December 14, 1993. To file formally in this proceeding, you must file an original and four copies of all comments, reply comments, and supporting comments. If you want each Commissioner to receive a personal copy of your comments, you must file an original plus nine copies. You should send comments and reply comments to the Office of the Secretary, Federal Communications Commission, Washington, DC 20554. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center (room 239) at the Federal Communications Commission, 1919 M Street NW., Washington, DC 20554.

10. For further information concerning this Notice of Inquiry, please contact Paul R. Gordon, (202) 632–6357, Mass Media Bureau, Video Services Division, Federal Communications Commission, Washington, DC 20554.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 93–25531 Filed 10–18–93; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AC11

Endangered and Threatened Wildlife and Plants; Proposed Rule To Reclassify the Plant Isotria Medeoloides (Small Whorled Pogonia) From Endangered to Threatened

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service) proposes to reclassify *Isotria medeoloides* (small whorled pogonia) from endangered to threatened pursuant to the Endangered Species Act of 1973 (Act), as amended. This action is proposed due to substantial improvement in the status of this orchid species and the fulfillment of reclassification criteria stated in the Small Whorled Pogonia (*Isotria medeoloides*) Recovery Plan: First Revision (U.S. Fish and Wildlife Service 1992). Reclassification from endangered to threatened may be proposed when a minimum of 25 percent of the known viable sites (as of 1992) are permanently protected. Currently, 61 percent of the viable sites are permanently protected.

The proposed change in classification will not significantly alter the protection of this species under the Act. The Service seeks data and comments from the public on this proposal.

DATES: Comments from all interested parties must be received by December 17, 1993. Public hearing requests must be received by December 3, 1993.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Field Supervisor, New England Field Office, U.S. Fish and Wildlife Service, 22 Bridge Street, Concord, New Hampshire 03301. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Ms. Susanna von Oettingen at the above address (telephone: 603/225–1411).

SUPPLEMENTARY INFORMATION:

Background

Isotria medeoloides (small whorled pogonia), a member of the orchid family (Orchidaceae), was first described by Frederick Pursh in 1814 as *Arethusa medeoloides*. Pursh based his description on a specimen found in a mountainous region along the borders of New York, New Jersey and Pennsylvania (Correll 1950). In 1838, this orchid was placed in its own genus and recognized as *Isotria medeoloides*; however, it also became known as *Pogonia affinis* and *Isotria affinis*. M. L. Fernald clarified the nomenclature in 1947, making the latter names synonyms of *Isotria medeoloides*

Isotria medeoloides is an herbaceous perennial with slender, hairy, fibrous roots that radiate from a crown or rootstock. The five or six milky-green or grayish-green, elliptic and somewhat pointed leaves (four leaves in some vegetative plants) are displayed in a whorl at the apex of a smooth, green stem. *Isotria medeoloides* flowers from mid-May in the south to mid-June in the northern part of its range. A single yellowish-green flower, or occasionally flower pair, stands in the center of the whorl of leaves.

An individual plant is usually single-stemmed, although two or more stems may occur; however, closely grouped double stems may in fact be two single plants. Because of the difficulty in differentiating double stemmed plants from closely neighboring plants, population estimates are often based on the number of stems, as opposed to the number of plants.

Isotria medeoloides can be confused with *Isotria verticillata* (Willd.) Raf. (large whorled pogonia), the only other species in the genus *Isotria*. Characteristics that distinguish *I. medeoloides* from *I. verticillata* include the stem and flower color, the relative lengths of the sepals and petals, and the length of the stem of the fruit capsule in relation to the length of the capsule itself (Rawinski 1989a). Colonies of *Isotria verticillata* are often found near colonies of *Isotria medeoloides* in the extensive region in which they occur together (Ware 1986; A. Belden, Virginia Division of Natural Heritage, *in litt.* 1991). They have also been reported to occur in mixed groups (Dixon and Cook 1988).

Isotria medeoloides occurs both in fairly young forests and in maturing stands of mixed-deciduous or mixed-deciduous/coniferous forests. The majority of small whorled pogonia sites share several common characteristics. These include: Sparse to moderate ground cover in the microhabitat of the orchids (except when among ferns); a relatively open understory canopy; and proximity to old logging roads, streams, or other features that create long-persisting breaks in the forest canopy (Mehrhoff 1989a). The soil in which the shallow-rooted small whorled pogonia grows is usually covered with leaf litter and decaying material (Mehrhoff 1980). The spectrum of habitats includes dry, rocky, wooded slopes to moist slopes or slope bases crisscrossed by vernal streams.

Isotria medeoloides is widely distributed with a primary range extending from southern Maine and New Hampshire through the Atlantic seaboard States to northern Georgia and southeastern Tennessee. Outlying colonies have been found in the western half of Pennsylvania, Ohio, Michigan, Illinois, and Ontario, Canada.

There are three main population centers of *Isotria medeoloides* today. The northernmost concentration, comprising 55 sites in 1992, is centered in the foothills of the Appalachian Mountains in New England and northern coastal Massachusetts, with one outlying site in Rhode Island. A second grouping of 18 sites is located at the southern extreme of the Appalachian chain in the Blue Ridge Mountains where North Carolina, South Carolina, Georgia, and Tennessee join. The third center, with 13 sites, is concentrated in the coastal plain and piedmont provinces of Virginia, with outliers in Delaware and New Jersey. Seven sites scattered in the outlying States and Ontario are considered disjunct populations.

Isotria medeoloides was listed as endangered on September 10, 1982 (47 FR 39827–39831). At that time, records for the species were known from 48 counties in 16 States and Canada, though there were only 17 known extant sites, in 10 States and Ontario, Canada. These sites had less than 500 stems. Subsequent searches led to the discovery of many new sites. The 1991 census totaled approximately 2,600 stems at 86 sites in 15 States and Canada (U.S. Fish and Wildlife Service 1992); in 1992, 7 additional sites were discovered. A number of States currently have only historic sites, these include Vermont, New York, Maryland, Missouri, and the District of Columbia (Table 1.).

TABLE 1.—ISOTRIA MEDEOLOIDES SITE DISTRIBUTION

State	# Sites 1985	# Sites (# Viable) 1992	# Sites Protected[1] 1992 (# Viable)
Maine	2	16(7)	4(4)
New Hampshire	16	32(15)	9(6)
Massachusetts	1	5(2)	2(2)
Rhode Island	1	1(0)	0(0)
Connecticut	1	1(0)	1(0)
Pennsylvania	1	3(0)	3(0)
New Jersey	2	3(1)	1(0)
Delaware	0	1(0)	0(0)
Virginia	3	9(6)	7(4)
North Carolina	2	5(2)	2(2)
South Carolina	1	4(2)	4(2)
Georgia	1	8(4)	7(4)
Tennessee	0	1(0)	0(0)
Ohio	0	1(0)	1(0)
Michigan	1	1(0)	1(0)
Illinois	1	1(0)	1(0)
Ontario, Canada	1	1(0)	1(0)
Total	34	93(39)	44(24)

[1] Protection as defined in the criteria for reclassification in the Small Whorled Pogonia Recovery Plan: First Revision (U.S. Fish and Wildlife Service 1992), and also discussed below.

The first Small Whorled Pogonia Recovery Plan was completed in 1985. The original objective, outlined in the 1985 recovery plan and based on the best available information at that time, was to locate and protect 30 populations (sites) of at least 20 individuals each, with at least 15 of the sites to be located in New England. Implementation of several recovery tasks generated additional life history and population information, the identification of new sites and protection of those sites deemed important to the survival and recovery of this species. Upon review of new life history and site information, this recovery objective was no longer considered appropriate. Viability, based on the reproductive status and persistence of a population, as opposed to merely a stem count, is now considered to be an important factor in determining the recoverability of this species.

The Small Whorled Pogonia Recovery Plan: First Revision, was completed and approved in 1992. New recovery goals for the reclassification and delisting of *Isotria medeoloides* and tasks for the recovery of this species were developed using the most recent information regarding population trends and dynamics, life history, and previous recovery efforts. The current recovery strategy is based on a multi-faceted approach of habitat protection and management (on a site specific basis), threat reduction, and environmental education.

The 1992 recovery plan determined that reclassification of *Isotria medeoloides* from endangered to threatened would be proposed when a minimum of 25 percent of the known, viable sites (as of 1992) are permanently protected. A site is considered viable if it has a geometric mean (over three years) of 20 emergent stems, of which at least 25 percent are flowering stems. Though not discussed in the recovery plan, an alternative viability definition has since been developed for sites located in the southern part of the range. This definition was based upon information provided by botanists familiar with these small, yet persistent populations (B. Sanders, U.S. Forest Service, pers. comm. 1993). Viability for smaller populations may be considered for those sites where less than 20 stems have persistently emerged for over 15 years. A determination of viability based on a stem count of less than 20 stems would require a long-term commitment to monitoring a site.

In addition to site viability and protection, reclassification would necessitate that the protected, viable sites be distributed proportionally throughout the species' current range. Site protection should include a sufficient buffer zone around the populations to allow the potential for natural colonization of adjacent, unoccupied habitat.

As defined in the 1992 recovery plan, protection can be accomplished through: (1) Ownership by a government agency or a private organization that considers maintenance of the *I. medeoloides* population to be a management objective for the site, or (2) a deeded easement or covenant that effectively commits present and future landowners to protecting the population and allowing the implementation of management activities when appropriate. This high level of landowner commitment to site protection may be critical if it is determined that the species needs management to counteract the loss of nearby unoccupied habitat. The need for habitat management would be reviewed on a site-by-site basis, and be dependent upon strategies developed as a result of the completion of the suggested status surveys of the 1992 recovery plan.

Adequate protection for the purposes of reclassification has been achieved for approximately 50 percent of the viable New England center sites; 57 percent of viable sites in the Virginia center; and 100 percent of the viable sites in the Blue Ridge center. No populations in the outlying States are considered to be viable, through 4 of the 6 extant populations are protected.

The ultimate goal of the 1992 recovery plan is to ensure long-term viability of *Isotria medeoloides*, facilitating the removal of the species from the Federal list. This objective would be reached when a minimum of 61 sites (75 percent of the number of viable sites known in 1992) are permanently protected.

As in the reclassification criteria, the distribution of these sites must be proportionate among the three geographic centers and the outliers. Viable sites for delisting the species are those sites with self-sustaining populations having an average of 20 emergent stems (over a 10-year period), of which an average of 25 percent are flowering stems. The extended period of monitoring time is required to ensure long-term viability, and should factor in the potential for naturally induced dormancy of individual plants. An alternative definition for viability of smaller populations in the southern portion of the small whorled pogonia's range may be considered and substantiated through the recovery process for sites where fewer than 20 stems, of which an average of 25 percent are flowering, have persistently emerged for over 15 years.

Ideally, unoccupied habitat adjacent to existing colonies must also be protected to allow for natural colonization and maintenance of a self-sustaining population. In some cases, only the immediate area encompassing *Isotria medeoloides* populations has been protected, while surrounding habitat has been destroyed. For these sites, management strategies to maintain self-sustaining populations may need to replace the historical availability of additional habitat.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and

regulations (50 CFR part 424) promulgated to implement the listing provisions of the Act set forth the procedures for reclassifying species on the Federal lists. A species may be listed or reclassified as threatened or endangered due to one or more of the five factors described in section 4(a)(1). These factors and their application to *Isotria medeoloides* (Pursh) Raf., (small whorled pogonia) are as follows:

A. The Present or Threatened Destruction, Modification, or Curtailment of its Habitat or Range

Following the listing of *Isotria medeoloides* as endangered, recovery activities carried out by Federal and State agencies, private organizations, and the academic community resulted in the discovery of many new sites. The number of extant sites tripled in the 10 years since the orchid was listed, with approximately 47 percent of the *I. medeoloides* sites afforded some level of protection.

Isotria medeoloides and its habitat continue to be vulnerable to development pressures throughout its range. With the exception of a few States, the upland habitat in which it is found receives limited protection through State or Federal regulatory means when occurring on private land. Residential and commercial development, both directly and indirectly, are primarily responsible for the destruction of *Isotria medeoloides* habitat. Of the 93 extant *I. medeoloides* sites, two States, Maine and New Hampshire, account for 52 percent (48 sites) of all of the known sites. Only 13 of the 48 sites in these two States are protected.

Historical records exist for localities throughout the small whorled pogonia's range. The habitat of many of these known historical sites has been destroyed; for example, sites in Vermont, Maryland, New Jersey, and the District of Columbia were lost to habitat destruction, primarily from development. Recent intensive efforts to relocate historical sites in eastern Pennsylvania, New York, Vermont, and Missouri have been unsuccessful (U.S. Fish and Wildlife Service 1992).

Since the listing of *Isotria medeoloides*, New Hampshire has seen the destruction of a large, viable population by the construction of summer housing and the potential destruction of a second, newly discovered (1992) population. This second population of over 30 stems will most likely be severely impacted, if not destroyed, within the next few years as the habitat is developed for a subdivision. In Virginia, one of the larger sites will most likely be destroyed within the next few years as its habitat, and adjoining suitable habitat, is developed for housing. Without voluntary landowner protection, many more *I. medeoloides* populations could be destroyed as development pressures increase.

Development in areas surrounding *Isotria medeoloides* habitat could be indirectly responsible for habitat destruction as roads, power lines and sewer mains are designed to connect settled areas. In addition, housing developments, though not necessarily directly destroying habitat, may cause the alteration of habitat parameters by creating large, permanent openings in the canopy that in turn encourage denser understory growth or alter soil conditions. Disturbance to populations through increased visitation (however unintentional) from people and pets might also cause direct damage to plants, and eventually a decline in affected populations.

This plant primarily appears to reproduce sexually, though little is known at this time regarding seed dispersal and seed banking. The formation of barriers to seed dispersal, either through development of adjacent habitat or from logging or land clearing, may prevent the recolonization of suitable habitat by naturally declining populations. Careful and selective logging may not necessarily be harmful to a population; however, heavy timbering and clear-cutting may have long-term impacts on *Isotria medeoloides* populations and their habitat. The creation of logging roads and use of heavy machinery that severely alters soil composition could significantly alter the habitat and cause the direct loss of plants.

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

The 1982 final listing identified the collecting for scientific purposes as contributing to the loss of *Isotria medeoloides* in the past. It was noted that there were as many preserved herbarium specimens as there were known plants in the wild. Since the listing and the release of both recovery plans, collecting for these purposes is no longer considered to be a threat to the species. However, the potential collecting by wildflower garden enthusiasts for transplanting is still great due to the rarity of this orchid. Furthermore, vandalism of populations (either out of capriciousness or for private collections) whose locations were publicized continue to be documented (Rawinski 1986b).

Significant commercial trade in the species is not known or expected in the future, nor is any significant import or export of this species expected. Therefore, taking of *I. medeoloides* for these purposes is not considered to be a factor in its decline.

C. Disease or Predation

Herbivory by white-tailed deer and invertebrates, including slugs and camel crickets, is a known threat of currently unknown extent. Increasing development pressure near *Isotria medeoloides* populations results in the concentration of deer onto smaller parcels of woodland and may affect local hunting pressure (in particular, a lack thereof) on suburban deer populations. As the local deer herd increases and is forced onto less land, with a concurrent increase in competition for food, there is a greater likelihood of herbivory on *Isotria medeoloides*. The precipitous decline of a large Virginia *I. medeoloides* population located near a housing development appears to be primarily due to grazing (Ware 1991).

Additional threats include wild pigs trampling or uprooting *I. medeoloides* plants in the southern portion of the small whorled pogonia's range (B. Sanders, pers. comm. 1993) and trampling and herbivory by moose in the northern portion.

D. The Inadequacy of Existing Regulatory Mechanism

Isotria medeoloides is currently afforded limited protection by the Endangered Species Act. The Act prohibits the removal and possessing of endangered plants from lands under Federal jurisdiction or in knowing violation of any State law or regulation, and prohibits the violation of any regulation pertaining to any endangered or threatened species of plant. Under the Act, Federal agencies are required to ensure that their actions do not jeopardize the continued existence of listed species and must consult (under Section 7 of the Act) when an activity may affect a listed species or critical habitat.

Section 7(a)(1) requires Federal agencies to carry out programs for the conservation of threatened and endangered species. In this respect, several Federal agencies have intensified their search and protection efforts on behalf of *Isotria medeoloides*. In Virginia, the National Park Service has provided funding for research and monitoring, and is seeking ways to prevent disturbance to sites under its jurisdiction. The Department of Defense has also facilitated searches and

monitoring of populations at two bases in Virginia. In Georgia, the U.S. Forest Service has been particularly successful in finding new sites. The Forest Service in this State conducts plant surveys in areas potentially impacted by management activities and regularly monitors known sites (B. Sanders, *in litt.*, 1993).

Consultations under section 7 of the Act provide protection for this species; a road and sewer main near an *Isotria medeoloides* population in Virginia were re-routed to avoid direct destruction of the plants and their habitat. Coordination with State and local agencies, as well as private developers, has resulted in the avoidance of adverse impacts to *Isotria medeoloides* and its habitat. In Connecticut, a trail was re-routed to avoid a population in a State forest.

Some protection through Federal and State legislation has been provided since *Isotria medeoloides* was listed. All States with current and historical populations have cooperative plant agreements with the Fish and Wildlife Service as specified under section 6(c)(2) of the Act. The 1988 amendments to the Act increased protection for plant species not on Federal lands, where State endangered species laws provide specific protection to endangered plant species.

Twenty-five sites have been discovered on lands under State and Federal jurisdiction and are afforded some level of protection. For those populations on private lands, conservation easements or agreements with the landowners have been actively pursued. Eight sites are on lands owned by private conservation organizations, while two other sites have deeded conservation easements ensuring the protection of the plants and their habitat. Some State agencies pursue voluntary registration of *I. medeoloides* sites. While such registration does not guarantee habitat protection, it does seek to recognize the importance of the site in the hopes of voluntary protection on the part of the landowners.

The number of States protecting *I. medeoloides* has increased from six in 1985 to include all States in its present range. With the exceptions of New Jersey, Rhode Island and South Carolina, all States have enacted laws that prohibit the take of State listed plants, including *I. medeoloides*, without the landowner's permission. However, plants growing on privately owned lands are subject to take by the landowner. Massachusetts, Michigan and Vermont provide additional protection to listed plants in that permits are required for take on both private and public lands.

In Georgia, *Isotria medeoloides* is protected under a regional Forest Service Manual regulation, 2670.44 R–8 supp 37. Since this species is Federally listed, it qualifies as a Forest Service Potential Endangered, Threatened or Sensitive (PET) species, and as such should receive a level of protection that will lead to identification of possible recovery opportunities and ensure that no adverse effects occur to plants on lands under the Forest Service's jurisdiction.

If the proposed reclassification to threatened becomes final, there will be no substantive change in the protection afforded this species under these regulatory mechanisms. Existing regulatory mechanisms determined necessary to protect this species and its habitat will remain in effect.

E. Other Natural or Manmade Factors Affecting its Continued Existence

Recovery efforts have been directed toward research and environmental education. Educational materials in the form of posters, brochures and fact sheets were designed and made available to the general public. Ongoing research includes the investigation of mycorrhizal relationships, habitat manipulation to encourage or stabilize *I. medeoloides* populations, and the use of Geographical Information System (GIS) as a tool for developing a predictive habitat model.

Mycorrhizal associations are important factors in the germination and seedling establishment of most orchids. Though a mycorrhizal fungus was isolated from the closely related *Isotria verticillata*, host specific mycorrhizae have not been identified for *I. medeoloides*. Alterations to *I. medeoloides* habitat that adversely affect mycorrhizae would also result in adverse impacts to the orchid. However, until the specific mycorrhizal associate is determined, it will be difficult to understand the effects of subtle habitat alteration on the orchid or the fungal community.

Recent monitoring results indicate a decline in viability of many of the populations that have been followed over a number of years. It appears that no obvious changes have occurred to the habitat of most of these populations and no causes for this decline have been determined. Though life history and demographic studies have provided some clues to the habitat requirements of this species, there is still a large gap in the understanding of what is required to maintain viable populations.

Dormancy of *Isotria medeoloides* plants continues to be a matter of speculation and debate. The 1985 recovery plan provided preliminary information that a small whorled pogonia could remain dormant for 10 to 20 years. To date, this length of dormancy has not been verified. The dormancy period might also vary throughout the range of the orchid. Mehrhoff (1989b) conducted a six-year study and observed that no plants emerged after three or more consecutive years of nonemergence; other studies indicate that plants may be dormant up to four years and that dormancy may vary by year and by site (Brumback and Fyler 1988; Vitt 1991). Without better clarification of specific dormancy periods, it will continue to be difficult to determine if a plant is dead or dormant.

As adjacent, suitable habitat is developed, precluding the natural colonization of suitable habitat, management may be the only alternative for maintaining viable populations. It may be vital to develop habitat management strategies for existing sites in order to maintain self-sustaining populations. Without the knowledge of key habitat characteristics, management and the identification of potential habitat will be impossible. Soil type (including texture and moisture), nutrient availability, overstory cover, understory density, slope position and aspect are some of the habitat characteristics that might be important factors in population viability. Other unknown parameters include the variation of climatological factors and relative humidity throughout the species' range, and how these differences impact population stability, plant reproduction, recolonization and viability.

The dearth in knowledge of habitat characteristics and life history information may result in the further decline of many populations through benign neglect. The 1992 recovery plan identified a number of tasks required to advance the understanding of *Isotria medeoloides* in furtherance of its recovery.

Summary of Status

The dramatic increase in known, extant populations, the protection of 61 percent of the viable sites, and an improved understanding of habitat and life history support the Service's proposal to reclassify *Isotria medeoloides* as threatened, since it is unlikely that the species is in imminent danger of extinction at this time. However, it may still be likely to become an endangered species within

the foreseeable future without additional site protection and further investigation of its life history and habitat parameters.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to propose this rule. Based on this evaluation, the preferred action is to reclassify *Isotria medeoloides* from endangered to threatened. New life history and site information gathered by State biologists and academicians, as well as the protection of 47 percent of the known sites and 61 percent of the known viable sites, support this decision.

Available Conservation Measures

If made final, this rule would change the status of *Isotria medeoloides* from endangered to threatened. The final rule would formally recognize that this species is no longer in imminent danger of extinction throughout a significant portion of its range. The proposed reclassification to threatened does not significantly alter the protection for this species under the Act. Protection given to threatened species under sections 7 and 9 of the Act is essentially the same as that given to endangered species, with the exception that seeds from cultivated specimens of threatened plants are exempt from the trade prohibitions of section 9(a)(2) of the Act, provided that a statement of "cultivated origin" appears on their containers. Recovery provisions are the same for threatened species as for endangered species.

Conservation measures prescribed for *Isotria medeoloides* would proceed. The recovery program approved in 1992 prescribes continued efforts to: (1) Protect known *Isotria medeoloides* populations and essential habitat; (2) develop habitat management strategies; (3) manage protected sites; (4) monitor sites and determine viability; (5) survey for new sites; (6) investigate population dynamics and species biology; and (7) provide public information and education.

Many State and Federal agencies continue to monitor extant sites and search for new ones. The application of a predictive model (currently being developed) should further assist in the location of new sites. Investigations into the genetic structure of this species, the mycorrhizal relationships, and the development of habitat management measures have been targeted in the 1992 recovery plan as important tasks. These activities are either ongoing or proposed for the near future. Recovery activities are not expected to diminish as a result of this reclassification since the primary objective of the recovery strategy is delisting of the species.

This action will not be an irreversible commitment on the part of the Service. The action is reversible and reclassifying *Isotria medeoloides* to endangered would be possible should changes occur in management, habitat, or other factors that alter the present threats to the species' survival and recovery.

Public Comments Solicited

The Service intends that any final action resulting from this proposal will be as accurate and as effective as possible. Therefore, comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning any aspect of this proposed rule are hereby solicited. Comments particularly are sought concerning:

(1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to *Isotria medeoloides;*

(2) The location of any additional populations of *Isotria medeoloides;*

(3) Additional information concerning the range distribution, and population size of *Isotria medeoloides;* and

(4) Current or planned activities in the subject area and their possible impacts on *Isotria medeoloides.*

Final promulgation of the regulations on this species will take into consideration the comments and any additional information received by the Service, and such communications may lead to a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be received within 45 days of the date of the proposal. Such requests must be made in writing and addressed to the Field Supervisor (see **ADDRESSES** section).

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

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Author

The primary author of this proposed rule is Susanna von Oettingen (see **ADDRESSES** section).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Proposed Regulation Promulgation

Accordingly, the Service hereby proposes to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

2. § 17.12(h) is amended by revising the entry for *Isotria medeoloides* under the family Orchidaceae to read as follows:

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
Orchidaceae—Orchid family:						
*	*	*	*	*	*	*
Isotria medeoloides	Small whorled pogonia	Canada (Ontario) and U.S.A. (CT, DE, GA, IL, ME, MD, MA, MI, MO, NC, NH, NJ, NY, PA, RI, SC, VA, VT).	T	121	NA	NA
*	*	*	*	*	*	*

Dated: September 29, 1993.

Richard N. Smith,

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

[FR Doc. 93–25578 Filed 10–18–93; 8:45 am]

BILLING CODE 4310–65–M