

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 97-25593 Filed 9-26-97; 8:45 am]

BILLING CODE 6712-01-F

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 387

[FHWA Docket No. FHWA-97-2923; FHWA No. 97-11]

RIN 2125-AE06

Qualifications of Motor Carriers to Self-Insure Their Operations and Fees To Support the Approval and Compliance Process; Correction

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Correction to advance notice of proposed rulemaking (ANPRM) and request for comments.

SUMMARY: This document corrects the assigned FHWA docket number and the address for submission of comments to this ANPRM regarding standards to approve motor carriers as self-insurers which was published on Tuesday, September 23, 1997, at 62 FR 49654 in FR Doc. 97-24714. In addition, the authority citation is provided for issuance of the ANPRM.

DATES: This correction is effective September 29, 1997. Comments to the ANPRM must be received on or before November 24, 1997.

ADDRESSES: Signed, written comments should refer to FHWA Docket No. FHWA-97-2923 and must be submitted to the Docket Clerk, U.S. DOT Dockets, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590-0001. All comments received will be available for examination at the above address between 10 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped envelope or postcard.

FOR FURTHER INFORMATION CONTACT: John F. Grimm, Office of Motor Carriers, (202) 366-4039, or Stanley M. Braverman, Motor Carrier Law Division, Office of the Chief Counsel, (202) 358-

7035, Federal Highway Administration, 400 Virginia Ave., SW., Suite 600, Washington, DC 20024. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday except Federal holidays.

SUPPLEMENTARY INFORMATION: In FR Doc. 97-24714 which was published on Tuesday, September 23, 1997, make the following corrections:

On page 49654 in the first column, in the heading of the document, change the docket number to read as follows: [FHWA Docket No. FHWA-97-2923].

On page 49654, the information under the caption **ADDRESSES** should read as set forth above in this correction document.

The authority for publishing the ANPRM and this correction for 49 CFR Part 387 reads as follows:

Authority: 49 U.S.C. 13101, 13301, 13906, 14701, 31138, and 31139; and 49 CFR 1.48.

Issued on: September 24, 1997.

Edward V.A. Kussy,

Federal Highway Administration, Acting Chief Counsel.

[FR Doc. 97-25763 Filed 9-26-97; 8:45 am]

BILLING CODE 4910-22-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; 90-Day Finding for 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 90-day petition finding and initiation of status review.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces a 90-day finding for 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. Due to court remands and the need to complete a thorough status review on this controversial species, the Service has determined that the petition presents substantial information indicating that listing of the northern goshawk (comprising portions of the subspecies *A.g. atricapillus* and *A.g. apache*) as a threatened or endangered species in the contiguous United States west of the 100th meridian may be warranted. The Service initiates a status review for the northern goshawk and will prepare a 12-month finding at the conclusion of the review. Through issuance of this notice,

the Service is requesting additional information regarding the subspecies *A.g. atricapillus* and *A.g. apache* in the western contiguous United States. The Service vacates the previous finding for the same petitioned action dated June 6, 1996.

DATES: Comments and materials related to this petition finding must be received on or before December 29, 1997.

ADDRESSES: Information, comments, or questions concerning this petition may be submitted to the Field Supervisor, Arizona Ecological Services Field Office, U.S. Fish and Wildlife Service, 2321 W. Royal Palm Rd., Suite 103, Phoenix, Arizona 85021. The petition, finding, supporting data, and comments will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Sam Spiller, Field Supervisor (see **ADDRESSES** section) (telephone 602/640-2720).

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act), 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.

On July 19, 1991, the Service received a petition from Dr. Robin Silver, M.D., Maricopa Audubon Society, Phoenix, Arizona (Silver *et al.* 1991), to list the northern goshawk (*Accipiter gentilis*) as an endangered species in Utah, Colorado, New Mexico, and Arizona with critical habitat. On September 26, 1991, a letter was received by the Service from Mr. Charles Babbitt, Maricopa Audubon Society, and a coalition of conservation organizations (Babbitt *et al.* 1991) requesting to amend the petition already under consideration by the Service. Co-sponsors of this request to amend the previous petition were the Arizona Audubon Council, Southwest New Mexico Audubon Society, Mesilla Valley Audubon Society, Forest Guardians, Friends of the Owls, Greater Gila Biodiversity Project, HawkWatch, Rio Grande

Chapter of the Sierra Club, and Southern Utah Wilderness Alliance. The coalition requested expanding the geographic region under consideration to include the "forested west." The *forested west* was subsequently defined as the forested United States west of the 100th meridian. Because the request to amend the previous petition required consideration of a listing action substantially broader in scope than the petition under review at that time, the Service informed the coalition that their request for an amendment would be considered as a separate, new petition.

On January 7, 1992, the Service published a finding that the first petition (on the northern goshawk in Utah, Colorado, New Mexico, and Arizona) did not present substantial information to indicate that the goshawk in that petitioned region constituted a listable entity (57 FR 546). However, the Service concluded that the petition presented substantial information indicating that northern goshawk population declines and loss or modification of habitat may be occurring. Therefore, the Service announced in a separate **Federal Register** notice (January 7, 1992; 57 FR 544) the initiation of a status review for the northern goshawk throughout its range in the United States. That status review specifically solicited information to be used in evaluation of the potential for distinct population segments within the range of the northern goshawk in North America.

On June 25, 1992 (57 FR 28474), the Service published a 90-day finding that the petition did not present substantial information to indicate that the northern goshawk in the western United States was a listable entity. The Service found that the petition presented no evidence of reproductive isolation or genetic differentiation between the goshawk in the west and the goshawk in the eastern United States, and that goshawk habitat was contiguous from the western United States to the eastern United States through Canada. The petitioners subsequently filed a lawsuit to have the finding set aside under the Administrative Procedure Act. On February 22, 1996, U.S. District Judge Richard M. Bilby found the June 25, 1992, not substantial petition finding to be arbitrary and capricious, and remanded the finding to the Service for a new 90-day determination and vacated the previous finding.

On June 6, 1996 (61 FR 28834), the Service published a notice vacating the petition finding of June 25, 1992, and published a new 90-day finding that the petition to list the northern goshawk in the western had not presented

substantial information that the petitioned action may be warranted. The Service determined that since the entity petitioned for listing was comprised of more than one subspecies it did not meet the definition of a distinct vertebrate population as defined in the National Marine Fisheries Service and Fish and Wildlife Service Final Policy Regarding the Recognition of Distinct Vertebrate Population Segments Under the Endangered Species Act (DPS policy; February 7, 1996; 61 FR 4722).

The petitioners subsequently filed a lawsuit to have that finding set aside. On June 6, 1997, Judge Bilby found the June 6, 1996, finding to be arbitrary and capricious, and remanded the finding to the Service for another 90-day finding. On August 19, 1997, Judge Bilby clarified that the decision on remand was to be made using the Service's DPS policy without the "one subspecies" rule the Service had relied on in making its June 6, 1996, finding. In addition, on August 22, 1997, the petitioners amended their petition to seek listing of northern goshawks west of the 100th meridian in the contiguous 48 states.

The Service has determined that a substantial 90-day finding on the petition to list northern goshawks in the contiguous United States west of the 100th meridian is appropriate at this time in order to be responsive to the court ordered remand and to allow for a thorough status review of this species. This notice serves to inform the public of the Service's new 90-day finding and vacation of the Service's June 6, 1996, finding. This finding is based on various documents, including published and unpublished studies, agency files, field survey records, and consultation with Federal and state agency personnel and other management and research authorities. All documents on which this finding is based are on file in the Fish and Wildlife Service's Arizona Ecological Services Field Office (see **ADDRESSES** section).

Northern Goshawk Taxonomy and Distribution

The northern goshawk has a wide distribution and occurs in forested regions throughout the higher latitudes of the northern hemisphere. Approximately 12 subspecies have been recognized, with seven to nine occurring across northern Europe and Asia (Gladkov 1941, Palmer 1988). Three subspecies of northern goshawk have been recognized in North America. Queen Charlotte goshawk (*A.g. laingi*) is located in coastal British Columbia and southeastern Alaska and does not occur within the petitioned area.

The population segment of the northern goshawk under petition includes portions of the ranges of *A.g. atricapillus*, and *A.g. apache*. The most widespread subspecies, *A.g. atricapillus*, occurs from the northeastern United States across the boreal forests of Canada and Alaska, and southward through the upland forests of the western United States. The Apache goshawk (*A.g. apache*) occurs in montane areas in southern Arizona and New Mexico, extending southward into the Sierra Madre of Mexico (American Ornithologists' Union 1957, Hubbard 1978, Johnsgard 1990, Monson and Phillips 1981, Palmer 1988, Phillips *et al.* 1964, Reynolds *et al.* 1992, van Rossem 1938, Wattel 1973, Webster 1988).

The taxonomic distinctness of *A.g. apache* remains in debate. The American Ornithologist's Union (1957) did not include *A.g. apache* in its last listing of birds which included subspecies. However, *A.g. apache* is recognized by Brown and Amadon (1968), Hubbard (1978 and 1992), Hellmayer and Conover (1949), Johnsgard (1990), Monson and Phillips (1981), Phillips *et al.* (1964), Stresemann and Amadon (1979), van Rossem (1938), and Wattel (1973). Mensural analysis of various size and mass parameters conducted by Whaley and White (1994) provide additional support for the recognition of *A.g. apache*.

The primary nesting habitat of the goshawk is mature riparian, coniferous, or deciduous forests with large and tall trees (Crocker-Bedford and Chaney 1988, Fischer 1986, Hayward and Escano 1989, Kennedy 1988, Marquiss and Newton 1982, Moore and Henny 1983, Reynolds 1988, Reynolds *et al.* 1982, Reynolds *et al.* 1992, Saunders 1982, Schuster 1980). Some variation exists in habitat used for breeding, but even in atypical habitat, nest sites are generally located in wooded areas with the largest trees and greatest canopy closure (Bond 1940, Bull and Hohmann 1994, Hall 1984, Hargis *et al.* 1994, White *et al.* 1965, Woodbridge and Detrich 1994). In the drier areas of the west such as the Great Basin, goshawks also nest in high-elevation shrubsteppe habitat supporting small, highly fragmented stands of mature aspen (*Populus tremuloides*) (Younk and Bechard 1994).

Goshawks display a high degree of nest site fidelity, and are generally nonmigratory or weakly migratory (Johnsgard 1990, Kennedy 1989, McGowan 1975, Palmer 1988, Reynolds 1988, Snyder 1995). Reynolds (1988) believes the goshawk is more migratory

in the northern part of its range. Seasonal movements have been documented which appear to be along north-south axes (Hoffman 1991, Mueller and Berger 1967, Titus and Fuller 1990), on elevational gradients (Phillips *et al.* 1964), or in response to food availability on breeding areas during the winter (Squires and Reynolds 1997). Juvenile dispersal is generally less than 40 kilometers (25 miles) from the natal site (Anonymous 1990, Marquiss and Newton 1982, McGowan 1975, Widen 1985). However, goshawks are capable of moving very long distances and occasionally do so, especially subadults (Hoffman 1991). The best information available suggests that goshawks do not tend to make significant movements for the purpose of seeking new breeding sites. Migratory or other seasonal movements, by definition, typically do not provide for mixing of individuals from diverse geographic regions for reproductive purposes.

Distinct Population Segment Determination

A species that is in danger of extinction throughout all or a significant portion of its range may be declared an endangered species under the Act. A species that is likely to become an endangered species in the foreseeable future throughout all or a significant portion of its range may be declared a threatened species under the Act. The term "species" is defined by the Act to include "* * * subspecies * * * and any distinct population segment of any species of vertebrate fish or wildlife which interbreeds when mature * * *" (16 U.S.C. 1532 (15)).

The Service's decision on the issue of whether a particular population qualifies for listing under the Act is governed by the Service's DPS policy which requires that the Service consider (1) discreteness of the population segment in relation to the remainder of the species to which it belongs; (2) the significance of the population segment to the species to which it belongs; and (3) the population segment's conservation status in relation to the Act's standards for listing.

For a listable entity, the information submitted with and referenced in the petition, and other available data, must represent "substantial information." This information must present both adequate and reliable data on the status of the species' biological vulnerability and the threats to the species and/or its habitat, and which tends to show that the petitioned action may be warranted. The standard for substantial information is stated at 50 CFR 424.14(b) as "that

amount of information that would lead a reasonable person to believe that the measure proposed in the petition may be warranted."

Population Discreteness

Under the DPS policy the Service must evaluate whether the northern goshawk in the contiguous United States west of the 100th meridian is a discrete population segment based on consideration whether—(1) It is markedly separated from other populations of the same taxon as a consequence of physical, physiological, ecological, or behavioral factors; or (2) It is delimited by international governmental boundaries within which differences in control of exploitation, management of habitat, conservation status, or regulatory mechanisms exist that are significant in light of Section 4(a)(1)(D) of the Act.

The goshawk and its habitat in the United States are separable into two broad regions—(1) the forested east, including the Appalachian Mountains and far northern reaches of the Great Lakes region; and (2) the forested highlands west of the 100th meridian (Johnsgard 1990). The 100th meridian bisects the United States, passing north to south approximately through the center of North and South Dakota, Nebraska, Kansas, western Oklahoma, and Texas. The intervening Great Plains lack goshawk nesting habitat. However, in Canada north of the Great Plains, potential goshawk habitat is continuous across the continent from east to west.

Eastern and western subspecies of the "American Goshawk" were once recognized (Baird *et al.* 1874, cited in Taverner 1940). This taxonomy was recognized by Wolfe (1932), Dixon and Dixon (1938), and Abbott (1941). However, Taverner (1940) determined that the plumage variations on which these distinctions were made are related to age, not geographic variation. The degree of genetic interchange between goshawks in eastern and western United States is unknown, as is the degree of interchange across western United States between Canada and Mexico.

The range of the goshawk in the contiguous United States west of the 100th meridian includes portions of two identified subspecies and is bounded by the ecological barrier of the Great Plains to the east. Delimiting the northern boundary of the population segment as the United States-Canadian border, and the southern boundary as the United States-Mexico border, recognizes differences in management of habitat, control of exploitation, knowledge on the status of the species, and existing regulatory mechanisms across

international boundaries. For example, the goshawks in the western United States occurring on Federal lands are managed under various United States laws, such as the National Forest Management Act (U. S. Forest Service), the Federal Land Policy and Management Act (Bureau of Land Management), and the Organic Act (National Park Service). While Canada and Mexico also have laws governing management of wildlife, the Service has insufficient information to determine whether there are differences that are significant to the conservation of the species. For these reasons, the Service concludes that the available information tends to support a finding that the 100th meridian and the U.S. borders with Canada and Mexico demarcate a discrete population segment of goshawks under the DPS policy. The Service seeks further information for purposes of making a 12-month finding on this issue, including information on the status of goshawks and relevant management practices in Canada and Mexico.

Population Significance

Under the DPS policy, the Service must next evaluate whether the northern goshawk in the lower 48 states west of the 100th meridian is a significant population segment. To do so, the Service must consider whether—(1) the population represents an ecological situation unique for the taxon; (2) whether the loss of the population would result in a significant gap in the range of the taxon; (3) whether the population represents the only surviving natural occurrence of a taxon occurring elsewhere as an introduced species; and/or (4) whether the population differs markedly in its genetic characteristics.

The Service has determined that the population of northern goshawks in the contiguous United States west of the 100th meridian constitutes a significant portion of the goshawk's range, and that loss of goshawks in the petitioned area would result in a significant gap in the species' range. Thus, the Service determines that goshawks in the contiguous United States west of the 100th meridian are significant in terms of the Service's DPS policy.

Population Status

The petition contends that goshawk numbers are few and declining, essential habitat is subject to widespread present and threatened destruction, and the existing regulatory mechanisms for protection are inadequate. In an overview prepared for a northern goshawk symposium, Block

et al. (1994) reports that within the previous five years evidence has arisen which suggests that populations of northern goshawks have declined, particularly in the western United States. Declines in goshawk nest site occupancy and reproductive success have been suggested in Arizona, California, and Nevada (Crocker-Bedford 1990b; Reynolds *et al.* 1994 citing Herron *et al.* 1995 and Bloom *et al.* 1980; Snyder 1995; Zinn and Tibbitts 1990), Idaho (Patla 1991), and New Mexico (Kennedy 1989).

Keane and Morrison (1994) (citing Reynolds *et al.* 1992, Reynolds 1987, and Bloom *et al.* 1986) suggest that the major threat to the goshawk is the loss or degradation of mature forests used for nesting and foraging, due to timber harvesting and livestock grazing in some areas. Snyder (1995 citing Marshall 1957) attributes a probable decrease in goshawk carrying capacity to decreased habitat quality as a result of fire protection which has led to increased thickets of young trees, fuel buildup, and ultimately catastrophic wildfire that destroys large areas of habitat.

There exists much debate regarding the scientific validity and rigor of many of the studies citing goshawk population responses to forest management activities. The Service has not fully evaluated the scientific methods used in the studies cited in this finding, nor made determinations about the cause and effect relationships of population changes and the relationship of these changes to the range-wide status of the goshawk. The Service will do this during preparation of the 12-month finding.

The northern goshawk is known to experience fluctuations in population size, density, and nesting success, presumably in response to natural factors such as prey availability. Several authors (Doyle and Smith 1994, McGowan 1975, Mueller and Berger 1968, Snyder 1995, Widen 1985) speculated that goshawk nest site occupancy and seasonal movements may be affected by fluctuations in prey availability. Snyder (1995), studying the conservation biology of the Apache goshawk, found evidence to suggest some declines in nesting goshawk numbers over a ten year period on the Coronado National Forest in Arizona. However, Snyder was not able to conclude if this is within normal, expected variation in site occupancy due in part to drought affecting prey species. Additionally, past and potential future conflicts between people and birds is at issue due to close proximity of goshawk nest sites and human activity.

Timber extraction may significantly alter forest structure and ecology. Many studies have attempted to investigate the implications of forest management on goshawk populations. In Idaho, Patla (1991) found nest site occupancy dropped from 72 percent before timber harvesting to 18 percent following harvest. In Arizona, Crocker-Bedford (1990b) found productivity was associated with varying intensity of timber harvest, with 2.0 nestlings/nest in unharvested locales; 1.8 with 25 percent of acres harvested; 1.0 in areas 50 percent harvested; and 0.0 with 75 percent of acres harvested. Also in Arizona, Bright-Smith and Mannan (1994) found that timber harvest that creates large areas with sparse tree cover is potentially detrimental to goshawks.

In northern California, Woodbridge and Detrich (1994) found that despite intensive timber harvest and fragmentation of mature forest, their study area supported high densities of nesting goshawks. However, goshawks in this study were associated with the larger remaining patches of mature forest. Woodbridge and Detrich (1994) theorized that prey found in open habitat, in this case, the golden-mantled ground squirrel (*Spermophilus lateralis*), may offset losses of prey species associated with mature forest. Hargis *et al.* (1994) found in the Inyo National Forest of northern California, that goshawks nested in stands that were substantially more open than those used in other geographic areas. Goshawks in this study selected stands that were denser than the average available, both for nesting and foraging. In addition, Hargis *et al.* (1994) found that all goshawk territories associated with timber sales were active for approximately two-thirds of the years since the harvests, based on nesting records, over a period of 14 years.

The results of a population viability analysis conducted by the Arizona Game and Fish Department in 1992 for the goshawk on the Kaibab National Forest, North Kaibab Ranger District, Arizona, could not conclude that the population was stable, increasing, or decreasing (Maguire 1993). Kennedy (1997) concluded that there was no evidence to support the hypothesis that goshawk populations are declining. A panel with members from The Wildlife Society and American Ornithologist's Union found no evidence to indicate that northern goshawk populations are declining, threatened, or endangered in the southwest or anywhere within its range (Braun *et al.* 1996). However, the panel recognized a need to conduct additional research of goshawk demographics and additional inventory

and monitoring of goshawk populations (Braun *et al.* 1996).

Presently, the northern goshawk is regarded as a management indicator species of specific habitat conditions in many regions of the U.S. Forest Service and is a Forest Service Sensitive Species within the Rocky Mountain, Intermountain, Southwest and Pacific Southwest Regions (Block *et al.* 1994; Squires and Reynolds 1997). The goshawk is not afforded sensitive status in the Pacific Northwest Region.

The Southwest Region of the Forest Service (National Forests in the states of Arizona and New Mexico) issued interim guidelines for the management of the goshawk in June 1992. These interim guidelines adopted the Management Recommendations for the Northern Goshawk in the Southwestern United States (Reynolds *et al.* 1992). Permanent guidelines were added to the Forest Service Directives System as a Regional Supplement in June, 1995 (U.S. Forest Service 1995), and the Southwestern Region of the Forest Service adopted Reynolds *et al.* (1992) in their Forest Plan Amendments in 1996 (U.S. Forest Service 1996). Management strategies for the goshawk in the Upper Columbia River Basin, including Idaho and portions of neighboring states, have been developed (Patla *et al.* 1995). The Northwest Forest Plan has established late successional reserves throughout the range of the northern spotted owl (*Strix occidentalis caurina*) in Oregon and Washington. The success of these and other strategies in the western United States will be evaluated during the status review and as the 12-month finding is prepared.

Because the court ordered the previous not substantial 90-day finding remanded and current literature offers conflicting views of goshawk population trends and threats facing goshawks in the contiguous United States west of the 100th meridian, the Service has determined that a status review is necessary to examine whether the northern goshawk warrants listing. Current literature presents contradicting views on the purported decline of goshawks. Threats to the goshawk's habitat and the effects of those threats also must be analyzed before the Service can issue a determination regarding the status of goshawks in the western contiguous United States. Current data need to be scrutinized to determine goshawk population trends and subspecies (*A. gentilis apache*) validity.

After a review of the petition, the references cited, and information otherwise available to the Service, the Service finds that, on the basis of the best scientific and commercial

information available, the petition presented substantial information that listing *A. gentilis* in the contiguous United States west of the 100th meridian as a threatened or endangered species may be warranted. The Service determines that, although significant disagreement may exist as to the status of this species, the petition presents substantial information that indicates northern goshawks in the petitioned region may be declining in response to habitat loss and modification, and lack of existing regulatory mechanisms. Upon completion of a thorough status review, a 12-month finding will be made to determine whether listing is warranted for the northern goshawk in the western contiguous United States.

The Service seeks any additional data, information, or comments from the public, other concerned government agencies, the scientific community, industry, or any other interested party concerning the status of *A.g. atricapillus* and *A.g. apache*. The Service is interested in information from throughout the subspecies' ranges in the United States, Canada, and Mexico. The following issues are of particular interest to the Service—

1. The genetic, morphological, and ecological differences, including variations or intergradation of *A.g. atricapillus* and *A.g. apache* within their range;
2. Data on historic and current population trends and dynamics, and documented or suspected influencing factors which may assist in determining population trends;
3. Reproduction trends and documented or suspected influencing factors;
4. Trends in loss, modification, and recovery of forested habitat of the two subspecies, and the extent and affect of habitat conversion and fragmentation on goshawks and their prey;
5. Taxonomic clarification of North American goshawk subspecies;
6. Migration and dispersal; and
7. Information on the status of the goshawk in Canada and Mexico, as well as information on its management and relevant regulatory mechanisms.

References Cited

A complete list of all references cited herein is available on request from the Field Supervisor, Arizona Ecological Services Field Office, (see ADDRESSES section).

Authors

The primary authors of this document are Michele James and Bruce K. Palmer, of the Arizona Ecological Services Field Office, (see ADDRESSES section).

Authority

The authority for this action is the Endangered Species Act (16 U.S.C. 1531 *et seq.*).

Dated: September 22, 1997.

Jamie Rappaport Clark,

Director, Fish and Wildlife Service.

[FR Doc. 97-25695 Filed 9-26-97; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AE37

Endangered and Threatened Wildlife and Plants; Proposed Threatened Status for Virginia sneezeweed (*Helenium virginicum*), a Plant From the Shenandoah Valley of Virginia

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Fish and Wildlife Service (Service) proposes to list *Helenium virginicum* (Virginia sneezeweed) as a threatened species, under the authority of the Endangered Species Act of 1973, as amended (Act). This rare plant is restricted to seasonally inundated sinkhole ponds and meadows in Augusta and Rockingham counties, Virginia. Five of the 25 known extant populations are on U.S. Forest Service land; the others are on private land. This perennial plant is threatened by residential development, incompatible agricultural practices, filling and ditching of its wetland habitat and other disruptions of its habitat and the hydrology that maintains it. At several sites, ditches have been constructed to reduce the length of time that standing water is present. This has caused the *H. virginicum* population at one of the sites to be reduced to near extinction. *Helenium virginicum* is presently listed as endangered by the State of Virginia. This proposal, if made final, would implement Federal protection and recovery provisions afforded by the Act for this species.

DATES: Comments from all interested parties must be received by November 28, 1997. Public hearing requests must be received by November 13, 1997.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Field Supervisor, Chesapeake Bay Field Office, U.S. Fish and Wildlife Service, 177 Admiral Cochrane Drive, Annapolis, MD 21401. Comments and materials received will be available for

public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Andy Moser, Chesapeake Bay Field Office (see ADDRESSES section) (telephone 410/573-4537; facsimile 410/269-0832).

SUPPLEMENTARY INFORMATION:

Background

Helenium virginicum (Virginia sneezeweed) is a perennial member of the aster family (Asteraceae) known only from Augusta and Rockingham counties, Virginia. The common name, sneezeweed, is based on the use of the dried leaves of these plants in making snuff, inhaled to cause sneezing that would supposedly rid the body of evil spirits (Niering 1979). *Helenium virginicum* stems grow to a height of 4 to 11 decimeters (1.5 to 3.5 feet) above a rosette of basal leaves. Coarse hairs are visible on the basal and lower stem leaves. The basal leaves may be broad in the middle tapering toward the ends, but otherwise may appear oblong. Stem leaves are lance-shaped, and become progressively smaller from the base to the tip of the stem. The stems are winged, the wings being continuous with the bases of the stem leaves. The flower ray petals are yellow, and wedge-shaped with three lobes at the ends. The central disk of the flower is nearly ball-shaped. Flowering occurs from July to October (Virginia Department of Conservation and Recreation 1995).

Helenium virginicum is similar to common sneezeweed (*Helenium autumnale*), but differs in having a sparsely-leaved stem, larger basal leaves, and longer pappus scales (appendages which crown the ovary or fruit). It is also differentiated by leaf shape, stem and leaf hairs, and habitat requirements.

Helenium virginicum was first described by S.F. Blake in 1936 from specimens collected near Stuart's Draft, Virginia. It is a perennial wetland species found only on the shores of shallow, seasonally flooded ponds in Virginia's Shenandoah Valley. From 1985 through 1995, extensive status survey work was conducted for *H. virginicum* in over 100 limestone sinkhole ponds along the western edge of the Blue Ridge Mountains in the Shenandoah Valley of Virginia. A total of 28 separate populations were located during these surveys. The ponds at these locations range in size from less than 0.04 hectare (ha) (0.1 acre (ac)) to 3 ha (8 ac) and are seasonally flooded, semipermanent, or permanent bodies of water. The ponds supporting *H.*