

1506.6. We specifically request information, views, and opinions from the public on the Federal action. Further, we specifically solicit information regarding the adequacy of the HCP as measured against our ITP issuance criteria found in 50 CFR 13.21 and 17.22.

If you wish to comment, you may submit comments by any one of several methods. Please reference "ITP for Pinsto Renewal" in all your comments or requests for the documents discussed in this notice. You may mail comments to our Regional Office (see **ADDRESSES**). You may also comment via the Internet to [aaron\\_valenta@fws.gov](mailto:aaron_valenta@fws.gov). Please submit comments over the Internet as an ASCII file, avoiding the use of special characters and any form of encryption. Please also include your name and return mailing address in your Internet message. If you do not receive a confirmation from us that we have received your internet message, contact us directly at either telephone number listed (see **FOR FURTHER INFORMATION CONTACT**). Finally, you may hand-deliver comments to either Service office listed (see **ADDRESSES**). 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 administrative record. We will honor such requests to the extent allowable by law. There may also be other circumstances in which we would withhold from the administrative record a respondent's identity, as allowable by law. If you wish us to withhold your name and address, you must state this prominently at the beginning of your comments. We will not, however, 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.

As many as 75,000 pairs of nesting bald eagles may have lived in the lower 48 United States when the bird was adopted as our national symbol in 1782. It was a common nesting species along the Southeast Coast as well as along major rivers and lakes. Its population diminished rapidly due to habitat destruction, nest disturbance, illegal shooting, and, most notably, the contamination of its food sources by the pesticide DDT. Nesting populations were reduced to less than 2 percent of their former numbers by the 1960s. The bald eagle below the 40th parallel was listed as endangered in 1967 and

received protection under the Act. Its populations have steadily increased due to efforts to protect the bald eagle and its habitat, population reintroduction programs, and the banning of DDT. The bald eagle was reclassified as threatened throughout the continental United States by a final rule that published in the **Federal Register** on July 12, 1995 (60 FR 36000). The bald eagle is now being considered for delisting and its rangewide status was discussed in detail in the proposed rule to remove the bald eagle from the Federal List of Endangered and Threatened Wildlife and Plants (July 6, 1999, 64 FR 36454).

The Permittee intends to continue development of a residential subdivision consisting of 12 lots on 13 acres. Homes have been constructed on 10 of the 12 lots to date. The biological goal of the HCP is to avoid harm or injury to the bald eagles and their nest to the maximum extent practicable and to retain the existing eagles within their occupied territory. To avoid, minimize, and mitigate impacts, the Permittee would continue to maintain an open space area of 3.087 acres, which is equivalent to the 150-foot radius buffer adjacent to and contiguous with the nest, and establish use restrictions on the lots surrounding the nest. These restrictions would limit outdoor activities within the subdivision during the nesting season. We expect these efforts would minimize potential effects of human activities on bald eagles that may use the nest. The bald eagle pair has continued to maintain a territory and has nested successfully each year during construction and occupancy of the subdivision to date.

We have evaluated the application for renewal and project area and determined that the renewal of the permit is a "low-effect" action, involving minor or negligible effects to the bald eagle and other environmental resources. As provided by the Department of Interior's Manual (516 DM 2 Appendix 1 and 516 DM 6 Appendix 1) for implementing National Environmental Policy Act (NEPA), this low-effect HCP qualifies as a categorical exclusion and does not require the preparation of an Environmental Assessment or Environmental Impact Statement. As a categorical exclusion, according to NEPA regulations (40 CFR 1508.4), low-effect HCPs do not individually or cumulatively have a significant effect on the human environment.

Under section 9 of the Act and its implementing regulations, "taking" of endangered and threatened wildlife is prohibited. However, we, under limited circumstances, may issue permits to

take such wildlife if the taking is incidental to and not the purpose of otherwise lawful activities. The Permittee has prepared an HCP that includes measures for the long-term protection, management, and enhancement of the bald eagle nesting habitat as required for the ITP application as part of the proposed project.

We will evaluate whether the issuance of the section 10(a)(1)(B) ITP complies with section 7 of the Act by reviewing our previously prepared intra-Service section 7 consultation. The results of the biological opinion, in combination with the above findings, will be used in the final analysis to determine whether or not to issue the ITP.

Dated: February 15, 2006.

**Cynthia K. Dohner,**

*Acting Regional Director.*

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**BILLING CODE 4310-55-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Harvest and Export of American Ginseng

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

**ACTION:** Notice: request for information from the public; announcement of public meeting.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce a public meeting on American ginseng (*Panax quinquefolius*). This meeting will help us gather information from the public in preparation for our 2006 findings on the export of American ginseng roots, for the issuance of permits under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

**DATES:** The meeting date is: Saturday, March 11, 2006, 10 a.m. to 3 p.m., with a one-hour lunch break from 12 p.m. to 1 p.m.

**ADDRESSES:** The meeting location is: Sutton/Flatwoods—Days Inn, 2000 Sutton Lane, Sutton, West Virginia 26601; (304) 765-5055.

**FOR FURTHER INFORMATION CONTACT:** For further information, or directions to the meeting, contact Ms. Pat Ford, Division of Scientific Authority, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Room 750, Arlington, VA 22203; 703-358-1708 (telephone), 703-358-2276 (fax), or [patricia\\_ford@fws.gov](mailto:patricia_ford@fws.gov) (e-mail).

**SUPPLEMENTARY INFORMATION:****Background**

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES, or Convention) is an international treaty designed to control and regulate international trade in certain animal and plant species that are now or potentially may be threatened with extinction by international trade. Currently, 169 countries, including the United States, are Parties to CITES. The species for which trade is controlled are listed in Appendices I, II, and III of the Convention. Appendix I includes species threatened with extinction that are or may be affected by international trade. Commercial trade in Appendix-I species is prohibited. Appendix II includes species that, although not necessarily threatened with extinction at the present time, may become so unless their trade is strictly controlled through a system of export permits. Appendix II also includes species that CITES must regulate so that trade in other listed species may be brought under effective control (*i.e.*, because of similarity of appearance between listed species and other species). Appendix III comprises species subject to regulation within the jurisdiction of any CITES Party country that has requested the cooperation of the other Parties in regulating international trade in the species.

American ginseng (*Panax quinquefolius*) was listed in Appendix II of CITES on July 1, 1975. The Division of Scientific Authority and the Division of Management Authority of the Service regulate the export of American ginseng, including whole plants, whole roots, and root parts. To meet CITES requirements for export of American ginseng from the United States, the Division of Scientific Authority must determine that the export will not be detrimental to the survival of the species, and the Division of Management Authority must be satisfied that the American ginseng roots to be exported were legally acquired.

Since the inclusion of American ginseng in CITES Appendix II, the Divisions of Scientific Authority and Management Authority have issued findings on a State-by-State basis. To determine whether or not to approve exports of American ginseng, the Division of Scientific Authority has annually reviewed available information from various sources (other Federal agencies, State regulatory agencies, industry and associations, nongovernmental organizations, and academic researchers) on the biology

and trade status of the species. After a thorough review, the Division of Scientific Authority makes a non-detriment finding and the Division of Management Authority makes a legal acquisition finding on the export of American ginseng to be harvested during the year in question. From 1999 through 2004, the Division of Scientific Authority included in its non-detriment finding for the export of wild (including wild-simulated and woodsgrown) American ginseng roots an age-based restriction (*i.e.*, plants were required to be at least 5 years old). In 2005, the Division of Scientific Authority included in its non-detriment findings for the export of wild American ginseng roots an age-based restriction that plants must be at least 10 years old, and for the export of wild-simulated and woodsgrown American ginseng roots that plants must be at least 5 years old.

States with harvest programs for wild and/or artificially propagated American ginseng are: Alabama, Arkansas, Georgia, Idaho, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Michigan, Minnesota, Missouri, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Tennessee, Vermont, Virginia, Washington, West Virginia, and Wisconsin.

**Public Meeting**

On Saturday, March 11, 2006, in Sutton, West Virginia, from 10 a.m. to 3 p.m., we will hold an open public meeting (a listening session) to hear from people involved or interested in American ginseng harvest and trade. We will break for lunch from 12 p.m. to 1 p.m. We are particularly interested in obtaining any current information on the status of American ginseng in the wild, and other pertinent information that would contribute to improvements in the CITES export program for this species. We will discuss the Federal regulatory framework for the export of American ginseng and how these regulations control the international trade of this species. We will also discuss the different CITES definitions as they are applied to American ginseng grown under different production systems and how these systems affect the export of American ginseng roots.

You may get directions to the meeting locations from the Division of Scientific Authority or the Division of Management Authority (see **FOR FURTHER INFORMATION CONTACT** or **ADDRESSES**). Persons planning to attend the March 11, 2006, meeting who require interpretation for the hearing impaired must notify the Division of Scientific Authority by March 1, 2006 (see **FOR FURTHER INFORMATION CONTACT**).

**Author**

The primary author of this notice is Pat Ford, the Division of Scientific Authority, U.S. Fish and Wildlife Service.

Dated: February 15, 2006.

**William F. Hartwig,**

*Acting Director, Fish and Wildlife Service.*

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**DEPARTMENT OF THE INTERIOR****Bureau of Indian Affairs****Confederated Tribes of Coos Liquor Code**

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice.

**SUMMARY:** This notice publishes the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians Tribal (Confederated Tribes of Coos) Liquor Code. The Code regulates and controls the possession, sale and consumption of liquor within the Confederated Tribes of Coos Indian Reservation trust land, and other lands subject to tribal jurisdiction. This Code allows for the possession and sale of alcoholic beverages within the exterior boundaries of the Confederated Tribes of Coos Indian Reservation, and will increase the ability of the tribal government to control the Reservation liquor distribution and possession. At the same time, it will provide an important source of revenue for the continued operation and strengthening of the tribal government and the delivery of tribal services.

**DATES:** *Effective Date:* This Code is effective on February 23, 2006.

**FOR FURTHER INFORMATION CONTACT:**

Betty Scissons, Division of Tribal Government Services, Bureau of Indian Affairs, Northwest Regional Office, 911 NE 11th Avenue, Portland, OR 97232-4169, Phone 503-231-6723, Fax 503-231-2201; or Ralph Gonzales, Office of Tribal Services, 1951 Constitution Avenue, NW., Mail Stop 320-SIB, Washington, DC 20240; Telephone (202) 513-7629.

**SUPPLEMENTARY INFORMATION:** Pursuant to the Act of August 15, 1953, Public Law 83-277, 67 Stat. 586, 18 U.S.C. 1161, as interpreted by the Supreme Court in *Rice v. Rehner*, 463 U.S. 713 (1983), the Secretary of the Interior shall certify and publish in the **Federal Register** notice of adopted liquor codes for the purpose of regulating liquor transactions in Indian country. The Confederated Tribes of Coos Tribal