

Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Chris Sarros, 3815 Northfield Avenue, Kingman, Arizona 86401.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 93-311, adopted December 7, 1993, and released December 28, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037. 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.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 93-32041 Filed 12-30-93; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 93-314, RM-8396]

Radio Broadcasting Services; Cadiz and Oak Grove, Kentucky

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Ham Broadcasting, Inc., licensee of Station WKDZ(FM), Channel 292A, Cadiz, Kentucky, seeking the substitution of Channel 293C3 for Channel 292A at

Cadiz, Kentucky, and the reallocation of Channel 293C3 from Cadiz, Kentucky to Oak Grove, Kentucky, and the modification of the license for Station WKDZ(FM) to specify Oak Grove as its community of license, in accordance with § 1.420(i) of the Commission's rules. The coordinates for Channel 293C3 at Oak Grove are North Latitude 36-45-05 and West Longitude 87-27-02.

DATES: Comments must be filed on or before February 18, 1994, and reply comments on or before March 4, 1994.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Peter Tannenwald, Arent, Fox, Kintner, Plotkin & Kahn, 1050 Connecticut Avenue, NW., Washington, DC 20036-5339 (Counsel for petitioner).

FOR FURTHER INFORMATION CONTACT: Nancy J. Walls, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 93-314, adopted December 3, 1993, and released December 28, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, 1919 M Street, NW., room 246, or 2100 M Street, NW., suite 140, Washington, DC 20037.

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.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John Karousos,

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

[FR Doc. 93-32042 Filed 12-30-93; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AC17

Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for Three Puerto Rican Plants

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to determine *Mitracarpus maxwelliae*, *Mitracarpus polycladus*, and *Eugenia woodburyana* to be endangered species pursuant to the Endangered Species Act (Act) of 1973, as amended. *M. maxwelliae* and *E. woodburyana* are endemic to Puerto Rico. *M. polycladus* has been reported from only one other island, Saba, in the Lesser Antilles. Both species of *Mitracarpus* are small shrubs that are each limited in distribution to one area in Guánica, located in southwestern Puerto Rico. *E. woodburyana* is known only from approximately 45 individuals at three locations in southwestern Puerto Rico. These species are variously threatened by road construction, recreational activities, wildfires, and land clearing associated with development for agriculture and other purposes. This proposal, if made final, would provide *M. maxwelliae*, *M. polycladus* and *E. woodburyana* with the Federal protection and recovery provisions afforded by the Act for listed species.

DATES: Comments from all interested parties must be received by March 4, 1994. Public hearing requests must be received by February 17, 1994.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Field Supervisor, Caribbean Field Office, U.S. Fish and Wildlife Service, P.O. Box 491, Boquerón, Puerto Rico 00622. Comments and materials received will be available for public inspection, by appointment, during normal business hours at this office, and at the Service's Southeast Regional Office, suite 1282, 75 Spring Street, SW., Atlanta, Georgia 30303.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Silander at the Caribbean Field Office address (809/851-7297) or Mr. Dave Flemming at the Atlanta Regional Office address (404/331-3580).

SUPPLEMENTARY INFORMATION:

Background

Mitracarpus maxwelliae was discovered on March 8, 1925, by

Nathaniel L. Britton on a limestone hill in the municipality of Guánica, Puerto Rico. The site was later rediscovered by Alain Liogier in 1982 and again by George R. Proctor and Miguel Canals in 1987. The species has never been found at any other location but the type locality. At this locality, it is found along an unpaved road, growing on dry exposed gravel. Approximately 1,443 plants, including mature flowering individuals and seedlings, were counted within an area of about 7,500 square meters (Proctor 1991a).

Mitracarpus maxwelliae is a low, densely-branching, moundlike shrub that may reach approximately 20 centimeters in height. The somewhat woody branches are striate and sharply 4-angled. The leaves are opposite, sessile, linear or linear-lanceolate, densely scabrous, and from 1 to 3 centimeters long and 2 to 3 millimeters wide. The flower heads are terminal, dense, sub-globose, and from .8 to 1.3 centimeters in diameter. The corolla is white, narrowly funneliform, minutely glandular-papillose, 5 to 6 millimeters long. The capsule is about 1.5 millimeter in diameter, opening by a transverse circular split at about the middle. The seeds are ellipsoid, brownish-black, and 1.2 millimeters long and .8 millimeter wide.

Mitracarpus polycladus was first discovered growing on coastal rocks near Caña Gorda, Guánica, Puerto Rico, in 1886 by Paul Sintenis. It was also located on the island of Saba in the lesser Antilles by the Dutch botanist Boldingh. Today it is still known only from these two locations, where it grows in crevices and soil pockets of coastal rocks in arid areas. Exact numbers of individuals have been difficult to estimate due to extreme drought conditions in recent years (Proctor 1991b).

Mitracarpus polycladus is a suffrutescent perennial. It is branched near the base, and the erect or spreading stems may reach up to 45 centimeters in height. The branches are 4-angled and glabrous. Leaves are opposite, linear to linear-lanceolate, 2 to 4.5 centimeters long, .3 to .5 centimeters wide, glabrous and often with an inrolled margin and decurrent base. The inflorescence is terminal and capitate, 8 to 13 millimeters in diameter, many flowered and subtended by 3 bract-like leaves. The corolla is white, about 5 millimeters long, with ovate leaves. The seed capsule is 1.5 millimeter in diameter, splitting open transversely below the middle, and contains black seeds.

Eugenia woodburyana, a small evergreen tree, is endemic to Puerto Rico and currently known from only the

Sierra Bermeja in the municipalities of Cabo Rojo and Lajas and from the Guánica Commonwealth Forest in Guánica, all in southwestern Puerto Rico. An additional individual has been reported from the Cabo Rojo National Wildlife Refuge, in Cabo Rojo, adjacent to the Sierra Bermeja. Approximately 45 individuals are known from these three locations. The species was only recently discovered and described by Alain Liogier (Liogier 1980).

Eugenia woodburyana may reach 6 meters in height. The leaves are opposite, obovate, pilose on both sides, glandular-punctate below, and from 1.5 to 2 centimeters long and 1 to 1.5 centimeters wide. The inflorescence is axillary, 2 to 5 flowered and with a peduncle 1 to 3 millimeters long. The calyx is 4-lobed and the petals are white, 4 millimeters long and 3.5 millimeters wide. The striking fruit is red upon maturity, 8-winged and 2 centimeters in diameter.

Mitracarpus maxwelliae and *M. polycladus* were recommended for Federal listing in a report prepared by the Smithsonian Institution as directed by section 12 of the Endangered Species Act of 1973. The report was presented to Congress in 1975 as House Document No. 94-51. The species were subsequently included among the plants being considered as endangered or threatened by the Service, as published in the **Federal Register** notice of review dated December 15, 1980 (45 FR 82480); the November 28, 1983 update (48 FR 53680), the revised notice of September 27, 1985 (50 FR 39526), and the February 21, 1990 (55 FR 6184) notice of review. In the February 21, 1990, notice, *M. maxwelliae* was designated as a category 1 species (a species for which the Service has substantial information supporting the appropriateness of proposing to list them as endangered or threatened) and *M. polycladus* as a category 2 species (a taxon for which there is evidence of vulnerability, but for which there was not enough data to support listing). *Eugenia woodburyana* was included as a category 2 candidate for listing in the September 30, 1993, plant notice of review. It has been included in the Center for Plant Conservation's Report on Rare Plants in Puerto Rico (Center for Plant Conservation 1992) as a taxon that may become extinct within the next 10 years. All three species are considered to be critical plants by the Natural Heritage Program of the Puerto Rico Department of Natural Resources (Department of Natural Resources 1993).

Based on status survey reports completed in 1991, and in conjunction with other recent field work, the Service

recently reclassified *Mitracarpus polycladus* and *Eugenia woodburyana* as category 1 candidates.

Section 4(b)(3)(B) of the Act, as amended in 1982, requires the Secretary to make findings on certain pending petitions within 12 months of their receipt. Section 2(b)(1) of the 1982 Amendments further requires that all petitions pending on October 13, 1982, be treated as having been newly submitted on that date. This was the case for *Mitracarpus maxwelliae* and *M. polycladus*, because the Service had accepted the 1975 Smithsonian report as a petition. In each October from 1983 through 1992, the Service has found that the petitioned listing of these species was warranted but precluded by other listing actions of a higher priority, and that additional data on vulnerability and threats were still being gathered. This proposed rule constitutes the final 1-year finding for these two species in accordance with section 4(b)(3)(B)(ii) of the Act.

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 adding species to the Federal lists. A species may be determined to be endangered or threatened due to one or more of the five factors described in section 4(a)(1). These factors and their application to *Mitracarpus maxwelliae* Britton & Wilson, *M. polycladus* Urban and *Eugenia woodburyana* Alain are as follows:

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

In the Sierra Bermeja, *Eugenia woodburyana* is found on privately owned land subject to intense pressure for agricultural, rural and tourist development. The land is currently being cleared for grazing by cattle and goats. Adjacent land is being subdivided for sale in small farms, some destined for tourist and urban development. All three species are also found within the Guánica Commonwealth Forest; however, *Mitracarpus maxwelliae* and *M. polycladus* are found along infrequently used roadways where they may be adversely impacted in the future. Any road improvement, widening, or increase in traffic along these roads would result in the loss of a significant portion of the only known populations. The sites of these two species are near preferred recreational

areas, heavily utilized during the summer months.

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

Taking for these purposes has not been a documented factor in the decline of these species.

C. Disease or Predation

Disease and predation have not been documented as factors in the decline of these species.

D. The Inadequacy of Existing Regulatory Mechanisms

The Commonwealth of Puerto Rico has adopted a regulation that recognizes and provides protection for certain Commonwealth listed species. However, *Mitracarpus maxwelliae*, *Mitracarpus polycladus* and *Eugenia woodburyana* are not yet on the Commonwealth list. Federal listing would provide immediate protection and, if the species are ultimately placed on the Commonwealth list, enhance their protection and possibilities for funding needed research.

E. Other Natural or Manmade Factors Affecting Its Continued Existence

One of the most important factors affecting the continued survival of these species is their limited distribution. Because so few individuals are known to occur in a limited area, the risk of extinction is extremely high. Wildfires are a frequent occurrence in this extremely dry portion of southwestern Puerto Rico, particularly in the coastal roadside areas of Guánica where *Mitracarpus maxwelliae* and *Mitracarpus polycladus* are found.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by these species in determining to propose this rule. Based on this evaluation, the preferred action is to list *Mitracarpus maxwelliae*, *M. polycladus* and *Eugenia woodburyana* as endangered. *M. maxwelliae* and *M. polycladus* are known from only one location in the Guánica area of southwestern Puerto Rico. In this area they are threatened by road construction, recreational activities and wildfires. *E. woodburyana* is known from only approximately 45 individuals at three locations in southwestern Puerto Rico. Deforestation for rural, agricultural, and tourist development are imminent threats to the survival of the species. Therefore, endangered rather than threatened status seems an accurate assessment of the species' condition. The reasons for not

proposing critical habitat for these species are discussed below in the "Critical Habitat" section.

Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that, to the maximum extent prudent and determinable, the Secretary propose critical habitat at the time the species is proposed to be endangered or threatened. Title 50, part 424 of the Code of Federal Regulations, § 424.12(1) states that designation of critical habitat is not prudent when one or both of the following situations exist: (i) The species is threatened by taking or other human activity, and identification of critical habitat can be expected to increase the degree of such threat to the species, or (ii) Such designation of critical habitat would not be beneficial to the species. Both situations apply to *Mitracarpus maxwelliae*, *Mitracarpus polycladus* and *Eugenia woodburyana*.

Critical habitat would not be beneficial in terms of adding additional protection for the species under section 7 of the Act. Regulations promulgated for the implementation of section 7 provide for both a "jeopardy" standard and a "destruction or adverse modification" of critical habitat standard. Because of the highly limited distribution of these species and their precarious status, any Federal action that would destroy or have any significant adverse effect on their habitat would likely result in a jeopardy biological opinion under section 7. Under these conditions, no additional benefits would accrue from designation of critical habitat that would not be available through listing alone.

The Service also finds that designation of critical habitat is not prudent for these species due to the potential for taking. The number of individuals of *Mitracarpus maxwelliae*, *Mitracarpus polycladus* and *Eugenia woodburyana* is sufficiently small that vandalism and collection could seriously affect the survival of the species. Publication of critical habitat descriptions and maps in the Federal Register would increase the likelihood of such activities. These species are not protected by Commonwealth law and, since they do not occur on Federal lands, would receive no protection from taking under the Endangered Species Act. The Service believes that Federal involvement in the areas where these plants occur can be identified without the designation of critical habitat. All involved parties and landowners have been notified of the location and importance of protecting these species' habitat. Protection of these species'

habitat will also be addressed through the recovery process and through the section 7 jeopardy standard.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, Commonwealth, and private agencies, groups and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the Commonwealth, and requires that recovery actions be carried out for all listed species. Such actions are initiated by the Service following listing. The protection required of Federal agencies and the prohibitions against certain activities involving listed plants are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(4) requires Federal agencies to confer informally with the Service on any action that is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed critical habitat. If a species is subsequently listed, section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service.

The only currently known Federal involvement is through the occurrence of *Eugenia woodburyana* on the Cabo Rojo National Wildlife Refuge. Other Federal involvement may occur in the future through the funding of housing (Farmer's Home Administration or Housing and Urban Development) or funding utilized for the management of the Guánica Commonwealth Forest (U.S. Department of Agriculture, Forest Service).

The Act and its implementing regulations found at 50 CFR 17.61, 17.62, and 17.63 set forth a series of

general prohibitions and exceptions that apply to all endangered plants. All trade prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.61, apply. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to import or export any endangered plant, transport it in interstate or foreign commerce in the course of commercial activity, sell or offer it for sale in interstate or foreign commerce, or remove it from areas under Federal jurisdiction and reduce it to possession. In addition, for endangered plants, the 1988 amendments (Pub. L. 100-478) to the Act prohibit the malicious damage or destruction on Federal lands and the removal, cutting, digging up, or damaging or destroying of endangered plants in knowing violation of any Commonwealth law or regulation, including Commonwealth criminal trespass law. Certain exceptions can apply to agents of the Service and Commonwealth conservation agencies.

The Act and 50 CFR 17.62 and 17.63 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered species under certain circumstances. It is anticipated that few trade permits for these three species will ever be sought or issued, since the species are not known to be in cultivation and are uncommon in the wild. Requests for copies of the regulations on listed plants and inquiries regarding them may be addressed to the Office of Management Authority, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, room 432, Arlington, Virginia 22203 (703/358-2104).

Public Comments Solicited

The Service intends that any final action resulting from this proposal will be as accurate and as effective as possible. Therefore, any 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 *Mitracarpus maxwelliae*, *Mitracarpus polycladus* and *Eugenia woodburyana*;
- (2) The location of any additional populations of these three species, and the reasons why any habitat should or should not be determined to be critical habitat as provided by section 4 of the Act;
- (3) Additional information concerning the range and distribution of these species; and
- (4) Current or planned activities in the subject areas and their possible impacts on these three species.

Final promulgation of the regulation on *Mitracarpus maxwelliae*, *Mitracarpus polycladus* and *Eugenia woodburyana* will take into consideration the comments and any additional information received by the Service, and such communications may lead to the adoption of 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 filed within 45 days of the proposal. Such requests must be made in writing and addressed to the Field Supervisor, Caribbean Field Office, U.S. Fish and Wildlife Service, P.O. Box 491, Boquerón, Puerto Rico 00622.

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).

References Cited

Center for Plant Conservation. 1992. Report on the rare plants of Puerto Rico. Missouri Botanical Garden, St. Louis, Missouri.
 Department of Natural Resources. 1993. Natural Heritage Program status information on *Mitracarpus maxwelliae*, *Mitracarpus polycladus* and *Eugenia woodburyana*. San Juan, Puerto Rico.
 Liogier, Alain H. 1980. Novitates Antillanae. VIII. Phytologia 47(3):167-198.
 Proctor, G. R. 1991a. Status report on *Mitracarpus maxwelliae* Britton & Wilson. In Publicación Científica Miscelánea No. 2, Departamento de Recursos Naturales de Puerto Rico. 196 pp.
 Proctor, G. R. 1991b. Status report on *Mitracarpus polycladus* Urban. In Publicación Científica Miscelánea No. 2, Departamento de Recursos Naturales de Puerto Rico. 196 pp.

Author

The primary author of this proposed rule is Ms. Susan Silander, Caribbean Field Office, U.S. Fish and Wildlife Service, P.O. Box 491, Boquerón, Puerto Rico 00622 (809/851-7297).

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; 16 U.S.C. 4201-4245; Pub. L. 99-625, 100 Stat. 3500; unless otherwise noted.
- 2. § 17.12(h) is amended by adding the following, in alphabetical order, under Myrtaceae and Rubiaceae, to the list of Endangered and Threatened Plants 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					
Myrtaceae—Myrtle family:						
<i>Eugenia woodburyana</i> .	None	U.S.A. (PR)	E	NA	NA
Rubiaceae—Coffee family:						

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
<i>Mitracarpus maxwelliae</i>	None	U.S.A. (PR)	E		NA	NA
<i>Mitracarpus polycladus</i>	None	U.S.A. (PR)	E		NA	NA

Dated: November 22, 1993.

Richard N. Smith,

Acting Deputy Director, Fish and Wildlife Service.

[FR Doc. 93-32053 Filed 12-30-93; 8:45 am]

BILLING CODE 4310-55-P

50 CFR Part 17

RIN 1018-AC12

Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for the Puerto Rican Broad-winged Hawk and the Puerto Rican Sharp-shinned Hawk

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to determine the Puerto Rican broad-winged hawk (*Buteo platypterus brunnescens*) and the Puerto Rican sharp-shinned hawk (*Accipiter striatus venator*) to be endangered pursuant to the Endangered Species Act (Act) of 1973, as amended. These uncommon woodland raptors are restricted to montane, government-owned forests along the Cordillera Central, Sierra de Cayey and Sierra de Luquillo. There are approximately 155 sharp-shinned hawks and 124 broad-winged hawks island-wide. Both species are currently threatened by: Timber harvest and management practices in the forests; road construction in relation to timbering and recreational activities; increase in numbers of recreational facilities, and the disturbance associated with public use; mortality and habitat destruction from hurricanes; the lack of comprehensive management plans for the Commonwealth forests; possible loss of genetic variation due to low population levels; and the potential for illegal shooting. The Puerto Rican sharp-shinned hawk is also affected by warble fly parasitism. This proposal, if made final, would provide these species with the Act's protection and recovery provisions. The Service seeks data and comments from the public on this proposal.

DATES: Comments from all interested parties must be received by May 3, 1994. Public hearing requests must be received by February 17, 1994.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Field Supervisor, U.S. Fish and Wildlife Service, Caribbean Field Office, P.O. Box 491, Boquerón, Puerto Rico 00622. Comments and materials received will be available for public inspection, by appointment, during normal business hours, at the Caribbean Field Office and at the Service's Southeast Regional Office, suite 1282, 75 Spring Street, SW., Atlanta, Georgia 30303.

FOR FURTHER INFORMATION CONTACT: Ms. Marelisa Rivera at the Caribbean Field Office address (809/851-7297), or Mr. Dave Flemming at the Atlanta Regional Office address (404/331-3583).

SUPPLEMENTARY INFORMATION:

Background

The broad-winged hawk (*Buteo platypterus*) was first reported in Puerto Rico by Gundlach (1878). He reported this species as "common" in the "interior" of Puerto Rico. Stahl (1883) reported the species as "transient". In the first half of the 20th century, the species was not reported by other naturalists that visited the island (Bowditch 1902, Wetmore 1914, and Danforth 1931). Wetmore (1927) believed the species extinct. Danforth and Smyth (1935) collected a specimen in Luquillo (Caribbean National Forest) and described it as a distinct resident subspecies, the Puerto Rican broad-winged hawk (*Buteo platypterus brunnescens*). Danforth (1936) reported sightings of broad-winged hawks from Utuado. Leopold (1963) reported the species from Luquillo, Utuado and Maricao forests.

The Puerto Rican broad-winged hawk is a dark chocolate brown, small-sized hawk that measures approximately 39 centimeters (15.5 inches). It is smaller than *Buteo platypterus platypterus* but larger than the Lesser Antillean subspecies. This is the darkest subspecies of the broad-winged hawk. In adults, the tail, broadly banded with

black and white, and the rufous breast are characteristic. Immature birds have dark bars on the breast and lack the distinctive tail bands of the adult. Broadwings flap more than the similar but larger red-tailed hawk (Raffaele 1989). Knowledge of the biology of the Puerto Rican broad-winged hawk is limited. Snyder et al. (1987) conducted food-habit studies on one of the three nests found in the Caribbean National Forest in 1976 and one nest found in Río Abajo in 1978. The prey types taken included centipedes, frogs, lizards, mice, rats and birds (including some as large as 200 grams). Studies of breeding biology, habitat requirements and other aspects of this species' biology are not available in the literature.

The Puerto Rican broad-winged hawk is an uncommon and extremely local resident. Extant populations are restricted to montane habitats of three forests: Río Abajo Commonwealth Forest, Carite Commonwealth Forest and Caribbean National Forest. Breeding has not been documented in the Carite forest (Hernández 1980, Snyder et al. 1987). In the mid-1980's, the population in the Caribbean National Forest was estimated to be 40-60 individuals and 15-20 breeding pairs (Santana and Temple 1984, Snyder et al. 1987). The broad-winged hawks were more often seen in the eastern side of the Caribbean National Forest, and the tabonuco and palo colorado forest types were reported to be the preferred habitats for the species (Wiley and Bauer 1985). In 1992, 12 broad-winged hawks were sighted in the Caribbean National Forest and the population was estimated at 22 individuals (Delannoy 1992). These individuals were observed to be clustered in the north-central part of the forest within the subtropical wet forest and subtropical rain forest life zones, where the tabonuco is the dominant forest type.

Very little is known about the Río Abajo and Carite forest populations. However, it appears that the existence of the Río Abajo population was known by Danforth (1936) and Leopold (1963) since they both reported sightings of broad-winged hawks from Utuado.