

This notice extends the application deadline to July 31, 1997. Because the FY 1997 NOFA for Continuum of Care Homeless Assistance introduced new procedures for awarding project renewal funds, HUD determined that these new procedures may necessitate, in certain communities, additional time for re-analyzing the gaps that exist in continuum of care systems within the communities, and for reformulating plans and priorities for how best to fill those gaps. The extension of the application deadline to July 31, 1997 is the only change made by this notice to the April 8, 1997 NOFA.

Dated: April 28, 1997.

Jacquie Lawing,

*General Deputy Assistant Secretary for
Community Planning and Development.*

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Pelly Amendment to the Fishermen's Protective Act; Petition for Certification of the Republic of Korea; Conservation of Bears

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: On February 7, 1997, the Department of the Interior received a petition to certify the Republic of Korea ("South Korea") under the Pelly Amendment to the Fishermen's Protective Act for undermining the effectiveness of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The petition asserts that: (1) The Republic of Korea is the world's primary consumer of bear parts and its nationals are the most active in illegal trade in bear parts; (2) Illegally imported bear gall bladder is widely available in the Republic of Korea; (3) Republic of Korea authorities have failed to take measures to suppress the illegal trade in bears and bear parts; (4) The Republic of Korea's domestic legislation does not adequately implement CITES; and (5) Despite having acceded to CITES in 1993, the Republic of Korea has failed to implement CITES. This notice requests comments and information from the public on the following: Existence of poaching, taking, smuggling, and trade in bears and bear parts by Republic of Korea nationals; whether or not actions by Republic of Korea nationals are undermining the effectiveness of CITES; any illegal trade

in bears and bear parts by nationals of other countries; and any measures taken by the Republic of Korea to implement CITES with respect to trade in bears and bear parts. This information will be taken into account by the Service in determining what recommendations it should make to the Secretary of the Interior on the disposition of the petition.

DATES: The Fish and Wildlife Service will consider written information and comments on these issues received by August 4, 1997.

ADDRESSES: Comments should be sent to the Director, U.S. Fish and Wildlife Service, c/o Office of Management Authority, 4401 N. Fairfax Drive, Room 420C, Arlington, VA 22203. Comments may also be sent via fax to: (703) 358-2280.

FOR FURTHER INFORMATION CONTACT: Dr. Susan S. Lieberman or Theodora Greanias, U.S. Fish and Wildlife Service, Office of Management Authority, telephone (703) 358-2093.

SUPPLEMENTARY INFORMATION:

Electronic Access and Filing Address: R9OMA_CITES@mail.fws.gov.

Background

On February 7, 1997, the Department of the Interior received a petition to certify the Republic of Korea ("South Korea") under the Pelly Amendment to the Fishermen's Protective Act for undermining the effectiveness of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The U.S. Fish and Wildlife Service (Service) is the lead agency in the Department of the Interior responsible for implementation of CITES. The Pelly Amendment to the Fishermen's Protective Act of 1967, 22 U.S.C. 1978(a)(2), provides that the Secretary of the Interior shall make a certification to the President if he determines that nationals of a foreign country, directly or indirectly, are engaged in trade or taking which diminishes the effectiveness of any international program for the conservation of endangered or threatened species. CITES, a multi-lateral convention to regulate international wildlife trade, is such a program.

The February 7, 1997 petition (petition) was submitted by Sierra Club Legal Defense Fund on behalf of four organizations. The petition asserts the following: (1) Republic of Korea nationals are engaging in the illegal trade in and taking of bears and bear parts in many areas of the world; (2) Pharmacies and traditional medicine

stores in the Republic of Korea continue to obtain and openly offer bear gall bladder from other nations' Appendix I bear species, in direct violation of CITES trade restrictions; (3) Even the few bear gall bladders that pass through official channels in the Republic of Korea are not traded in accordance with CITES; (4) The government has failed to seize bear gall bladder or prosecute bear gall bladder smuggling in the Republic of Korea; (5) Republic of Korea officials charged with policing the trade are alleged to be benefiting from its continuation; (6) Republic of Korea domestic legislation implementing CITES is inadequate and has not been bolstered by the creation or training of wildlife enforcement authorities, crackdowns on illegal trade, or public education campaigns; (7) Since their own bear population has been all but destroyed, Republic of Korea nationals regularly travel to China, Sri Lanka, Ecuador, Viet Nam, Thailand, Russia, Canada, and the United States to buy bear gall bladders; (8) Citizens of the Republic of Korea engage in extensive trading in Appendix I bears in direct violation of the protective provisions of CITES; (9) In violation of domestic laws of range countries, Republic of Korea nationals continue to buy, sell and smuggle large numbers of Appendix II bear parts, and have been involved in the majority of cases of illegal bear gall trade in North America; and (10) Despite its accession to CITES in July 1993, the Republic of Korea has undermined and continues to undermine CITES with respect to trade in bears and bear parts.

All bear species are listed in either CITES Appendix I or II, which means they are either threatened with extinction (Appendix I), or may become so unless their trade is subject to strict regulation (Appendix II). In the case of Appendix I species, all primarily commercial trade is in violation of the Convention. Commercial trade in Appendix II species is allowed only if a permit is issued attesting that the trade is not detrimental to the species' survival in the wild and that the specimens were lawfully obtained. Law enforcement efforts are hindered by the fact that no forensic methodology exists to distinguish between Appendix I and Appendix II bear viscera, including gall bladders. This creates an opening for the laundering of Appendix I bear parts, which undermines CITES enforcement.

Worldwide, bear populations are at risk due to habitat loss, coupled with a vigorous, mostly illegal trade in bears and bear parts driven largely by the demand for traditional medicinals, especially those containing bear bile.

Bear gall bladders and bile are among the most coveted ingredients in traditional Asian medicine. To address this situation, CITES member countries focussed on the bear trade during recent meetings of the Animals Committee and Standing Committee. At its September 1996 meeting in the Czech Republic, the Animals Committee adopted a decision regarding the continued illegal trade in bear parts and derivatives, to direct the CITES Secretariat to request certain information from range States of bears and from countries of import, re-export, and consumption of bear parts and derivatives. The Standing Committee subsequently agreed to accept the recommendation of the Animals Committee, and referred it to the CITES Secretariat for action. The Secretariat issued a Notification to the Parties (No. 946) requesting that all range states supply all available information on the status of their wild bear populations, trade threats, and legislative and regulatory controls on the killing of bears and on trade in their parts and derivatives; and that all countries of import, re-export, and consumption of bear parts and derivatives supply all information on their enforcement efforts to interdict illegal shipments of bear parts and derivatives, legislative and regulatory controls on trade in these parts and derivatives, prosecutions relating to illegal trade in bear parts or derivatives, the kinds of bear derivatives available on the market, efforts to promote the use of substitutes in traditional medicine, and education programs. At the 10th meeting of the Conference of the Parties in Zimbabwe in June 1997, the CITES Parties will consider two very similar proposals to transfer all Asian and European populations of the brown bear (*Ursus arctos*) from CITES Appendix II to Appendix I.

As part of its ongoing responsibility to implement CITES, the Office of Management Authority of the Service monitors the trade in species protected by CITES to determine whether or not any country is diminishing the effectiveness of CITES. The Service has been assessing information on the international bear trade for a number of years, particularly its impact on North American bear populations. The Service is aware that poaching of wild specimens can be extremely detrimental to bear populations, and is cognizant of the important role of bear species within an ecosystem. Further, the U.S. government supported recent actions taken by the CITES Animals and Standing Committees to address the international bear trade problem. The

Service is aware that, upon acceding to CITES in July 1993, the Republic of Korea took a three-year reservation on Appendix II bear species, effectively allowing unrestricted trade with non-Party countries. In October 1996, after that reservation had expired, domestic trade in bear species was banned, according to Korean English-language press reports. The Service fully intends to examine closely all evidence submitted during the comment period in order to assess the accuracy and implications of these reports. The Service is currently reviewing and analyzing the petition, as well as other information in the Service's files on trade in bears and bear parts. After the close of the public comment period, the Service will review all of the data in its administrative record before submitting its recommendation to the Secretary of the Interior.

Request for Information and Comments

This notice requests comments and information from the public on the following: (1) Existence of poaching, taking, smuggling, or trade in bears, bear parts or bear products/derivatives by Republic of Korea nationals; (2) The effect of take or trade in bears, bear parts or bear products/derivatives on bear species' conservation status in the Republic of Korea or elsewhere; (3) Whether or not actions of Republic of Korea nationals are undermining the effectiveness of CITES; (4) Any illegal trade in bear species, bear parts, or bear products/derivatives by nationals of other countries; (5) Any affirmative measures taken by the Republic of Korea to enhance CITES implementation, especially measures to regulate trade in bears, bear parts or bear products/derivatives, as well as evidence regarding the efficacy of these measures. This information will be used by the Department of the Interior in determining what actions should be taken.

Authors: This notice was prepared by Dr. Susan S. Lieberman and Theodora Greanias, Office of Management Authority, U.S. Fish and Wildlife Service (703/358-2093; FAX 703/358-2280).

Dated: April 28, 1997.

John G. Rogers,

Acting Director.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability of the Draft Conservation Strategy for the Southern Rocky Mountain Population of the Boreal Toad for Review and Comment

AGENCY: US Fish and Wildlife Service, Interior.

ACTION: Notice of document availability.

SUMMARY: The Fish and Wildlife Service announces the availability of a Draft Conservation Strategy for the southern Rocky Mountain population of the boreal toad. (*Bufo boreas boreas*). This population of the boreal toad is a candidate for listing under the Endangered Species Act of 1973. The Draft Conservation Strategy compliments a State recovery plan for this population of the boreal toad which the Colorado Division of Wildlife had the lead for preparing. Several agencies and organizations were involved in preparation of the recovery plan which appears as an appendix to the Draft Conservation Strategy. The Conservation Strategy was written by ad hoc members of the Boreal Toad Recovery Team and included personnel with the Biological Resources Division of the US Geological Survey, Bureau of Land Management, Colorado Division of Wildlife, National Park Service, US Fish and Wildlife Service, and the US Forest Service. Earlier drafts of the Conservation Strategy underwent peer review by three scientists. One of the scientists is an amphibian expert, Dr. Paul Bartelt, who is a professor at Waldorf College in Iowa. Another amphibian expert, Dr. David Pettus, was a former professor at Colorado State University. The third person, Dr. David Cooper, is a wetland specialist at Colorado State University. The Conservation Strategy focuses on land management practices that can be applied to reduce or eliminate threats to the boreal toad that warrant its candidate status. Full implementation of the Conservation Strategy and recovery plan represents the best approach to the long-term survival of this population of the boreal toad. The Service solicits review and comment from the public on the Draft Conservation Strategy.

DATES: Comments on the Draft Conservation Strategy must be received on or before June 4, 1997, to be considered for preparation of the final Conservation Strategy.

ADDRESSES: Persons wishing to review the Draft Conservation Strategy may obtain or request a copy from the US