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. 1381–1487l; 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

that NMFS, upon receiving a fishery management plan or amendment, immediately publish a notice that the fishery management plan or amendment is available for public review and comment. NMFS will consider the public comments received during the comment period in determining whether to approve the fishery management plan or amendment.

Amendment 3 to the FMP would establish framework procedures for regulatory changes under the FMP. Under the proposed framework procedures, new management measures may be added through rulemaking if new information demonstrates that there are biological, social, or economic concerns in the precious coral permit areas. The framework procedures would authorize the implementation of measures that may affect the fishing season, classification of coral beds, harvest quotas for all management unit species, size restrictions, incidental catches and permit conditions. Each action taken under the framework process would entail documentation of the analysis of impacts of that action. To the extent appropriate, the Council would prepare regulations, regulatory analyses, environmental assessments, or other documents depending on the scope of the action, which framework process is being used, and the types and magnitude of impacts involved. Advance public notice, public discussion, and consideration of public comment would be required.

NMFS invites comments on proposed Amendment 3 through the end of the comment period. NMFS will consider the public comments received during the comment period in determining whether to approve the proposed amendment. A proposed rule to implement Amendment 3 has been submitted for Secretarial review and approval. NMFS expects to publish the proposed rule and request public comment on the proposed regulations in the near future. Public comments on the proposed rule must be received by August 28, 1998 to be considered in the approval/disapproval decision on Amendment 3.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: June 23, 1998.

Gary C. Matlock,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 98–17167 Filed 6–26–98; 8:45 am]

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