

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 73**

[DA 00-2323, MM Docket No. 00-200, RM-9967]

**Digital Television Broadcast Service; Sioux Falls, SD****AGENCY:** Federal Communications Commission.**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition filed by Midwest Broadcasting Company, permittee of Station KAUN(TV), NTSC Channel 36, Sioux Falls, South Dakota, requesting the substitution of DTV Channel 51 for Station KAUN(TV)'s assigned DTV Channel 40. DTV Channel 51 can be allotted to Sioux Falls, South Dakota, in compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates (43-30-19 N. and 96-34-19 W.). As requested, we propose to allot DTV Channel 51 to Sioux Falls with a power of 93 and a height above average terrain (HAAT) of 230 meters.

**DATES:** Comments must be filed on or before December 8, 2000, and reply comments on or before December 26, 2000.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW., Room TW-A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: David M Silver, Cole, Raywid & Braverman, L.L.P., 1919 Pennsylvania Avenue, NW., Suite 200, Washington, DC 20006 (Counsel for Midwest Broadcasting Company).

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Mass Media Bureau, (202) 418-1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 00-200, adopted October 16, 2000, and released October 17, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

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

Federal Communications Commission.

**Barbara A. Kreisman,**

*Chief, Video Services Division, Mass Media Bureau.*

[FR Doc. 00-26948 Filed 10-19-00; 8:45 am]

**BILLING CODE 6712-01-P**

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 73**

[DA 00-2324, MM Docket No. 00-201, RM-9919]

**Digital Television Broadcast Service; Portsmouth, VA****AGENCY:** Federal Communications Commission.**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition filed by Viacom Broadcasting of Seattle, Inc., licensee of station WGNT-TV, NTSC channel 27, Portsmouth, Virginia, requesting the substitution of DTV channel 50 for station WGNT-TV's assigned DTV channel 19. DTV Channel 50 can be allotted to Portsmouth, Virginia, in compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates (36-48-43 N. and 76-27-49 W.). As requested, we propose to allot DTV Channel 50 to Portsmouth with a power of 800 and a height above average terrain (HAAT) of 296 meters.

**DATES:** Comments must be filed on or before December 8, 2000, and reply comments on or before December 26, 2000.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW., Room TW-A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Raymond A. White, Viacom Broadcasting of Seattle, Inc., c/o Paramount Stations Group, Inc., 5202 River Road, Bethesda, Maryland 20816 (Counsel for Viacom Broadcasting of Seattle, Inc.).

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Mass Media Bureau, (202) 418-1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 00-201, adopted October 16, 2000, and released October 17, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 1231 20th Street, NW, Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

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

Federal Communications Commission.

**Barbara A. Kreisman,**

*Chief, Video Services Division, Mass Media Bureau.*

[FR Doc. 00-26947 Filed 10-19-00; 8:45 am]

**BILLING CODE 6712-01-P**

**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****50 CFR Part 17****Endangered and Threatened Wildlife and Plants; Notice of Reclassification of Nine Candidate Taxa****AGENCY:** Fish and Wildlife Service, Interior.**ACTION:** Notice of candidate taxa reclassification.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), provide explanation for a change in the status of one animal and eight plant taxa that were under review for possible addition to the Lists of Endangered and Threatened Wildlife and Plants (Lists) under the Endangered Species Act of 1973, as amended (Act). We are removing these nine species from candidate status at this time. Based on information gathered on all of these

species, continuation of candidate status is no longer warranted.

**DATES:** We will accept comments on this notice at any time.

**ADDRESSES:** Comments and questions concerning this notice should be submitted to the Chief, Office of Conservation and Classification, Division of Endangered Species, U.S. Fish and Wildlife Service, 1849 C Street, NW., Mail Stop 420 ARLSQ, Washington, DC 20240.

**FOR FURTHER INFORMATION CONTACT:** Nancy Gloman, Chief, Office of Conservation and Classification, Division of Endangered Species, 703/358-2171.

**SUPPLEMENTARY INFORMATION:**

**Background**

The Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*), requires that we identify taxa of wildlife and plants that are endangered or threatened, based on the best available scientific and commercial information. As part of this program, we have maintained a list of taxa we regard as candidates for addition to the Lists. A candidate is one for which we have on file sufficient information on biological vulnerability and threats to support a proposal to list as endangered or threatened. Section 4(a)(1) of the Act requires us to examine five factors to determine whether a species should or should not be added to the Lists:

(A) The present or threatened destruction, modification, or curtailment of the species' habitat or range;

(B) Overutilization of the species for commercial, recreational, scientific, or educational purposes;

(C) Disease or predation affecting the species;

(D) The inadequacy of existing regulatory mechanisms to protect the species; and

(E) Other natural or manmade factors affecting the species' continued existence.

After review of these factors we are required to make a determination "solely on the basis of the best scientific and commercial data available" and "taking into account those efforts, if any, being made by any State or foreign nation, or any political subdivision of a State or foreign nation, to protect such species, whether by predator control, protection of habitat and food supply, or other conservation practices, within any area under its jurisdiction, or on the high seas." Sections 4(a)(1) and 4(b)(1)(A) and our regulations at 50 CFR 424.11(f) require us to consider any State or local laws, regulations,

ordinances, programs, or other specific conservation measures that either positively or negatively affect a species' status (*i.e.*, efforts that create, exacerbate, reduce, or remove threats identified through the section 4(a)(1) analysis).

On October 25, 1999, we published our most recent annual review of all candidate taxa (64 FR 57534). As a result of our review, we determined that the following species should be removed from candidate status based on our evaluation of the five factors listed above. This notice provides specific explanations for the reclassification of one animal and eight plant taxa.

It is important to note that candidate assessment is an ongoing function and changes in status should be expected. If we remove taxa from the candidate list, they may be restored to candidate status if additional information supporting such a change becomes available to us. We issue requests for such information in a Candidate Notice of Review published in the **Federal Register** every year.

**Findings**

The McCloud River redband trout (*Oncorhynchus mykiss* ssp.) is native to the McCloud River system in northern California. The species was considered to warrant a proposal to list as threatened due to habitat degradation, recreational fishing, and stocking of hatchery fish. In December 1998, a Conservation Agreement and Strategy was completed and signed in a collaborative effort between Federal and State agencies, private industry, and private citizens. Implementation of the Conservation Strategy will reduce threats to the McCloud River redband trout, such as fish stocking, recreational fishing, stream barriers, and land management activities that degrade the species habitat. The strategy delineates a refugium to be managed specifically for the protection and enhancement of redbands and their habitat and provides for the development of a watershed improvement plan to address sedimentation, bank stabilization, barrier development or removal, riparian restoration, and habitat enhancement. The strategy also provides for the monitoring of grazing and timber practices; closing of roads; fencing of streams; and the development of flood and drought contingency plans. Based on this information, continuation of candidate status for this species is not warranted.

*Calochortus umpquaensis* (Umpqua mariposa lily) was described by Fredericks in 1989 in Douglas County, Oregon (Fredericks 1989a). Fourteen

populations are known from an area of about 80.4 square kilometers (km) (50 square miles (mi)), with four located on Bureau of Land Management (BLM) lands. Recent estimates place the number of plants extant on BLM lands on Ace Williams Mountain between 400,000 to 800,000 individuals. Earlier population estimates were 120,000 to 140,000 individuals (Fredericks 1989b, 1992). A Conservation Agreement among the BLM, the Forest Service (FS), and the Fish and Wildlife Service was signed on April 4, 1996. The agreement is being implemented, and populations appear stable and larger than previously thought. The threats of timber harvest and cattle grazing are being addressed. Based on this information, continuation of candidate status for this species is not warranted.

*Eriogonum argophyllum* (Sulphur Springs buckwheat) consists of 3,700 to 5,000 individuals restricted to approximately 8 hectares (ha) (20 acres (ac)) of private land on the mound of Sulphur Hot Springs in northern Ruby Valley, Elko County, Nevada. The species was considered to warrant a proposal to list as threatened due to large-scale disturbance associated with geothermal and other land or resource development, including diversion of surface water and lowering of the water table. The threat of geothermal development has been eliminated. We are aware of no proposals for geothermal or other development of the Sulphur Hot Springs site at this time, nor do we have any indication that proposals will be made in the foreseeable future. In addition the area is fenced which will protect against off-highway vehicle activity and impacts from livestock. The Sulphur Springs buckwheat is protected by the State of Nevada as "critically endangered," and the Nevada Division of Forestry (NDF) does monitor any potentially harmful activities at or near the Sulphur Hot Springs site and would require habitat protection and other mitigation, as appropriate, prior to issuing any permits to allow any disturbance of the species. Based on this information, no current and no foreseeable threats can be identified to the population. Therefore the continuation of candidate status for this species is not warranted.]

*Lathyrus biflorus* (two-flowered lathyrus) is known only from Red Mountain in northern Humboldt County, California. Our best available information indicates that no current and no foreseeable threats can be identified to the population and that much adjacent potential habitat remains uninventoried. We previously had reason to believe that the property

would likely be developed. However, given that the area is remote and has many access problems, immediate and future development of the parcel is not likely. The California Department of Fish and Game and the California Department of Forestry and Fire Protection are aware of the species and intend to protect its habitat. Based on this information, no current and no foreseeable threats can be identified to the population. Therefore the continuation of candidate status for this species is not warranted.

*Silene campanulata* ssp. *campanulata* (Red Mountain campion (or catchfly)) occurs in chaparral and lower coniferous forests on the mostly eastern side of the northern Coast Mountain Range, California. Local agency botanists have determined that populations of *Silene* found on BLM and FS lands are a subspecies of *Silene* other than *Silene campanulata* ssp. *campanulata*. At this time, the expert for this species maintains that the standing of the taxon, *Silene campanulata* ssp. *campanulata*, is doubtful and that certain collections are intermediates (hybrids) between *Silene campanulata* ssp. *campanulata* and *Silene campanulata* ssp. *glanulosa*. Originally the subspecies was thought to be restricted to Red Mountain in Mendocino County, California, where subsurface and surface mining of nickel and cobalt threaten two populations. Since 1980, additional populations have been discovered. Beginning in 1993, as many as seven additional populations were documented. No documentation of any threats to the newly discovered populations and the uncertain taxonomic status have led us to discontinue candidate status for this species. Therefore, at this time we do not have on file sufficient information on biological vulnerability and threats to support a proposal to list as endangered or threatened.

*Cimicifuga arizonica* (Arizona bugbane) is an herbaceous perennial plant that occurs in mixed-conifer and high-elevation riparian deciduous forests and is known only from National Forest lands in central Arizona, within Coconino and Gila Counties. The species was primarily considered threatened due to activities, such as livestock grazing and timber harvest, that reduce canopy closure and destroy shaded areas that the species needs for survival. The three National Forests that contain all known populations of this species have developed conservation strategies adequate to protect the species. The Forest Service completed its conservation strategy in 1993 and updated it in 1999 for the Tonto

National Forest; in 1995, the Forest Service completed a conservation assessment and strategy for the Coconino and Kaibab National Forests. These strategies have become part of a 1999 conservation agreement between the Forest Service and us that will ensure the survival and conservation of the species. Based on this information, no current and no foreseeable threats can be identified to the population. Therefore the continuation of candidate status for this species is not warranted.

*Zanthoxylum parvum* (Shinner's tickle-tongue) is a plant member of the oak-maple complex community understory and was known only from 2 populations (each containing less than 20 small individuals, all male) in the Davis Mountains, in arid west Texas. Recently we received reports from The Nature Conservancy of Texas and from Dr. Jim Zechs, Sul Ross University, that several additional sites have been found, including some female plants. Dr. Zechs now believes that the total number of sites is between seven and nine. We do not have any further information, however, on locality and population status for these new sites. The Nature Conservancy of Texas has recently acquired significant new lands in the area, and has secured conservation easements on others, which may improve conservation for the species. The biological, threat, and conservation information appears to be substantially changed for this species; based on this information, continuation of candidate status for this species is not warranted.

*Arabis pusilla* (small rock-cress) is endemic (native) to Wyoming, occurring within the southern Wind River Mountains. The species was only recently discovered and is known from a single documented population and type locality estimated at approximately 1,000 plants scattered over a 64.8-ha (160-ac) area. Lands containing *A. pusilla* are completely under BLM jurisdiction. Adverse impacts to the plant and its habitat were occurring until 1994 when BLM approved the *A. pusilla* Habitat Management Plan (HMP). At that time, BLM implemented an emergency closure of the Habitat Management Area to all mechanized and nonmotorized vehicle use, and in 1996 constructed a cattle enclosure fence around the habitat. The 1998 Green River Resource Management Plan designated the area as a Plant Area of Critical Environmental Concern, and provides a no-surface-occupancy stipulation for oil and gas development. Although *A. pusilla* is still rare, BLM's activities in approving and implementing the HMP have served to

reduce or eliminate the threats facing this species and ensures the survival and conservation of the species. Based on this information, continuation of candidate status for this species is not warranted.

*Allium gooddingii* (Goodding's onion) is an herbaceous perennial plant occurring most frequently in drainage bottoms associated with perennial, intermittent streams, and on moist, north-facing slopes of mature mixed-conifer and spruce-fir forests. *A. gooddingii* is found on lands in the Apache-Sitgreaves, Coronado, Lincoln, and Gila National Forests. Habitat destruction and modification from logging, road construction, and grazing were considered the primary threats to the species. A 1998 conservation agreement between the FS and us ensures the continued survival and conservation of *A. gooddingii*. Some components of the agreement that reduce or eliminate threats to the onion include maintaining the canopy cover and avoiding ground disturbance and erosion during timber harvesting activities in and near occupied sites, prohibiting new livestock structures that would attract grazing ungulates to occupied sites, and prohibiting or redesigning new roads and trails found to adversely affect the onion. Based on this information, continuation of candidate status for this species is not warranted.

We have removed the taxa listed below from the candidate list. However, we did not provide an explanation for their change in status in this notice, since we published this information previously in the **Federal Register** on the dates given:

*Clematis hirsutissima* var. *arizonica* (Arizona leatherflower), January 9, 1998 (63 FR 1418); *Astragalus oophorus* var. *clokeyanus* (Clokey's egg-vetch), *Castilleja elongata* (tall paintbrush), *Dalea tentaculoides* (Gentry's indigobush), *Pediocactus paradinei* (Kaibab plains cactus), April 2, 1998 (63 FR 16217); Columbia spotted frog (Wasatch front population and West Desert population) (*Rana luteiventris*), April 2, 1998 (63 FR 16218); Florida black bear (*Ursus americanus floridanus*), December 8, 1998 (63 FR 67613); *Lesquerella stonensis* (Stones River bladderpod May 11, 1999 (64 FR 25216).

#### Author

This notice was compiled from materials supplied by staff biologists located in the Service's regional and field offices. The materials were compiled by Susan Jacobsen, Division of

Endangered Species (see **ADDRESSES** section).

**Authority:** The authority for this action is the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 *et seq.*

Dated: October 13, 2000.

**Jamie Rappaport Clark,**

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

[FR Doc. 00-26968 Filed 10-19-00; 8:45 am]

**BILLING CODE 4310-55-U**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

RIN 1018-AG29

#### Endangered and Threatened Wildlife and Plants; Reopening of Comment Period on Proposed Critical Habitat for the Mexican Spotted Owl; Availability of Draft Economic Analysis and Draft Environmental Assessment

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

**ACTION:** Proposed rule; reopening of comment period, notice of availability.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, announce the availability of the draft Economic Analysis and draft Environmental Assessment for the proposal to designate critical habitat for the Mexican spotted owl (*Strix occidentalis lucida*) under the Endangered Species Act of 1973, as amended. We are also reopening the public comment period for the proposal. The new comment period will allow all interested parties to submit comments on the draft Economic Analysis, draft Environmental Assessment, and any other aspect of the proposed designation.

**DATES:** The comment period for this proposal, which originally closed on September 19, 2000, is reopened and now closes on November 20, 2000. Comments on the draft Economic Analysis, draft Environmental Assessment, and any other aspect of the proposed designation must be received by the closing date.

**ADDRESSES:** If you wish to comment, you may submit your comments and materials to the Field Supervisor, U.S. Fish and Wildlife Service, New Mexico Ecological Services Field Office, 2105 Osuna NE, Albuquerque, New Mexico, 87113. Copies of the draft Economic Analysis and draft Environmental Assessment are available from the aforementioned address, or over the internet at <http://ifw2es.fws.gov/library/>.

Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above Fish and Wildlife Service address.

**FOR FURTHER INFORMATION CONTACT:** Joy Nicholopoulos, Field Supervisor, New Mexico Ecological Services Field Office, at the above address; telephone 505/346-2525, facsimile 505/346-2542.

#### SUPPLEMENTARY INFORMATION:

##### Background

On July 21, 2000, we published in the **Federal Register** a proposed rule to designate critical habitat for the Mexican spotted owl (65 FR 45336). The comment period for the proposed designation closed on September 19, 2000. Section 4(b)(2) of the Endangered Species Act requires that we designate or revise critical habitat based upon the best scientific and commercial data available and after taking into consideration the economic impact, and any other relevant impact, of specifying any particular area as critical habitat. We may exclude an area from critical habitat if we determine that the benefits of excluding the area outweigh the benefits of including the area as critical habitat, provided such exclusion will not result in the extinction of the species. Consequently, we have prepared a draft economic analysis concerning the proposed critical habitat designation, which is available for review and comment at the above Internet and mailing addresses.

Approximately 5.5 million hectares (13.5 million acres) of land fall within the boundaries of the proposed critical habitat in Arizona, Colorado, New Mexico, and Utah. Proposed critical habitat is primarily composed of Federal lands. If this proposal is made final, section 7 of the Act would prohibit destruction or adverse modification of critical habitat by any activity funded, authorized, or carried out by any Federal agency.

##### Public Comments Solicited

We solicit comments on the draft Economic Analysis described in this notice, the draft Environmental Assessment, and any other aspect of the proposed designation of critical habitat for the Mexican spotted owl. The comment period is extended to November 20, 2000. Written comments may be submitted to the Field Supervisor at the above address. Our final determination on the proposed critical habitat will take into consideration comments and any additional information received by the date specified above. All previous

comments and information submitted during the comment period need not be resubmitted.

##### Author

The primary authors of this notice are the New Mexico Field Office staff (see **ADDRESSES** section).

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

**Nancy M. Kaufman,**

*Regional Director, Region 2.*

[FR Doc. 00-26976 Filed 10-19-00; 8:45 am]

**BILLING CODE 4310-55-U**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 660

[Docket No.; 000906253-0253-01; I.D. 061500E]

RIN 0648-AL51

#### Fisheries off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Amendment 14

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

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS proposes regulations to implement portions of Amendment 14 to the Fishery Management Plan for Commercial and Recreational Salmon Fisheries off the Coasts of Washington, Oregon, and California (Salmon FMP).

Amendment 14, which was submitted by the Pacific Fishery Management Council (Council) on June 12, 2000, to the Secretary of Commerce (Secretary) for review and approval, brings the Salmon FMP into compliance with the Sustainable Fisheries Act's (SFA) 1996 amendments to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Amendment 14 includes designation of essential fish habitat (EFH) and new requirements to reduce bycatch, prevent overfishing, and rebuild overfished stocks. This proposed rule to implement Amendment 14 would make minor changes to language regarding escapement and management goals; implement a new recreational allocation to the Port of La Push and adjust the Neah Bay allocation accordingly; add preseason flexibility for recreational port allocations north of Cape Falcon; and implement preseason flexibility in