

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

Past overharvest has had a detrimental effect on Canada lynx populations.

**C. Disease or Predation**

Canada lynx may be displaced or eliminated when competitors, such as the bobcat (*Lynx rufus*) or coyote (*Canis latrans*), expand into the range of the Canada lynx.

**D. The Inadequacy of Existing Regulatory Mechanisms**

States managed the Canada lynx as a furbearer in the past, but as a result of declining Canada lynx populations, Canada lynx are classified as threatened or endangered in Colorado, Michigan, New Hampshire, Vermont, Washington, and Wisconsin. It is also fully protected from harvest in Maine, Minnesota, New York, North Dakota, Utah, and Wyoming. Only Idaho and Montana currently allow the harvest of Canada lynx. The above States either prohibit or control the "take" of Canada Lynx, but their laws are relative ineffective in controlling the loss or modification of the species' habitat.

**E. Other Natural or Manmade Factors Affecting Its Continued Existence**

Human development has had a detrimental effect on the Canada lynx habitat and population.

**Finding**

The Service may issue an emergency rule when there is an emergency posing a significant risk to the well-being of a species. Although the Canada lynx population in the southern Rockies may be small, the Service is not aware of any actions that immediately threaten the population. The petition did not present substantial information to indicate that emergency listing is warranted.

After finding that a 1991 petition to list the North Cascades population of the Canada lynx as endangered was not warranted, the Service concluded that a rangewide status review of the Canada lynx should be conducted (58 FR 36924). As a result of a court settlement in November 1993, the Service is now in the process of formally reviewing the status of the contiguous United States population of the Canada lynx to determine whether it should be added to the List of Threatened and Endangered Species. On February 2, 1994, the Service published a notice (50 FR 4887) announcing a continuation of the status review initiated in 1982. The findings from this review, which must be published by the court appointed

date of November 15, 1994, will constitute the 12-month finding for this petition. Considering the language agreed to by the Service in the court settlement, information provided by the petitioners, and the fact that the Canada lynx is a category 2 candidate species, the Service finds that there is substantial information to indicate that listing the contiguous population of the Canada lynx may be warranted.

The Services' 90-day administrative finding contains more detailed information regarding the above decisions. A copy may be obtained from the Service's Helena office (see ADDRESSES section).

**References Cited**

Jones, J.R., Jr., R.S. Hoffman, D.W. Rice, C. Jones, R.J. Baker, and M.D. Engstrom, 1992. Revised checklist of North American mammals north of Mexico, 1991. Occas. Papers Mus. No. 146, Texas Tech Univ., Lubbock.

**Author**

This document was prepared by Lori H. Nordstrom (see ADDRESSES section).

**Authority**

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

**List of Subjects in 50 CFR Part 17**

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

Dated: August 19, 1994.

**Bruce Blanchard,**

Acting Director, Fish and Wildlife Service.  
[FR Doc. 94-21077 Filed 8-25-94; 8:45 am]  
BILLING CODE 4310-55-M

**50 CFR Part 17**

**175-94**  
**Endangered and Threatened Wildlife and Plants; 90-Day Finding for a Petition to List the Queen Charlotte Goshawk and Request for Additional Information**

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

**ACTION:** Notice of 90-day petition finding.

**SUMMARY:** The Fish and Wildlife Service (Service) announces a 90-day finding for a petition to list the Queen Charlotte goshawk (*Accipiter gentilis laingi*) under the Endangered Species Act of 1973, as amended. The Service finds that the petition presents substantial information indicating the requested action may be warranted. Through issuance of this notice, the Service is

requesting additional information regarding this subspecies.

**DATES:** The finding announced in this document was made August 19, 1994. Comments and materials related to this petition finding may be submitted until further notice, but they must be received by November 25, 1994 to be considered in the 12-month finding.

**ADDRESSES:** Data, information, comments or questions concerning the status of the petitioned subspecies described below should be submitted to the Field Supervisor, U.S. Fish and Wildlife Service, Ecological Services, 3000 Vintage Blvd., Suite 201, Juneau, Alaska 99801-7100. The petition finding, supporting data, and comments are available for public inspection, by appointment, during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** John Lindell, Endangered Species Biologist (see ADDRESSES above) (907/586-7240).

**SUPPLEMENTARY INFORMATION:**

**Background**

Section 4(b)(3)(A) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*), requires that the Service make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information indicating that the petitioned action may be warranted. To the maximum extent practicable, this finding is to be made within 90 days of the receipt of the petition, and the finding is to be published promptly in the **Federal Register**. If the finding is positive, the Service must promptly commence a review of the status of the species involved and disclose its findings within 12 months (12-month finding).

On November 21, 1991, the Service published in the **Federal Register** (56 FR 58804) a notice of review for an updated list of animal taxa that are being considered for possible addition to the List of Endangered and Threatened Wildlife. Among the species included as a Category 2 candidate species was the northern goshawk (*Accipiter gentilis*). By inclusion as a subspecies, the Queen Charlotte goshawk (*Accipiter gentilis laingi*) was also designated a Category 2 candidate species at that time. Through the publication of that notice, the Service announced the possible vulnerability of the Queen Charlotte goshawk, initiated a review of subspecies' status, and requested additional pertinent information.

On May 9, 1994, a petition dated May 2, 1994, was received by the Service

from Mr. Peter Galvin of the Greater Gila Biodiversity Project, Silver City, New Mexico, and nine copetitioners, including the Southwest Center for Biological Diversity, the Biodiversity Legal Foundation, Greater Ecosystem Alliance, Save the West, Save America's Forests, Native Forest Network, Native Forest Council, Eric Holle, and Don Muller.

The petitioners request that the Queen Charlotte goshawk be listed as endangered under the Endangered Species Act (16 U.S.C. 1533(a)(1)) because of the following factors:

1. Present or threatened destruction, modification, or curtailment of habitat and range because of clearcut logging of mature and old growth forest;

2. Increased predation because of increased open area habitat caused by clearcut logging;

3. Inadequacy of existing regulatory mechanisms to protect preferred habitat from clearcut logging.

The Service has reviewed the petition, literature cited in the petition, and other references available in the Service's files, and contacted persons knowledgeable about this subspecies. On the basis of the best scientific and commercial information available, the Service finds the petition presents substantial information that listing the Queen Charlotte goshawk may be warranted.

As part of an ongoing status review, the Service will further evaluate the current status of the Queen Charlotte goshawk and determine if listing is warranted for either the entire subspecies or certain distinct population segments of the subspecies.

The Service would appreciate any additional data, comments, and suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other parties concerning the status of the Queen Charlotte goshawk.

The following issues are of particular interest to the Service:

1. The genetic, morphologic, and ecological differences, including variations of intergradation of the Queen Charlotte goshawk within its currently described range, and from adjacent goshawk subspecies.

2. The range of geographic distribution of goshawks exhibiting the described characteristics of the Queen Charlotte goshawk subspecies.

3. Additional historic and current population data which may assist in determining population trends.

4. The extent and effects of long-term habitat conversion and fragmentation of mature forest habitat on Queen Charlotte goshawks and their prey.

#### References Cited

A complete list of all references cited in the 90-day finding is available upon request (see ADDRESSES section).

#### Authors

The primary author of this document is John Lindell, of the Juneau, Alaska Ecological Services Office. (See ADDRESSES section).

#### List of Subjects in 50 CFR part 17

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

#### Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*); unless otherwise noted.

Dated: August 19, 1994.

#### Bruce Blanchard,

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

[FR Doc. 94-21078 Filed 8-25-94; 8:45 am]

BILLING CODE 4310-55-M

## DEPARTMENT OF INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

#### Endangered and Threatened Wildlife and Plants; Notice of Extension of Comment Period on Data Pertaining to the Subspecies Taxonomy of the California Gnatcatcher

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

**ACTION:** Notice of extension of public comment period.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service) gives notice that the comment period on the data pertaining to the subspecies taxonomy of the California gnatcatcher is extended. The notice of availability opening the public comment period was published on June 2, 1994 (59 FR 28508) and opened the comment period until August 1, 1994. On July 28, 1994, the Service extended the comment period to August 31, 1994 (59 FR 38426). This notice extends the comment period until October 31, 1994.

**DATES:** Comments and materials must be received by October 31, 1994.

**ADDRESSES:** Copies of the subject data are available from the U.S. Fish and Wildlife Service, Carlsbad Field Office, 2730 Loker Avenue West, Carlsbad, California 92008. Comments and materials concerning these data should be submitted to the above address.

#### FOR FURTHER INFORMATION CONTACT:

Gail Kobetich, Field Supervisor, at the address listed above (telephone 619/431-9440, facsimile 619/431-9624).

#### SUPPLEMENTARY INFORMATION:

#### Background

On March 30, 1993, the U.S. Fish and Wildlife Service (Service) published a final rule in the *Federal Register* determining the coastal California gnatcatcher to be a threatened species (58 FR 16741). In its decision to list the gnatcatcher, the Service relied, in part, on taxonomic studies conducted by Dr. Jonathan Atwood of the Manomet Bird Observatory, Manomet, Massachusetts. As is the standard practice in the scientific community, the Service did not request, nor was it offered, the data collected and used by Dr. Atwood in reaching his conclusions. Instead, the Service depended upon the conclusions published by Dr. Atwood in a peer-reviewed scientific article on the subspecific taxonomy of the California gnatcatcher (Atwood 1991).

In response to a suit filed by the endangered Species Committee of the Building Industry Association of Southern California and the other plaintiffs, the United States District Court of the District of Columbia vacated the listing of the coastal California gnatcatcher because the Service did not make available Atwood's data for public review and comment. In response to the court decision, Dr. Atwood released his data to the Service, which the agency made available to the public for review and comment on June 2, 1994. On June 16, 1994, the court reinstated threatened status for the coastal California gnatcatcher until the Secretary of the Interior determines in a finding whether the listing should be revised or revoked in light of his review of the subject data and public comments received during the comment period. As a result of the court order of July 27, 1994, the Secretary must publish this finding in the *Federal Register* by December 31, 1994.

On July 1, 1994, the plaintiffs requested a 100-day extension in the comment period. Because the Secretary had no objection to a 30-day extension, both parties agreed to an extension in the comment period to August 31, 1994, which the Service published in the *Federal Register* on July 28, 1994 (59 FR 38426). On July 27, 1994, the court ordered the comment period extended to October 31, 1994.