DEPARTMENT OF THE INTERIOR
Fish and Wildlife Service
Notice of Availability

SUMMARY: The Peregrine Fund (J. Peter Jenny; applicant) has requested an amendment to its incidental take permit pursuant to Section 10(a) of the Endangered Species Act (Act) issued by the U.S. Fish and Wildlife Service (Service) on December 16, 1996, under permit number PRT—814839. The amendment requests that 42 additional county area in Texas where The Peregrine Fund already has a permit for incidental take in association with their "safe harbor" program. To facilitate the reintroduction of the aplomado falcon, The Peregrine Fund is currently authorized to take aplomado falcons, incidental to lawful land-use activities, on specific lands enrolled in The Peregrine Fund’s “safe harbor” program.

SUPPLEMENTARY INFORMATION: Section 9 of the Act prohibits the “taking” of endangered species such as the aplomado falcon. However, the Service, under limited circumstances, may issue permits to take endangered wildlife species when such taking is incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for endangered species are at 50 CFR 17.22.

To facilitate the reintroduction of the aplomado falcon, The Peregrine Fund is currently authorized to take aplomado falcons, incidental to lawful land-use activities, on specific lands enrolled in The Peregrine Fund’s “Safe Harbor” program. To date, eight landowners have enrolled a total of 1.26 million acres in The Peregrine Fund’s “Safe Harbor” program. A total of 466 captive-bred aplomado falcons have been released. At least 19 pairs have become established and have successfully fledged at least 19 young. As aplomado falcon pairs become established they fiercely defend their territory and behave aggressively towards other falcons. This behavior, while normal, effectively reduces areas available for future releases. Therefore, additional habitat is needed to achieve the goal of a self-sustaining population of aplomado falcons.

APPLICANT: This amendment to permit PRT—814839 would authorize incidental take on an additional 48,994.295 acres, again, only on land that is enrolled in the “safe harbor” program for that purpose. To facilitate the reintroduction of the aplomado falcon, The Peregrine Fund is currently authorized to take aplomado falcons, incidental to lawful land-use activities, on specific lands enrolled in The Peregrine Fund’s “safe harbor” program.

Geoffrey L. Haskett, Regional Director, Region 2, Albuquerque, New Mexico.

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