

## DEPARTMENT OF THE INTERIOR

## Fish and Wildlife Service

## 50 CFR Part 17

**Endangered and Threatened Wildlife and Plants; Notice of 12-Month Finding on a Petition To List the Northern Goshawk in the Contiguous United States West of the 100th Meridian**

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

**ACTION:** Notice of 12-month petition finding.

**SUMMARY:** The Fish and Wildlife Service (Service) announces a 12-month finding on a petition to list the northern goshawk (*Accipiter gentilis*) in the contiguous United States west of the 100th meridian under the Endangered Species Act, as amended (Act). After review of all available scientific and commercial information, the Service finds that listing this population as endangered or threatened is not warranted.

**DATES:** The finding announced in this document was made on June 22, 1998.

**ADDRESSES:** Data, information, comments or questions concerning this petition should be sent to Mr. David Wesley, Assistant Regional Director, Region 1, U.S. Fish and Wildlife Service, 911 N.E. 11th Avenue, Portland, Oregon 97232-4181, ATTN: Office of Technical Support. The petition, finding, supporting data and comments will be available for public inspection by appointment, during normal business hours at the following address: U.S. Fish and Wildlife Service, Office of Technical Support for Forest Resources, 333 S.W. 1st Avenue, 4th Floor, Portland, Oregon 97204, (503/808-2565).

**FOR FURTHER INFORMATION CONTACT:** Mr. David Wesley, Assistant Regional Director, Region 1, U.S. Fish and Wildlife Service, 911 N.E. 11th Avenue, Portland, Oregon 97232-4181 (503/231-6159); or Monty Knudsen, Office of Technical Support for Forest Resources, 333 S.W. 1st Avenue, Portland, Oregon 97204, (503/808-2565).

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

Section 4 of the Act (16 U.S.C. 1533) requires that the Service make a finding on whether a petition to list, delist or reclassify a species presents substantial scientific or commercial information to indicate that the petitioned action may be warranted. To the maximum extent practicable, this finding is to be made within 90 days of the receipt of the

petition (90-day finding), and notice of the finding is to be published promptly in the **Federal Register**. If a finding is made that substantial information was presented, the Service is required to promptly commence a status review of the species involved and determine whether the petitioned action is warranted, not warranted or warranted but precluded by other higher priority listing actions.

On September 29, 1997, the Service announced a 90-day finding (62 FR 50892) for a petition to list the northern goshawk in the contiguous United States west of the 100th meridian under the Endangered Species Act of 1973, as amended. In that finding, the Service found that the petition presented substantial information indicating that the listing of the northern goshawk as a threatened or endangered species in the contiguous United States west of the 100th meridian may be warranted. At that time, the Service initiated a status review for this population of the northern goshawk and announced that a 12-month finding will be prepared at the conclusion of the review.

The northern goshawk (*Accipiter gentilis*) occurs in temperate and boreal forests of North America, Europe and Asia. In North America, the northern goshawk breeds from western and central Alaska, northern Yukon, eastern and southern Mackenzie, southern Keewatin, northeastern Manitoba, northern Ontario, central and northeastern Quebec, Labrador, and Newfoundland south to southern Alaska, central California, southern Nevada, southeastern Arizona, southern New Mexico, the eastern foothills of the Rockies and the Black Hills, central Alberta, central Saskatchewan, southern Manitoba, northern Minnesota, central Michigan, Pennsylvania, central New York, northwestern Connecticut, and locally south in the montane habitats at least to West Virginia and possibly to eastern Tennessee and western North Carolina (Squires in prep). This notice pertains to the northern goshawk that occurs in the contiguous United States west of the 100th meridian.

In North America, the winter range of goshawks includes all of the breeding range, and extends south as far as southern California, northern Mexico and Texas, and occasionally to northern portions of the Gulf States, rarely including Florida (Squires in prep).

Two groups of the northern goshawk are recognized worldwide: the paleartic *gentilis* group and the nearctic *atricapillus* group. The latter occurs in North America and consists of *A.g. atricapillus* (Wilson 1812, type locality Philadelphia, Pennsylvania).

The *atricapillus* group occurs over much of Alaska, Canada, and the mountains of the western and eastern United States. In addition to *A.g. atricapillus*, at least two other subspecies are currently, but variously, accepted—*A.g. laingi* (Taverner 1940, type locality Queen Charlotte Islands, British Columbia), which occurs on islands off the Canadian Pacific coast, and *A.g. apache* van Rossem (van Rossem 1938, type locality Chiricahua Mountains, Arizona), which occurs in the mountains. *A.g. laingi* is the subject of a separate petition action and is not further addressed in this notice.

Recognition of the *apache* subspecies in the American southwest is a subject of current debate. It is recognized by a number of scientists, but not by the American Ornithologists' Union. The U.S. Fish and Wildlife Service acknowledged the existence of *apache* as a subspecies in its 1992 administrative finding relative to the petition to list the northern goshawk. However, the Service now considers the issue of recognition of *apache* as a legitimate subspecies to be unresolved, and does not consider it a separate subspecies for purposes of this notice.

Information reviewed by the Service indicates that data regarding goshawk population trends is limited (Squires and Reynolds 1997), and migration or Christmas bird counts are difficult to interpret because of low numbers observed, biases inherent in the methodology, and irruptive migrations (Titus and Fuller 1990). However, Kennedy (1997) conducted a comprehensive review of available, peer-reviewed research, and found no evidence of a decline in goshawks in North America based on its range, demographics (density, fecundity, and survival) and population trends. Based on a variety of information from across North America, Kennedy concluded that there is no strong evidence to indicate that goshawk populations are declining, increasing or stable. She emphasizes two possible conclusions based on her analysis: 1) either the goshawk is not declining or 2) current sampling techniques are insufficient to detect population trends. Based on the best available information gathered for the Service's Status Review, the Service did not find evidence of a declining population trend for goshawks. The Service found that approximately 75 percent of the reported territories analyzed for its status review were discovered within the past 10 years. In those areas where intensive survey and monitoring efforts have been implemented, goshawks generally are found. The available data indicate that

goshawks remain widely distributed throughout their historic range in the western United States.

The habitat information gathered and reviewed by the Service indicates that changes have occurred in the distribution, amount and structural characteristics of mature forests throughout much of the western United States. In general, the primary change has been reduction of mature forest cover by logging, although other factors such as fire suppression and catastrophic fire have also been implicated. However, the extent to which goshawk populations are correlated with amounts of mature forest cover is unknown. Recent survey efforts continue to result in discovery of goshawks, even in areas of historic logging activity, which indicates that the species may not be uncommon, but rather is difficult to locate and adequately survey. The Service found no evidence that goshawk habitat is limiting the population, or that a significant curtailment of the species' habitat or range is occurring.

The information presented in the petition relies largely on the contention that the northern goshawk is dependent on large, unbroken tracts of "old-growth" and mature forest. However, the Service has found no evidence to support this claim. The Service found that while the goshawk typically does use mature forest or larger trees for nesting habitat, it appears to be a forest habitat generalist in terms of the types and ages of forests it will use to meet its life history requirements. Goshawks can use small patches of mature habitat to meet their nesting requirements within a mosaic of habitats of different age classes; a key factor appears to be availability of prey.

While timber management has been demonstrated to affect goshawks at least at local levels (Reynolds 1989, Crocker-Bedford 1990, Bright-Smith and Mannon 1994, Woodbridge and Detrich 1994, Beier and Drennan 1997, Desimone 1997), forest management practices, such as the use of controlled fire and selective thinning, also may make habitats more suitable to goshawks by opening up dense understory vegetation, creating snags, down logs, and woody debris, and creating other conditions conducive to goshawks and their prey (Reynolds *et al.* 1992, Graham *et al.* 1997).

Throughout much of the western United States, the nature and rate of decline in mature forest habitats on Federal lands has slowed significantly during the past decade. The Service estimates that 80 percent of goshawk habitat occurs on Federal forest lands. Public debate over management of

Federal forest resources has resulted in regional forest management strategies, many of which focus on retention and restoration of mature forest habitats. These changes are reflected in declines of timber volume sold from National Forest lands in many western states.

Although mature forest habitat continues to be harvested, the Service finds that, in general, habitat conditions on Federal lands are no longer declining as in previous decades, and are improving in many areas throughout the west.

In conclusion, the Service finds that while forest management (e.g., timber harvest and fire exclusion) has changed the vegetation characteristics throughout much of the western United States, the goshawk continues to be well-distributed throughout its historic range. The Service finds no evidence that the goshawk population is declining in the western United States, that habitat is limiting the overall population, that there are any significant areas of extirpation, or that a significant curtailment of the species' habitat or range is occurring. The petition relies largely on the contention that the goshawk is dependent on large, unbroken tracts of old-growth and mature forest in its assertion that the species is in danger of extinction. However, neither the petition nor other information available to the Service supports this claim. The Service found that while goshawks frequently use stands of old-growth and mature forest for nesting, overall the species appears to be a forest habitat generalist in terms of the variety and age-classes of forest types it uses to meet its life history requirements. Therefore, the Service finds that listing the northern goshawk in the contiguous United States west of the 100th meridian as threatened or endangered is not warranted because the best available information does not indicate that it is in danger of extinction or likely to become so in the foreseeable future.

#### References

A complete list of references used in preparation of this finding is available upon request from the U.S. Fish and Wildlife Service, Office of Technical Support (see ADDRESSES section).

#### Author

The primary author of this document is Catrina Martin, U.S. Fish and Wildlife Service, Office of Technical Support (see ADDRESSES section).

#### Authority

16 U.S.C. 1381-1487i; 16 U.S.C. 4201-4245; Pub L. 99-625, 100 Stat. 3500; unless otherwise noted.

Dated: June 22, 1998.

**Jamie Rappaport Clark,**

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 660

[I.D. 061898B]

RIN 0648-AK60

### Fisheries Off West Coast States and in the Western Pacific; Western Pacific Precious Corals Fisheries; Amendment 3

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of availability of a fishery management plan amendment; request for comments.

**SUMMARY:** NMFS announces that the Western Pacific Fishery Management Council (Council) has submitted Amendment 3 to the Fishery Management Plan for the Precious Corals Fisheries of the Western Pacific Region (FMP) for Secretarial review. Amendment 3 would establish framework procedures for regulatory changes under the FMP.

**DATES:** Comments on Amendment 3 must be received on or before August 28, 1998.

**ADDRESSES:** Comments on Amendment 3 should be sent to, and copies of Amendment 3 are available from, Kitty Simonds, Executive Director, Western Pacific Fishery Management Council, 1164 Bishop St., Suite 1400, Honolulu, HI 96813.

**FOR FURTHER INFORMATION CONTACT:** Kitty Simonds at (808) 522-8220 or Alvin Katekaru, Fishery Management Specialist, Pacific Islands Area Office, NMFS at (808) 973-2985.

**SUPPLEMENTARY INFORMATION:** The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires that each Regional Fishery Management Council submit any fishery management plan or plan amendment it prepares to NMFS for review and approval, disapproval, or partial approval. The Magnuson-Stevens Act also requires