

B. Documentation That the Site Meets the Four Criteria of the RCRA Deferral Policy Set Forth in EPA's March 20, 1995 Policy

1. Under EPA's Current RCRA/NPL Deferral Policy the Site Would be Eligible for Deferral From Listing on the NPL

The site was not appropriate for RCRA deferral under the initial deferral policy (48 FR 40662, September 8, 1983) because the CERCLA releases extended beyond RCRA regulated units. Since that time, however, RCRA was amended to expand its authorities and the deferral policy consequently modified, such that the site now fits within the general policy for deferral of RCRA-regulated sites from listing on the NPL.

2. The CERCLA Site is Currently Being Addressed by RCRA Subtitle C Corrective Action Authorities Under an Existing Enforceable Order or Permit Containing Corrective Action Provisions

Under the second criteria, a corrective action order or permit must be in place and must address all CERCLA releases including any extending beyond the bounds of the RCRA facility. As noted above, several RCRA orders and a permit are in place. They address all site-related contamination.

3. Response Under RCRA is Progressing Adequately

For purposes of deferral and delisting of RCRA sites, adequate progress is demonstrated through compliance with corrective action permits or orders. UPRR is in compliance with its permits and orders, and has no history of protracted negotiations with EPA.

4. Deletion Would Not Disrupt an Ongoing CERCLA Response Action

CERCLA response was discontinued at this site. As specified in the 1986 ROD, actions beyond the interim remedy selected in the ROD were taken under RCRA. Therefore there is no ongoing CERCLA response action.

V. Conclusion

EPA sought and received concurrence from the State on this proposal to delete the Site from the NPL. The State indicated its concurrence in a letter to EPA dated August 25, 1999.

Deletion of this site from the NPL and deferral to RCRA subtitle C corrective action authorities avoids confusion and duplication of effort. Response and corrective actions conducted at the site to date and scheduled in the future have been and will appropriate for protection of public health and the environment.

Consequently, EPA proposes deletion of this site from the NPL.

Dated: September 8, 1999.

William P. Yellowtail,

Regional Administrator, Region VIII.

[FR Doc. 99-24507 Filed 9-22-99; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; 90-day Finding on Petition to Reclassify the Straight-horned Markhor Population of the Torghar Region of Balochistan, Pakistan from Endangered to Threatened and Initiation of Status Review for Markhor

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of petition finding.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the 90-day finding that a petition to change the classification of the straight-horned markhor population of the Torghar Hills region of Balochistan Province, Pakistan from endangered to threatened has presented substantial information indicating that the action may be warranted. We also find that there is substantial information indicating that other subspecies of markhor may warrant listing as threatened or endangered under the Act. A status review of the entire species *Capra falconeri* is initiated.

DATES: This finding was made on September 16, 1999. Comments and information may be submitted until January 21, 2000.

ADDRESSES: Submit comments, information, and questions to the Chief, Office of Scientific Authority; Mail Stop: Room 750, Arlington Square; US Fish and Wildlife Service; Washington, DC 20240 (Fax number: 703-358-2276; E-mail address: r9osa@fws.gov). Address express and messenger-delivered mail to the Office of Scientific Authority; Room 750, 4401 North Fairfax Drive; Arlington, Virginia 22203. You may inspect the petition finding, supporting data, and comments, by appointment, from 8 a.m. to 4 p.m., Monday through Friday, at the Arlington, Virginia address.

FOR FURTHER INFORMATION CONTACT: Dr. Susan S. Lieberman, Chief, Office of Scientific Authority, at the above address (Telephone number: 703-358-1708; E-mail address: susan_lieberman@fws.gov).

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Endangered Species Act (Act) of 1973 as amended (16 U.S.C. 1531 *et seq.*), requires us to make a finding on whether a petition to list, delist, or reclassify a species presents substantial information indicating that the requested action may be warranted. To the maximum extent practicable, we make this finding within 90 days following receipt of the petition, and we promptly publish a Notice in the **Federal Register**. If the finding is positive, section 4(b)(3)(A) of the Act also requires us to commence a status review of the species. We now announce a 90-day finding on a recently received petition.

On March 4, 1999, we received a petition from Sardar Naseer A. Tareen (Head, Society for Torghar Environmental Protection, 94-Regal Plaza, 3rd Floor, Circular Road, Quetta, Balochistan, Pakistan), on behalf of the Society for Torghar Environmental Protection and the IUCN Central Asia Sustainable Use Specialist Group, requesting that the Suleiman markhor (*Capra falconeri jerdoni* or *C. f. megaceros*) population of the Torghar Hills region of Balochistan Province, Pakistan be reclassified from endangered to threatened. Under the Act, the Suleiman markhor of Torghar is listed as *C. f. jerdoni*, straight-horned markhor.

The markhor is a species of wild goat that occurs in small, isolated populations in rugged, arid mountain habitats in Afghanistan, India, Pakistan, Tajikistan, Turkmenistan, and Uzbekistan. Markhor populations have generally declined as a result of hunting, habitat modification (including logging and overgrazing), and competition with domestic livestock.

In 1975, when markhor were first listed under the Act, seven subspecies were generally recognized: *C. f. jerdoni* (Suleiman or straight-horned markhor), *C. f. megaceros* (Kabul or Kabal markhor), *C. f. cashmirensis* (Pir Panjal or Kashmir markhor), *C. f. falconeri* (Astor markhor), *C. f. ognevi* (Uzbek markhor), *C. f. heptneri* (Tajik markhor), and *C. f. chialtanensis* (Chiltan markhor). *C. f. jerdoni*, *C. f. megaceros*, and *C. f. chialtanensis* were classified as Endangered throughout their respective ranges in the **Federal Register** of September 26, 1975 (40 FR 44329). At present, many authorities recognize only three subspecies of markhor (Shackleton 1997). *C. f. jerdoni* and *C. f. megaceros* are now generally considered to be the single subspecies *C. f. megaceros* (straight-horned

markhor). *C. f. cashmirensis* and *C. f. falconeri* are now generally considered to be the single subspecies *C. f. falconeri* (flare-horned markhor). *C. f. ognevi* and *C. f. heptneri* are now generally considered to be the single subspecies *C. f. heptneri* (Heptner's markhor). In addition, *C. f. chiltanensis* is now considered by many authorities to be *Capra aegagrus chiltanensis* (Chiltan wild goat). This is the nomenclature that we will use in this and subsequent documents related to review of the markhor for listing under the Act.

The range of straight-horned markhor formerly included the major mountain ranges in northeastern Balochistan Province, southern North West Frontier Province, and, possibly, southwestern Punjab Province in Pakistan, and small areas in northeastern Afghanistan. The present range of straight-horned markhor is much reduced, owing to the extirpation of some local populations by indiscriminate hunting, habitat degradation, and competition with domestic livestock. The known distribution of populations within the present range is restricted to small, isolated areas in Balochistan Province, a small area in North West Frontier Province, and one unconfirmed occurrence in Punjab Province. The present range within Afghanistan is unknown but is likely to be extremely limited.

Although comprehensive population data are lacking, recent estimates suggest that 1,500–2,500 straight-horned markhor may survive throughout the subspecies' entire range. Most areas that have been surveyed on more than one occasion have experienced downward trends in straight-horned markhor population. The one exception is the Torghar Hills. Results of field surveys conducted in 1985, 1994 and 1997 indicate that the Torghar Hills population of straight-horned markhor has increased substantially since the mid-1980s when fewer than 100 animals were thought to be present. In 1994 the markhor population was estimated to be approximately 700 animals (Johnson 1997), and in 1997 the population was estimated to be approximately 1,300 animals (Frisina *et al.* 1998). This population increase has been due to a virtual elimination of unauthorized hunting that has been accomplished through a private conservation initiative, the Torghar Conservation Project (the Project), which was started in 1985.

The Project is administered by a local non-governmental organization, the

Society for Torghar Environmental Protection (the petitioner). Because the Torghar Hills are within the Pathan tribal belt of northern Balochistan Province, the Project employs local Pathan tribesmen as game guards to protect straight-horned markhor and Afghan urial (*Ovis vignei cycloceros*) from unauthorized hunting in the Project Area (an area of approximately 1,500 square kilometers (sq. km.)). Many of the game guards are former hunters who stopped killing markhor and urial at the behest of the local Pathan tribal chieftain. The markhor population has responded to this protection by increasing substantially in numbers since the mid-1980s. The Project has been largely self-sufficient since its inception, depending primarily on revenues derived from trophy hunting fees from international hunters. The Project is recognized as a valid conservation program for markhor and urial by both provincial and Federal authorities in Pakistan, as evidenced by the granting of two Appendix I export permits to the Project, pursuant to Resolution Conf. 10.15 of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (Resolution Conf. 10.15 approved an export quota of six hunting trophies of markhor from Pakistan per calendar year).

We find that the petition presents substantial information indicating that the requested action may be warranted. This finding is based on the overall size and documented growth of the Torghar Hills population of straight-horned markhor over the past 14 years, the management program called the Torghar Conservation Project, whose game guards have virtually eliminated unauthorized hunting within the 1,500 sq. km. Project area, and the relative security of markhor habitat in the Torghar Hills. In addition, the discreteness and significance of the Torghar Hills population of straight-horned markhor indicate that it qualifies as a distinct vertebrate population segment under our February 7, 1996 policy (61 FR 4722).

As a result of the review of available literature related to this petition, we also find that there is substantial information to indicate that other subspecies of markhor may warrant listing as threatened or endangered. The flare-horned markhor (*C. f. falconeri*) is not currently listed under the Act. This subspecies occurs in North West Frontier Province and the Northern Areas in Pakistan, in southwestern

Jammu and Kashmir, and in Nuristan and Laghman in northeastern Afghanistan. Current population estimates are less than 2,500 to 3,000 in Pakistan (Hess *et al.* 1997), and an estimated 200 to 300 animals in India (Fox and Johnsingh 1997). No recent population figures are available for Afghanistan, but it is likely that few markhor remain in that country (Habibi 1997). Flare-horned markhor populations have declined as a result of indiscriminate hunting, habitat degradation and loss, and direct competition with domestic livestock (Fox and Johnsingh 1997, Hess *et al.* 1997).

Heptner's markhor (*C. f. heptneri*) is not currently listed under the Act. This subspecies is restricted to three populations: one straddling the border between Turkmenistan and Uzbekistan, a second occurring along the southern border of Uzbekistan and Tajikistan, and a third in southeastern Tajikistan with a possible extension into Afghanistan. The current estimated total population of Heptner's markhor is about 700 animals (Weinberg *et al.* 1997). Populations of Heptner's markhor have declined as a result of indiscriminate hunting, habitat degradation and loss, and direct competition with domestic livestock (Weinberg *et al.* 1997).

Pursuant to section 4(b)(3)(A), we hereby commence a review of the status of the entire species *Capra falconeri*. We encourage the submission of appropriate data, opinions, and publications regarding the subject petition or other populations or subspecies of *Capra falconeri*. In accordance with section 4(b)(3), within 12 months of receipt of the petition, we will make another finding as to whether the requested action is warranted, not warranted, or warranted but precluded by other listing measures.

References Cited

You may request a complete list of references cited in this Notice from the Office of Scientific Authority (see ADDRESSES section).

Authority: The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531–1544).

Dated: September 16, 1999.

Marshall P. Jones,

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

[FR Doc. 99–24760 Filed 9–22–99; 8:45 am]

BILLING CODE 4310–55–P