

existence of the giant Palouse earthworm.

E. Other Natural or Manmade Factors Affecting Its Existence

The petition states that, in general, native earthworms are vulnerable to habitat disturbance and invasion by exotic species (James 1995, p. 5). According to the petition, invasion of exotic species is a twofold threat to the giant Palouse earthworm. First, exotic plants and animals degrade native Palouse grassland habitat by reducing the beneficial functions native species provide and by performing different functions themselves. Second, native earthworm species are displaced by exotic earthworm species better able to adapt to a degraded habitat. The petition describes non-native plants intentionally and accidentally introduced into the Palouse bioregion, including *Poa pratensis* (Kentucky bluegrass), *Bromus tectorum* (cheatgrass), and *Centaurea solstitialis* (yellow starthistle).

Summary of Factor E

While data exists on non-native plants within the Palouse bioregion, we could find no data provided by the petitioners or in our files, that specifically documented potential threats the giant Palouse earthworm may face from exotic species. We could not determine whether exotic species of earthworms may be a threat to the giant Palouse earthworm, because we found no information on numbers or locations of exotic earthworms provided by the petitioners or in our files. Therefore, we find that the petition does not present substantial scientific or commercial information to document that other natural or manmade factors may be a factor threatening the continued existence of the giant Palouse earthworm.

Finding

We assessed the information in the petition and in our files, and found no substantial information indicating that listing the giant Palouse earthworm may be warranted. While we share the petitioners' concern for the species, we could not determine whether any of the potential threats discussed in the petition may pose a risk, now or in the foreseeable future, to the continued existence of the species.

We found little data provided by the petitioner or in our files to determine the extent of the historic or current range and distribution of the giant Palouse earthworm. At least one collection site is outside of the Palouse bioregion (Fender and McKay-Fender

1990, p. 358), suggesting that the species may not be endemic to the specific bioregion. We agree with the petitioners that the Palouse prairie has experienced a dramatic conversion of native habitat to agricultural practices; however, information linking the effect this may have had on the earthworm is currently nonexistent.

Information regarding the range, distribution, population size, and status of the giant Palouse earthworm is very limited, which curtails any assessment of population trends. This limits our ability to assess whether the species may be impacted by the threats listed in the petition.

We evaluated the petition and the literature cited, and information available in our files. Based on our current understanding of the species' distribution and population numbers, our analysis, and a review of factors affecting the species as presented in the petition, we find that the petition does not present substantial information demonstrating that listing the giant Palouse earthworm as threatened or endangered may be warranted at this time.

While we will not be initiating a status review in response to the petition, we will continue to cooperate with others to monitor the species' status, trends, and life history needs, and we encourage interested parties to continue to provide us with information that will assist with the conservation of the species. Information on the species range and distribution, and other information relevant to the species status and potential threats would be particularly helpful. Interested parties may submit information regarding the giant Palouse earthworm to the Field Supervisor, Upper Columbia Fish and Wildlife Office (see **ADDRESSES** above).

References Cited

A complete list of all references cited is available on request from the Upper Columbia Fish and Wildlife Office (see **ADDRESSES** above).

Author

The primary authors of this document are staff at the Upper Columbia Fish and Wildlife Office (see **ADDRESSES** above).

Authority

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

Dated: September 27, 2007.

Kenneth Stansell,

Acting Director, Fish and Wildlife Service.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AV05

Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Sierra Nevada Bighorn Sheep and Proposed Taxonomic Revision

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of comment period and notice of public hearing.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service) announce the reopening of the public comment period and the scheduling of one public hearing on the proposed critical habitat designation for the Sierra Nevada bighorn sheep (*Ovis canadensis californiana*) and proposed taxonomic revision under the Endangered Species Act of 1973, as amended (Act). This action will provide all interested parties with an additional opportunity to submit written comments on the proposed designation and taxonomic revision. Comments previously submitted need not be resubmitted as they have already been incorporated into the public record and will be fully considered in any final decision.

DATES: We will accept comments and information until 5 p.m. on November 23, 2007, or at the public hearing. Any comments received after the closing date may not be considered in the final decision on the proposed designation of critical habitat.

Public Informational Meetings: October 24, from 1 p.m. to 3 p.m., in Bridgeport, CA and October 25, 2007, from 4 p.m. to 5 p.m., in Bishop, CA.

Public Hearing: October 25, 2007, between 6 p.m. and 8 p.m., in Bishop, CA.

ADDRESSES:

Public Informational Meetings: October 24, 2007, at the Memorial Hall, 744 N. School Street, Bridgeport, CA 93517, and October 25, 2007, at Tri-County Fair Grounds, Patio Room (patio area), Sierra Street and Fair Drive, Bishop, CA 93514.

Hearing: The public hearing will be held in the Tri-County Fair Grounds, Patio Room, Sierra Street and Fair Drive, Bishop, CA 93514.

Public Comments: Written comments and materials may be submitted to us by any one of the following methods:

1. You may submit written comments and information to Field Supervisor,

Nevada Fish and Wildlife Office, 1340 Financial Boulevard, Suite 234, Reno, NV 89502-7147.

2. You may hand-deliver written comments and information to our office at the above address.

3. You may fax your comments to 775-861-6301.

4. You may send comments by electronic mail (e-mail) to: snbighorn@fws.gov. For directions on how to submit electronic filing of comments, see the "Public Comments Solicited" section below.

5. You may submit comments via the Federal Rulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

The proposed rule is available on the Internet at <http://www.fws.gov/nevada> or in hard copy form by contacting the Nevada Fish and Wildlife Office.

Comments and materials received, as well as supporting documentation used in preparation of the proposed critical habitat rule for the Sierra Nevada bighorn sheep, will be available for public inspection, by appointment, during normal business hours at the Nevada Fish and Wildlife Office.

FOR FURTHER INFORMATION CONTACT: Bob Williams, Field Supervisor, Nevada Fish and Wildlife Office (telephone 775-861-6300; facsimile 775-861-6301).

SUPPLEMENTARY INFORMATION:

Public Comments Solicited

We intend that any final action resulting from this proposal will be as accurate and as effective as possible. Therefore, we solicit comments or suggestions on this proposed rule from the public, other concerned governmental agencies, Tribes, the scientific community, industry, or any other interested parties concerning the proposed rule. We particularly seek comments concerning:

(1) The reasons why we should or should not designate habitat as "critical habitat" under section 4 of the Act (16 U.S.C. 1531 *et seq.*), including whether the benefit of designation will outweigh threats to the species caused by designation such that the designation of critical habitat is prudent;

(2) Specific information on:

- The amount and distribution of Sierra Nevada bighorn sheep habitat,
- What areas that were occupied at the time of listing and that contain the features essential for the conservation of the subspecies should be included in the designation and why, and
- What areas not occupied at the listing are essential to the conservation of the subspecies and why;

(3) Any proposed critical habitat areas covered by existing or proposed

conservation or management plans that we should consider for exclusion from the designation under section 4(b)(2) of the Act. We specifically request comment on the appropriateness of including or excluding lands covered by: (a) The Sierra Nevada Bighorn Sheep Recovery and Conservation Plan (Sierra Nevada Bighorn Sheep Interagency Advisory Group 1984); (b) the Bighorn Sheep Management Plan (National Park Service 1986); (c) the Inyo National Forest Resource & Management Plan (U.S. Forest Service 1988); and (d) the Conservation Strategy for Sierra Nevada Bighorn Sheep (Sierra Nevada Bighorn Sheep Interagency Advisory Group 1997). We request comment on how these plans do or do not benefit or protect the Sierra Nevada bighorn sheep, or its primary constituent elements, and if the benefit or protection provided by these plans is equal to or greater than the benefit that would be provided by designation of critical habitat;

(4) Land use designations and current or planned activities in the subject areas and their possible impacts on proposed critical habitat;

(5) Any foreseeable economic, national security, or other potential impacts resulting from the proposed designation and, in particular, any impacts on small entities, and information about the benefits of including or excluding any areas that exhibit those impacts; and

(6) Whether we could improve or modify our approach to designating critical habitat in any way to provide for greater public participation and understanding, or to better accommodate public concerns and comments.

You may submit your comments and material concerning the above actions by any one of several methods (see **ADDRESSES**). If you use e-mail to submit your comments, please include "Attn: RIN 1018-AV05" in your e-mail subject header, preferably with your name and return address in the body of your message. If you do not receive a confirmation from the system that we have received your e-mail message, please contact the Nevada Fish and Wildlife Office at telephone number 775-861-6300. Please note that the e-mail address snbighorn@fws.gov will be closed out at the termination of the public comment period.

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time.

While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. Comments received will be available for public inspection, by appointment, during normal business hours at the Nevada Fish and Wildlife Office (see **ADDRESSES** section).

Comments and information submitted during the initial comment period on the proposed rule need not be resubmitted as they will be incorporated into the public record as part of this comment period and will be fully considered in preparation of the final rule.

Background

On July 25, 2007, we published a proposed rule in the **Federal Register** (72 FR 40956) to designate critical habitat for the Sierra Nevada bighorn sheep. Twelve critical habitat units, totaling approximately 417,577 acres (168,992 hectares), are proposed as critical habitat for the Sierra Nevada bighorn sheep. The proposed critical habitat is located within Tuolumne, Mono, Fresno, Inyo, and Tulare counties, California. For locations of these proposed units, please consult the proposed rule. The initial public comment period for the proposal critical habitat was open for 60 days, ending on September 24, 2007.

Critical habitat is defined by the Act as:

(i) The specific areas within the geographic area occupied by the species at the time of listing pursuant to section 4 of the Act, on which are found those physical or biological features (1) essential to the conservation of the species, and (2) which may require special management considerations or protection, and

(ii) Specific areas outside the geographic areas occupied by the species at the time of listing that the Secretary determines are essential for the conservation of the species.

If the proposed critical habitat designation is finalized, section 7(a)(2) of the Act would require that Federal agencies ensure that actions they fund, authorize, or carry out are not likely to jeopardize the continued existence of the species or result in the destruction or adverse modification of critical habitat.

Section 4(b)(2) of the Act requires that we designate or revise critical habitat on the basis of the best scientific and commercial data available, after taking into consideration the economic, National security, and any other relevant impact of specifying any particular area as critical habitat.

Public Hearings

Section 4(b)(5)(E) of the Act requires that a public hearing be held if any person requests a hearing within 45 days of the publication of a proposed rule. In response to a request from the Inyo County Board of Supervisors, the Service will conduct one public hearing on the date and at the address described in the **DATES** and **ADDRESSES** sections above.

Oral comments may be limited in length. Persons wishing to make an oral statement for the record are encouraged to provide a written copy of their statement and present it to us at the hearing. In the event there is a large attendance, the time allotted for oral statements may be limited. Oral and written statements receive equal consideration. There are no limits on the length of written comments submitted to us. If you have any questions concerning the public hearing, please contact the Nevada Fish and Wildlife Office (see **ADDRESSES** section).

Persons needing reasonable accommodations in order to attend and participate in the public hearing should contact Jeannie Stafford at 775-861-6300 as soon as possible. In order to allow sufficient time to process requests, please call no later than one week before the hearing date. Information regarding this proposal is available in alternative formats upon request.

Authority

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

Dated: September 21, 2007.

David M. Verhey,

Acting Assistant Secretary for Fish and Wildlife and Parks.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; 90-Day Finding on a Petition to List the Black-Footed Albatross (*Phoebastria nigripes*) as Threatened or Endangered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of petition finding and initiation of status review.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce a 90-day finding on a petition to list the black-footed albatross (*Phoebastria nigripes*) as threatened or endangered under the Endangered Species Act of 1973, as amended (Act). We find that the petition presents substantial scientific or commercial information indicating that listing the black-footed albatross may be warranted. Therefore, with the publication of this notice, we are initiating a status review to determine if listing the species is warranted. To ensure that the review is comprehensive, we are soliciting data and other information regarding this species.

DATES: The finding announced in this document was made on October 9, 2007. To be considered in the 12-month finding for this petition, data, information, and comments must be submitted to us by December 10, 2007.

ADDRESSES: The complete supporting file for this finding is available for public inspection, by appointment, during normal business hours at the Pacific Islands Fish and Wildlife Office, 300 Ala Moana Boulevard, Room 3-122, Honolulu, HI 96813. You may submit data, information, comments, or questions concerning this species or our finding, by any one of several methods:

1. *By mail or hand-delivery to:* Patrick Leonard, Field Supervisor, Pacific Islands Fish and Wildlife Office, U.S. Fish and Wildlife Service, 300 Ala Moana Boulevard, Box 50088, Honolulu, HI 96850.

2. *By electronic mail (e-mail) to:* fw1bfa1@fws.gov. Please include "Attn: black-footed albatross" in your e-mail subject header, preferably with your name and return address in the body of your message. If you do not receive a confirmation from the system that we have received your e-mail, contact us directly by calling the Pacific Islands Fish and Wildlife Office at 808-792-9400. Please note that the e-mail address above will be closed at the end of the public comment period.

3. *By fax to:* the attention of Patrick Leonard at 808-792-9581.

FOR FURTHER INFORMATION CONTACT: Patrick Leonard, Field Supervisor, Pacific Islands Fish and Wildlife Office (see **ADDRESSES**); by telephone (808-792-9400); or by facsimile (808-792-9581). Persons who use a telecommunications device for the deaf (TTD) may call the Federal Information Relay Service (FIRS) at 800-877-8339.

SUPPLEMENTARY INFORMATION:

Public Information Solicited

When we make a finding that a petition presents substantial information to indicate that listing a species may be warranted, we are required to promptly commence a review of the status of the species. To ensure that the status review is complete and based on the best available scientific and commercial information, we are soliciting additional information on the black-footed albatross. We request any additional information, comments, and suggestions from the public, other concerned governmental agencies, Tribes, the scientific community, industry, or any other interested parties concerning the status of the black-footed albatross. We are seeking information regarding the species' historical and current status and distribution, its biology and ecology, ongoing conservation measures for the species and its habitat, and threats to the species and its breeding and foraging habitats. Of particular interest is information pertaining to the factors the Service uses to determine if a species is threatened or endangered: (A) Present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; and (E) other natural or manmade factors affecting its continued existence.

We will base our 12-month finding on a review of the best scientific and commercial information available, including all information received during the public comment period. If you wish to comment or provide information, you may submit your comments and materials concerning this finding to the Field Supervisor, Pacific Islands Fish and Wildlife Office (see **ADDRESSES** section). Please note that comments merely stating support or opposition to the actions under consideration without providing supporting information, although noted, will not be considered in making a determination, as section 4(b)(1)(A) of the Act directs that determinations as to whether any species is a threatened or endangered species shall be made "solely on the basis of the best scientific and commercial data available." At the conclusion of the status review, we will issue the 12-month finding on the petition, as provided in section 4(b)(3)(B) of the Act.

Before including your address, phone number, e-mail address, or other personal identifying information in your comments, you should be aware that