not been reviewed by the Office of Management and Budget under Executive Order 12866.

The Department of the Interior certifies that this document will not have a significant effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This policy would restrict the sturgeon industry within the United States from engaging in foreign commerce with pre-Convention caviar that is, according to industry representatives, perhaps no longer available, and if available, only in very limited quantities at greatly reduced value. We estimate that there would likely be less than 100 businesses with remaining stocks of pre-Convention caviar. Any such caviar has exceeded its normal shelf life and has decreased in value dramatically. Therefore, this policy is restricting the sturgeon industry within the United States from engaging in commerce, under an exemption of CITES, with a commodity that may no longer even be available, and if available, only in very limited quantities at greatly reduced value. Therefore, it does not appear likely that this policy will have a significant economic effect on a substantial number of small entities as defined under the Regulatory Flexibility Act. It should be noted that this policy will not restrict members of the sturgeon products industry from conducting business with caviar that has been obtained after April 1, 1998. Only the availability of the pre-Convention exemption for caviar is terminated by this policy.

Similarly, this policy is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act.

This policy does not impose an unfunded mandate of more than \$100 million per year or have a significant or unique effect on State, local, or tribal governments or the private sector

because we, as the lead agency for CITES implementation in the United States, are responsible for the authorization of shipments of live wildlife, or their parts and products, that are subject to the requirements of CITES.

Under Executive Order 12630, this policy does not have significant takings implications for the same reason as described above under the Regulatory Flexibility Act.

Under Executive Order 13132, this policy does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment because there are no effects on State management programs.

Under Executive Order 12988, the Office of the Solicitor has determined that this policy does not unduly burden the judicial system and meets the requirements of Sections 3(a) and 3(b)(2) of the Order.

This policy does not contain new or revised information collection for which Office of Management and Budget approval is required under the Paperwork Reduction Act. Information collections associated with CITES permits is covered by an existing OMB approval, and is assigned clearance No. 1018-0093, Form 3-200-27, with an expiration date of January 31, 2001. Details of the information collection requirements for CITES documentation appear at Title 50 of the Code of Federal Regulations, Section 23.15(g). The Service may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

This policy does not constitute a major Federal action significantly affecting the quality of the human environment. Therefore, an environmental impact statement is not required. This policy is categorically excluded from further National Environmental Policy Act requirements, under Part 516 of the Departmental Manual, Chapter 2, Appendix 1.10.

Executive Order 12866 requires each agency to write regulations that are easy to understand. The one comment that we received did not include any suggestions on how to make the proposed policy easier to understand.

Under the Administrative Procedure Act (5 U.S.C. 551-553), our normal practice is to publish policies with a 30-day delay in effective date. But in this case, we are using the "good cause" exemption under 5 U.S.C. 553(d)(3) to make this policy effective upon publication for the following reasons: (1) We have learned in discussions we have had with the sturgeon products

industry and others that the normal shelf life for caviar is 12 months, so there should no longer be available any pre-Convention caviar imported before April 1, 1998. (2) On the effective date of this policy, the normal shelf life of any caviar imported before April 1, 1998, will have been exceeded by more than 8 months, and we have learned in discussions we have had with the sturgeon products industry that this caviar would be of very low quality and may be unhealthy for consumption. (3) As a party to CITES, it is our responsibility to carry out promptly our obligations under the treaty, and we interpret our obligations to include the prompt implementation of the CITES Secretariat's prudent recommendation that no permits or certificates declaring pre-Convention caviar should be accepted after April 1, 1999. (4) Recent correspondence from the CITES Secretariat indicates that the European Union has already prohibited the trade in pre-Convention caviar. (5) We have shown the urgency of this situation by the fact that, in the proposed policy published on October 26, 1999 [64 FR 57645], the comment period was reduced from the usual 60 days to only 15 days.

Dated: November 29, 1999.

Donald J. Barry,

Assistant Secretary—Fish and Wildlife and Parks.

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DEPARTMENT OF THE INTERIOR

National Park Service

Availability of a Draft Environmental Impact Statement and General Management Plan for Zion National Park

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the National Park Service (NPS) announces the availability of a Draft Environmental Impact Statement and General Management Plan (DEIS/GMP) for Zion National Park, Utah.

DATES: Comments on the DEIS/GMP will be accepted through February 11, 2000. Public meetings concerning the DEIS/GMP will be held at the following locations and dates: All meetings will run from 7-10 p.m.
January 6, 2000

Sharwan Smith Center, SUU, 351 W. Center Street, Cedar City, UT

January 10, 2000

Town Offices, Public Assembly Hall, 118 Lion Boulevard, Springdale, UT
January 11, 2000

Kanab City Library, 374 N. Main Street, Kanab, UT

January 12, 2000

Interagency Offices and Information Center, 345 E. Riverside Road, St. George, UT

January 13, 2000

Utah Department of Natural Resources, 1594 W. North Temple, Salt Lake City, UT

The draft also will be available for review on the Internet at www.nps.gov/planning.

ADDRESSES: If you wish to comment on the DEIS/GMP, you may mail your comments to the Superintendent, Zion National Park, Springdale, UT 84767-1099. Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the record a respondent'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.

Public reading copies of the DEIS/GMP will be available for review at the following locations:

Office of the Superintendent, Zion National Park, Springdale, Utah 84767-1099; Telephone (435) 772-0211

Planning and Environmental Quality, Intermountain Support Office—Denver, National Park Service, P.O. Box 25287, Denver, CO 80225-0287, Telephone: (303) 969-2851 or (303) 969-2377

Office of Public Affairs, National Park Service, Department of the Interior, 18th and C Streets NW, Washington, D.C. 20240, Telephone: (202) 208-6843

SUPPLEMENTARY INFORMATION: The DEIS/GMP analyzes four alternatives for managing and using Zion National Park. The plan is intended to provide a foundation to help park managers guide park programs and set priorities. The alternative that is finally chosen as the plan will guide the management of Zion National Park over the next 15 to 20 years.