

Policy Act of 1969 (NEPA), 42 U.S.C. 4332(2)(C). The BLM has placed the EA and the Finding of No Significant Impact (FONSI) on file in the BLM's Administrative Record at the address specified previously. The BLM invites the public to review these documents by contacting us at the addresses listed above (see **ADDRESSES**), and suggests that anyone wishing to submit comments in response to the EA and FONSI do so in accordance with the "Written Comments" section above, or contact us directly.

Paperwork Reduction Act

This proposed rule does not contain information collection requirements subject to Office of Management and Budget approval under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

Regulatory Flexibility Act

BLM has determined under the Regulatory Flexibility Act, 5 U.S.C. § 601 *et seq.*, that this proposed rule would not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act

Removal of 43 CFR subpart 2093 will not result in any unfunded mandate to state, local or tribal governments in the aggregate, or to the private sector, of \$100,000,000 or more in any one year.

Executive Order 12612

The proposed rule will not have substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, BLM has determined that this proposed rule does not have sufficient federalism implications to warrant preparation of a Federalism assessment.

Executive Order 12630

The proposed rule is not a government action that interferes with constitutionally protected property rights. Section 2(a)(1) of Executive Order 12630 specifically exempts actions abolishing regulations or modifying regulations in a way that lessens interference with private property use from the definition of "policies that have takings implications." Since the primary function of the rule is to abolish unnecessary regulations, there will be no private property rights impaired as a result. Therefore, the Department of the Interior has determined that the rule would not cause a taking of private

property, or require further discussion of takings implications under this Executive Order.

Executive Order 12866

According to the criteria listed in section 3(f) of Executive Order 12866, BLM has determined that the proposed rule is not a significant regulatory action. As such, the rule is not subject to Office of Management and Budget review under section 6(a)(3) of the order.

Executive Order 12988

The Department of the Interior has determined that this rule meets the applicable standards provided in sections 3(a) and 3(b)(2) of Executive Order 12988.

Author

The principal author of this proposed rule is H. W. Moritz, BLM, 849 C Street, NW., Washington, D.C. 20240. Telephone: 202-452-0362 (commercial or FTS).

List of Subjects in 43 CFR Part 2090

Airports; Alaska; Coal; Grazing lands; Indians-lands, Land Management Bureau; Public lands; Public lands-classification; Public lands-mineral resources; Public lands-withdrawal; Seashores; Veterans.

For the reasons set forth in the preamble and under the authorities contained within 43 U.S.C. 1740, subpart 2093 of part 2090, group 2000, subchapter B, chapter II of Title 43 of the Code of Federal Regulations is proposed to be amended as set forth below:

PART 2090—SPECIAL LAWS AND RULES

1. The authority citation for Part 2090 is revised to read as follows:

Authority: 43 U.S.C. 1740; 43 U.S.C. 1201.

PART 2090—[AMENDED]

2. Part 2090 is amended by removing subpart 2093.

Dated: October 21, 1996.

Sylvia V. Baca,

Deputy Assistant Secretary of the Interior.

[FR Doc. 96-27580 Filed 10-31-96; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Part 4300

[WO-420-1050-00-24]

RIN 1004-AC70

Grazing Administration; Alaska Reindeer

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rule.

SUMMARY: The Bureau of Land Management ("BLM") proposes to revise the regulations at 43 CFR 4300, which provide for the administration of permits for grazing reindeer in Alaska. Part 4300 explains to the public how to apply for permits and what a permit entitles a person to do. BLM proposes to translate the current part 4300 regulations into plain English and with few exceptions, would not change the substance of the regulations.

DATES: Comments: Submit comments by December 2, 1996. BLM will consider comments received or postmarked on or before this date.

ADDRESSES: *Comments:* You may hand-deliver your comments to the Bureau of Land Management, Administrative Record, Room 401, 1620 L St., NW., Washington, DC; or mail comments to the Bureau of Land Management, Administrative Record, Room 401LS, 1849 C Street, NW., Washington, DC 20240. You may transmit comments electronically via the Internet to: WOCComment@WO0033wp.wo.blm.gov. Please include "Attn: AC70" and your name and address in your message. If you do not receive a confirmation from the system that we have received your Internet message, contact us directly.

FOR FURTHER INFORMATION CONTACT:

Olivia Short, (202) 452-0345 (Commercial or FTS).

SUPPLEMENTARY INFORMATION:

- I. Public Comment Procedures
- II. Background
- III. Discussion of Proposed Rule
- IV. Procedural Matters

I. Public Comment Procedures

Written Comments

Your written comments on the proposed rule should be specific, should be confined to issues pertinent to the proposed rule, and should explain the reason for any recommended change. Where possible, you should reference the specific section or paragraph of the proposal that you are addressing.

II. Background

The current part 4300 regulations were written in order to carry into effect

the provisions of the Act of September 1, 1937 (50 Stat. 900; 25 U.S.C. 500, *et seq.*) ("The Act"). The Act authorized the Secretary of the Interior to manage the reindeer industry in Alaska for the purpose of maintaining a self-sustaining industry for natives of Alaska. The Act also authorized the Secretary to issue permits to natives for grazing reindeer on public lands.

III. Discussion of Proposed Rule

This proposed rule is a rewriting of the present regulations into Plain English. Plain English is a method of writing and formatting which is designed to add significant clarity to formerly bureaucratic and convoluted language. Plain English allows both the public and the administering agency to fully understand the requirements each is obliged to follow. BLM has arranged the proposed rule in a question and answer format, with a new numbering of sections. This will make it easier for the public to locate the sections that concern them. Few changes in policy or requirements have been made in this proposed rule, but BLM has clarified several matters. A new definition of reindeer has been added. The new definition combines the old definition with a statement that clarifies the reindeer's relationship to wild caribou. The proposed rule states that a \$10 application fee is paid for each year of the permit. This seems like a new requirement because the existing part 4300 regulations do not specify that the fee must be paid for each year. Actually, it has long been a BLM procedure to charge herders an annual fee in order to cover the administrative costs of processing the applications. Reasons for cancellation of a permit are expanded to include those reasons currently used by BLM to reduce or modify a permit.

IV. Procedural Matters

National Environmental Policy Act

BLM has determined that this proposed rule is categorically excluded from environmental review under section 102(2)(C) of the National Environmental Policy Act, pursuant to 516 Departmental Manual (DM), Chapter 2, Appendix 1, Item 1.10, and that the proposed rule does not meet any of the 10 criteria for exceptions to categorical exclusions listed in 516 DM, Chapter 2, Appendix 2. Pursuant to Council on Environmental Quality regulations (40 CFR 1508.4) and the environmental policies and procedures of the Department of the Interior, the term "categorical exclusion" means a category of actions that do not individually or cumulatively have a

significant effect on the human environment and that have been found to have no such effect in procedures adopted by a Federal agency and for which neither an environmental assessment nor an environmental impact statement is required.

This proposed rule qualifies as a categorical exclusion under item 1.10 for regulations of an administrative, financial, legal, technical, or procedural nature. The publication of this proposed rule does not change the rights of customers who may file applications and has no impact on the environment. The rule, when final, will simplify the application procedures and make clear to applicants the legal requirements they need to meet.

Paperwork Reduction Act

BLM has submitted the information collection requirements in the proposed rule to the Office of Management and Budget for approval as 44 U.S.C. 3501 *et seq.* requires. BLM will not require collection of this information until the Office of Management and Budget has given its approval.

Regulatory Flexibility Act

Congress enacted the Regulatory Flexibility Act of 1980 to ensure that Government regulations do not unnecessarily or disproportionately burden small entities. The RFA requires a regulatory flexibility analysis if a rule would have a significant economic impact, either detrimental or beneficial, on a substantial number of small entities. BLM has determined that this proposed rule would not have a significant economic impact on a substantial number of small entities under the RFA (5 U.S.C. 601 *et seq.*).

Unfunded Mandates Reform Act

BLM has determined that this proposed rule will not result in the expenditure by State, local or tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year.

Executive Order 12612

The proposed rule would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, BLM has determined that this proposed rule does not have sufficient federalism implications to warrant preparation of a Federalism assessment.

Executive Order 12630

The proposed rule does not represent a government action that would interfere with constitutionally protected property rights or result in a taking of private property.

Executive Order 12866

BLM has determined that the proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866. The rule is, therefore, not subject to review by the Office of Management and Budget under section 6(a)(3) of that order.

Executive Order 12988

The Department of the Interior has determined that this rule meets the applicable standards provided in sections 3(a) and 3(b)(2) of Executive Order 12988.

Author

The principal author of this rule is Olivia Short, Bureau of Land Management, Regulatory Management Team, 1849 C Street, NW., Washington, DC 20240, Telephone 202-452-0345 (Commercial or FTS).

List of Subjects in 43 CFR Part 4300

Administrative practice and procedure, Alaska, Grazing lands, Land Management Bureau, Range Management, Reindeer, Reporting and recordkeeping requirements.

For the reason set forth above, and under the authority of 25 U.S.C 500k, BLM proposes to revise 43 CFR part 4300 to read as follows:

Dated: October 21, 1996.

Sylvia V. Baca,
Deputy Assistant Secretary, Land and Minerals Management.

PART 4300—GRAZING ADMINISTRATION; ALASKA; REINDEER; GENERAL

General Information

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§ 4300.2 Is there a special form for my application?

Before you apply for a reindeer grazing permit

§ 4300.10 On what types of public land can I obtain a reindeer grazing permit?

§ 4300.11 Who qualifies to apply for a permit?

§ 4300.12 What is the definition of a native?

Applying for a grazing permit

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§ 4300.21 What must I include in my application?

§ 4300.22 What fees must I pay?

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- § 4300.24 Does my filed application mean that no one else can file an application?
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Protests against a grazing permit application

- § 4300.30 Can someone else protest my permit application?

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- § 4300.41 What will the permit say about the number of reindeer and where I can graze them?
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- § 4300.45 Must I submit any reports?

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Other Uses of the land

- § 4300.50 Are there other uses of the land that may affect my permit?
- § 4300.51 Will I be notified if another use, disposal, or withdrawal occurs on the land?
- § 4300.52 Can other persons use the land in my permit for mineral exploration or production?

Changes in the size of the permitted area

- § 4300.53 Can BLM reduce the size of the land in my permit?
- § 4300.54 Can BLM increase the size of the land in my permit?
- § 4300.55 What if I don't agree with an adjustment of my permit area?

Permit renewals

- § 4300.57 How do I apply for a renewal of my permit?
- § 4300.58 Will the renewed permit be exactly the same as the old permit?

Assigning your permit to another party

- § 4300.59 If I want to assign my permit to another party, when must I notify BLM?
- § 4300.60 What must be included in my assignment document?
- § 4300.61 Can I sublease any part of the land in my permit?

Closing out your permit

- § 4300.70 May I relinquish my permit?
- § 4300.71 Under what circumstances can BLM cancel my permit?
- § 4300.72 May I remove my personal property or improvements when the permit expires or terminates?

Reindeer crossing permit

- § 4300.80 How can I get a permit to cross reindeer over public lands?

Trespass

- § 4300.90 What is a trespass?

PART 4300—GRAZING ADMINISTRATION; ALASKA; REINDEER; GENERAL

Authority: 25 U.S.C. 500k, and 43 U.S.C. 1701 *et seq.*

General Information

§ 4300.1 What is a reindeer?

Reindeer, *Rangifer tarandus*, are a semi-domesticated member of the deer family, Cervidae. They are essentially the same animal as their wild cousins, the caribou, but tend to be smaller than caribou. Reindeer and caribou are different subspecies of the same family, genus, and species. The term "reindeer" includes caribou that have been introduced into animal husbandry or have joined reindeer herds, the offspring of these caribou, and the offspring of reindeer.

§ 4300.2 Is there a special form for my application?

All applications and reports you submit to BLM must be on a BLM-approved form and in duplicate.

Before you apply for a reindeer grazing permit

§ 4300.10 On what types of public land can I obtain a reindeer grazing permit?

- (a) You may apply for public lands that are vacant and unappropriated.
- (b) You may apply for public lands which have been withdrawn for any purpose, but the Department or agency with administrative jurisdiction of the withdrawn lands must give its prior consent, and may impose terms or conditions on the use of the land.
- (c) If the lands you apply for are within natural caribou migration routes, or if they have other important values for wildlife, BLM will consult with the Alaska Department of Fish and Game before issuing a permit. BLM may include such lands in a permit at its discretion, and a permit will contain any special terms and conditions to which the two agencies agree.

§ 4300.11 Who qualifies to apply for a permit?

Natives, groups, associations or corporations of natives as defined by the Act of September 1, 1937 (50 Stat. 900) qualify. If you are a native corporation, you must be organized under the laws of the United States or the State of Alaska. Native corporations organized under the Alaska Native Claims Settlement Act also qualify.

§ 4300.12 What is the definition of a native?

Natives are:
(a) Native Indians, Eskimos, and Aleuts of whole or part blood living in

Alaska at the time of the Treaty of Cession of Alaska to the United States, and their descendants of whole or part blood; and

(b) Indians and Eskimos who, between 1867 and September 1, 1937, migrated into Alaska from Canada, and their descendants of whole or part blood.

Applying for a grazing permit

§ 4300.20 How do I apply for a permit?

You must execute a completed application for a grazing permit and file it in the BLM office with jurisdiction over the lands for which you are applying.

§ 4300.21 What must I include in my application?

(a) You must include a certification of reindeer allotment to you, signed by the Bureau of Indian Affairs, if you are to receive a herd from the Government. If you obtain reindeer from a source other than the Government, you should state the source and show evidence of purchase or option to purchase.

(b) Your initial application must list the location of and describe the improvements you own in the application area. You must have this statement verified by the Bureau of Indian Affairs before you submit it to BLM.

§ 4300.22 What fees must I pay?

You must pay a \$10 filing fee per year with each application. No grazing fee will be charged.

§ 4300.23 After I file my application, can I use the land before BLM issues my permit?

No. You cannot use the land until BLM issues you a permit.

§ 4300.24 Does my filed application mean that no one else can file an application?

No. The filing of your application will not segregate the land. Anyone else may file an application and BLM may dispose of the lands under the public land laws.

§ 4300.25 Does my filed application mean I will automatically receive a permit?

No. BLM issues grazing permit at its discretion.

Protests against a grazing permit application

§ 4300.30 Can someone else protest my permit application?

(a) Yes, anyone may file a protest with BLM. This protest must:

- (1) Be filed in duplicate with BLM;
- (2) Contain a complete description of all facts upon which it is based;
- (3) Describe the lands involved; and

(4) Be accompanied by evidence of service of a copy of the protest on the applicant.

(b) If the person protesting also wants a grazing permit for all or part of the land described in the protested application, the protest must be accompanied by a grazing permit application.

Conditions of your approved permit

§ 4300.40 How long can I graze reindeer with my permit?

BLM issues permits for a maximum of 10 years, except when you request a shorter term, or when BLM determines that a shorter period is in the public interest. The issued permit will specify the number of years you can graze reindeer.

§ 4300.41 What will the permit say about the number of reindeer and where I can graze them?

(a) The permit will indicate the maximum number of reindeer you can graze on the permit area based on range conditions. BLM can adjust this number if range conditions change, as for example, by natural causes, overgrazing, or fire.

(b) The permit will restrict grazing to a definitely described area which BLM feels is usable and adequate for your needs.

§ 4300.42 If I have existing improvements on the land, will these be allowed in the initial permit?

Yes, any improvements existing on the land will be allowed.

§ 4300.43 What should I do if I want to construct and maintain improvements on the land?

(a) You should file an application with BLM for a permit to do this. A permit will allow you to construct, maintain, and use any fence, building, corral, reservoir, well or other improvement needed for grazing under the grazing permit; and

(b) You must comply with Alaska state law in the construction and maintenance of fences, but any fence must be constructed to permit ingress and egress of miners, mineral prospectors, and other persons entitled to enter the area for lawful purposes.

§ 4300.44 Are there any major restrictions on my grazing permit that I might otherwise think are allowed?

Yes. You must not:

(a) Enclose roads, trails and highways as to disturb public travel there;

(b) Interfere with existing communication lines or other improvements;

(c) Prevent legal hunting, fishing or trapping on the land;

(d) Prevent access by persons, such as miners and mineral prospectors, entitled to lawfully enter; or

(e) Graze reindeer without complying with applicable State and Federal laws on livestock quarantine and sanitation.

§ 4300.45 Must I submit any reports?

Yes. Before April 1 of the second permit year and each year afterwards, you must submit a report in duplicate to BLM which describes your grazing operations during the preceding year.

Changes that can affect your permit

Other uses of the land

§ 4300.50 Are there other uses of the land that may affect my permit?

Yes. The lands described in your grazing permit and the subsurface can be affected by uses that BLM considers more important than grazing. Your permit can be modified or reduced in size or canceled by BLM to allow for:

(a) Protection, development and use of the natural resources, e.g., minerals, timber, and water, under applicable laws and regulations;

(b) Agricultural use;

(c) Applications for and the acquisition of homesites, easements, permits, leases or other rights and uses, or any disposal or withdrawal, under the applicable public land laws; or

(d) Temporary closing of portions of the permitted area to grazing whenever, because of improper handling of reindeer, overgrazing, fire or other cause, BLM judges this necessary to restore the range to its normal condition.

§ 4300.51 Will I be notified if another use, disposal or withdrawal occurs on the land?

Yes. If there is a settlement, location, entry, disposal, or withdrawal on any lands described in your permit, BLM will notify you and will reduce your permit area by the amount of the area involved.

§ 4300.52 Can other persons use the land in my permit for mineral exploration or production?

Yes. Unless the land is otherwise withdrawn, the land in your permit is subject to lease or leasing under the mineral leasing laws and under the Geothermal Steam Act, and it can be prospected, located, and purchased under the mining laws and applicable regulations at 43 CFR Group 3800.

Changes in the size of the permit area

§ 4300.53 Can BLM reduce the size of the land in my permit?

Yes. BLM may reduce it at any time but must notify you at least 30 days

before taking this action. BLM can reduce the area when:

(a) BLM determines that the area is too large for the number of reindeer you are grazing; or

(b) When disposal, withdrawal, natural causes, such as drought or fire, or any other reason in § 4300.50 so requires.

§ 4300.54 Can BLM increase the size of the land in my permit?

Yes. BLM may increase the area on its own initiative or by your request if BLM determines that the area is too small for the number of reindeer you are grazing. BLM will give you at least 30 days notice of this action.

§ 4300.55 What if I don't agree with an adjustment of my permit area?

You must contact BLM within the notice period to show cause why the area should not be adjusted.

Permit renewals

§ 4300.57 How do I apply for a renewal of my permit?

You must submit an application for renewal between four and eight months before the permit expires. In addition, you must include a \$10 filing fee per year.

§ 4300.58 Will the renewed permit be exactly the same as the old permit?

At its discretion, BLM may offer you a renewed grazing permit with such terms, conditions, and duration that it determines are in the public interest.

Assigning your permit to another party

§ 4300.59 If I want to assign my permit to another party, when must I notify BLM?

You must file a proposed assignment of your permit, in whole or in part, in duplicate with BLM within 90 days of the assignment execution date. The assignment is effective when BLM approves it.

§ 4300.60 What must be included in my assignment document?

Assignments must contain:

(a) All terms and conditions agreed to by the parties;

(b) A showing under §§ 4300.11 and 4300.12 that the assignee is qualified to hold a permit;

(c) A showing under § 4300.21(a) regarding a reindeer allotment; and

(d) The assignee's statement agreeing to be bound by the provisions of the permit.

§ 4300.61 Can I sublease any part of the land in my permit?

No.

Closing out your permit

§ 4300.70 May I relinquish my permit?

Yes. You may relinquish the permit by filing advance written notice with BLM. Your relinquishment will be effective on the date you indicate, as long as it is at least 30 days after the date you file.

§ 4300.71 Under what circumstances can BLM cancel my permit?

- (a) BLM may cancel the permit if:
- (1) BLM issued it improperly through error as to a material fact;
 - (2) You fail to comply with any of the provisions of the permit or the regulations of this part; or
 - (3) Disposal, withdrawal, natural causes, such as drought or fire, or any other reason in § 4300.50 so requires.
- (b) BLM will not cancel the permit for your default until BLM has notified you in writing of the nature of your default, and you have been given at least 30 days to show why BLM should not cancel your permit.

§ 4300.72 May I remove my personal property or improvements when the permit expires or terminates?

- (a) Yes. Within 90 days of the expiration or termination of the grazing permit, or within any extension period, you may remove all your personal property and any removable range improvements you own, such as fences, corrals, and buildings.
- (b) Property that is not removed within the time allowed will become property of the United States.

Reindeer crossing permits

§ 4300.80 How can I get a permit to cross reindeer over public lands?

- (a) BLM may issue a crossing permit free of charge when you file an application with BLM at least 30 days before the crossing is to begin. Lands crossed may include lands under a grazing permit.
- (b) The application must show:
- (1) The number of reindeer to be driven;
 - (2) The start date;
 - (3) The approximate period of time required for the crossing; and
 - (4) The land to be crossed.
- (c) You must comply with applicable State and Federal laws on livestock quarantine and sanitation when crossing reindeer on public land.

Trespass

§ 4300.90 What is a trespass?

- (a) A trespass is any use of Federal land for reindeer grazing purposes without a valid permit issued under the regulations of this part; a trespass is unlawful and is prohibited.

(b) Any person who willfully violates the regulations in this part shall be deemed guilty of a misdemeanor, and upon conviction is punishable by imprisonment for not more than one year, or by a fine of not more than \$500. [FR Doc. 96-27581 Filed 10-31-96; 8:45 am]

BILLING CODE 4310-84-P

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AC32

Endangered and Threatened Wildlife and Plants, Notice of Reopening of Comment Period on Proposed Endangered Status for the Alameda Whipsnake, the Callippe Silverspot Butterfly, and the Behren's Silverspot Butterfly

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed Rule, notice of reopening of comment period.

SUMMARY: The Fish and Wildlife Service (Service), pursuant to the Endangered Species Act of 1973, as amended (Act), provides notice of reopening of the comment period on proposed endangered status for Alameda whipsnake (*Masticophis lateralis euryxanthus*), the callippe silverspot butterfly (*Speyeria callippe callippe*), and Behren's silverspot butterfly (*Speyeria zerene behrensi*). The comment period has been reopened to acquire additional information from interested parties, and to resume the proposed listing actions.

DATES: The public comment period closes December 2, 1996.

Any comments received by the closing date will be considered in the final decision on this proposal.

ADDRESSES: Written comments and materials concerning this proposal should be sent directly to the Field Supervisor, Sacramento Field Office, 3310 El Camino Ave., Suite 130, Sacramento, California 95821. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Diane Windham (see ADDRESSES section) at (916) 979-2725.

SUPPLEMENTARY INFORMATION:

Background

On February 4, 1994, the Service published a rule proposing endangered status for the Alameda whipsnake, and the callippe silverspot and Behren's

silverspot butterflies. The original comment period closed on April 5, 1994.

The Alameda whipsnake occurs in northern coastal scrub, chaparral, and adjacent habitats in the inner coast ranges of western and central Contra Costa and Alameda counties. Five populations of the whipsnake are centered in the (1) Sobrante Ridge, Tilden/Wildcat Regional Parks area to the Briones Hills, in Contra Costa County; (2) Oakland Hills, Anthony Chabot area to Las Trampas Ridge, in Contra Costa County; (3) Hayward Hills, Palomares area to Pleasanton Ridge, in Alameda County; (4) Mount Diablo vicinity and the Black Hills, in Contra Costa County; and (5) Wauhag Ridge, Del Valle area to the Cedar Mountain Ridge, in Alameda County. Little or no genetic flow occurs between these population centers. The whipsnake occurs on State, county, and privately owned lands.

The callippe silverspot butterfly (*Speyeria callippe callippe*) is found in native grassland and adjacent habitats, where it lays its eggs on the dry remains of the larval foodplant, Johnny-jump-up (*Viola pedunculata*), or on surrounding debris. Populations of the callippe silverspot butterfly occur only in the San Francisco Bay area, south of the Golden Gate and Carquinez Straits. The only two known remaining colonies occur on private, county, and State lands on San Bruno Mountain in San Mateo County, and a city park in Alameda County.

The Behren's silverspot butterfly (*Speyeria zerene behrensi*) inhabits coastal terrace prairie habitat where it lays its eggs in the debris and dried stems of the larval foodplant, the western dog violet (*Viola adunca*). The single, extant population occurs on private land near Point Arena in Mendocino County.

These animals, their habitats, and the foodplants of the larval butterflies may be threatened by one or more of the following: commercial and residential development, fire suppression, overcollecting, competition from alien plants, inappropriate grazing levels, off-road vehicle use, trampling by hikers and livestock, and random chance events by virtue of their small numbers, and small, fragmented population sizes.

The Service was unable to make a final listing determination on these species because of a limited budget, other endangered species assignments driven by court orders, and higher listing priorities. In addition, a moratorium on listing actions (Public