
50 CFR Part 17
Endangered and Threatened Wildlife and Plants; Notice of 90-Day Finding on Petition To List the Northern Goshawk as Endangered or Threatened in the Southwestern United States

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of petition finding; 90-day petition finding for the northern goshawk.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces a 90-day finding for a petition to add the northern goshawk (*Accipiter gentilis*) in Utah, Colorado, New Mexico, and Arizona to the List of Endangered and Threatened Wildlife. The Service finds that the petition has not presented substantial information indicating that the requested action may be warranted, primarily because the petition has not presented substantial information indicating that the northern goshawk (*Accipiter gentilis*) in Utah, Colorado, New Mexico, and Arizona constitutes a listable entity.

DATES: The finding announced in this notice was made on December 30, 1991. Comments and materials related to this petition finding may be submitted to the Field Supervisor at the address listed below until further notice.

ADDRESSES: Information, comments, or questions concerning the northern goshawk petition may be submitted to the Field Supervisor, Phoenix Field Office, U.S. Fish and Wildlife Service, 3618 West Thomas Road, suite 6, Phoenix, Arizona 85019. 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: Timothy Tibbitts at the above Phoenix, Arizona, Field Office address (telephone 602/379-4720 or FTS 261-4720).

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Endangered Species Act of 1973 (Act) (16 U.S.C. 1531-1544), requires that the Service make a finding on whether a petition to

list, delist, or reclassify a species presents substantial scientific or commercial information to indicate 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.

On July 19, 1991, the Service received a petition from Robin D. Silver, M.D., Maricopa Audubon Society, to list the northern goshawk (*Accipiter gentilis*) as an endangered species in Utah, Colorado, New Mexico, and Arizona. Co-sponsors of the petition were the Arizona Audubon Council, Southwest New Mexico Audubon Society, Mesilla Valley Audubon Society, Forest Guardians, Friends of the Owls, Greater Gila Biodiversity Project, HawkWatch International, Inc., Lighthawk, Sierra Club Grand Canyon Chapter, and Sierra Club Rio Grande Chapter. The petition was dated July 12, 1991. A second petition to list the goshawk throughout the forested west was received from Mr. Charles Babbitt of the Maricopa Audubon Society, and co-sponsored by the Arizona Audubon Council, Southwest New Mexico Audubon Society, Mesilla Valley Audubon Society, Forest Guardians, Friends of the Owls, Greater Gila Biodiversity Project, HawkWatch, Rio Grande Chapter Sierra Club, and Southern Utah Wilderness Alliance, on September 28, 1991. The 90-day finding for the second petition is due December 25, 1991.

This finding is based on various documents, including published and unpublished studies, agency documents, literature syntheses, field survey records, and consultation with Service, Bureau of Land Management (BLM) and U.S. Forest Service (FS) personnel. All documents on which this finding is based are on file in the Phoenix, Arizona Fish and Wildlife Service Field Office.

A species that is in danger of extinction throughout all or a significant portion of its range may be declared an endangered species under the Act. A species that is in danger of endangerment (as defined above) throughout all or a significant portion of its range may be declared a threatened species under the Act. The term "species" is defined by the Act to include "subspecies * * * and any distinct population segment of any species which interbreeds when mature." (16 U.S.C. 1532 (16)) Thus, the first issue addressed in evaluating this petition was whether northern goshawks in Utah, Colorado, New Mexico, and Arizona constitutes a listable entity, i.e. a distinct population

segment of the species which interbreeds when mature.

The northern goshawk (*Accipiter gentilis*) occurs in forested regions throughout the higher latitudes of the northern hemisphere. Approximately 11 subspecies are variously recognized, with 7 occurring across northern Eurasia (Palmer 1988). Three subspecies are variously recognized in North America: *A. g. atricapillus* occurs throughout northern North America, and south through the western states to southern Arizona and New Mexico; *A. g. langi* in coastal British Columbia and southeastern Alaska; and *A. g. apache* in the mountains of southern Arizona and New Mexico, and south through the Sierra Madre of Mexico (Johnsgard 1990, Palmer 1988, Monson and Phillips 1981, Wattel 1973, Webster 1988). The petition therefore requested listing geographical sections of both the *A. g. atricapillus* and *A. g. apache* subspecies.

The primary evaluation of the petition sought to determine whether or not the petitioned action involved a listable entity, a population as defined by the Act and current draft population policies. The petition was initially examined to determine whether a distinct population segment which interbreeds when mature, which exhibits genetic or morphological distinctness and/or geographical isolation was identified. Population criteria were applied to the petitioned area of Utah, Colorado, New Mexico, and Arizona (hereafter "petitioned region").

The petitioners state that northern goshawks in the petitioned region constitute " * * * an isolated population, geographically separated from other goshawk populations * * *" (Silver et al. 1991). As evidence of this isolation, they cite various studies that document (and hypothesize) only short-range seasonal dispersal of juveniles (Crocker-Bedford 1991, Widen 1985). The petitioners also submit that genetic mixing with other regions is unlikely to result from migration, citing studies documenting adult northern goshawks resident in breeding habitat throughout the year (McGowan 1975, Widen 1985), and sources stating that goshawks are largely nonmigratory (Brown and Amadon 1968, Hoffman, HawkWatch International, Inc., *in litt.*, 1991, Johnsgard 1990, Palmer 1988).

1. Genetic or Morphological Distinctness

The petition presents no data demonstrating genetic or morphological distinctness of goshawks in the petitioned region. The petition suggests the Southwest is genetically isolated,

based on small (30 miles) dispersal ranges documented in Swedish goshawks by Widen (1985). The Service was unable to locate additional data, and determined that the burden of proof for genetic isolation rests with the petitioner and was not satisfactorily accomplished. The Service does anticipate, however, the comparison data will become available in the near future, resulting from ongoing studies by the U.S. Forest Service and private researchers.

2. Geographic Isolation

No known studies have demonstrated that the northern goshawk in the petitioned region constitutes a geographically isolated population. The region defined in the petition is believed to constitute a significant portion of the goshawk's range in North America but is not geographically separated from other regions containing breeding goshawks. Breeding habitat is continuous from within the petitioned region into adjoining regions at several points. The Rocky Mountains provide forested goshawk breeding habitat from Colorado north into Wyoming. Habitat is also continuous from northern Utah north into Idaho and Wyoming. Considerable habitat exists in mountains of the Great Basin west of Utah in Nevada, and south from southern Arizona and New Mexico into northern Mexico.

Evidence shows that goshawks are capable of moving (migration or dispersing) freely into and out of the southwest. Hoffman (*in litt.*, 1991) reported recovery of 3 banded goshawks 105, 160, and 1,050 miles from their respective points of banding. All three were subadult birds; they were banded during autumn Captor migrations. However, the best available evidence also suggests that goshawks tend not to make significant movements for the crucial purpose of seeking new breeding sites. Widen (1985) found adult male goshawks tended to remain on breeding territories through the year. Adult females and subadults did disperse in the nonbreeding season but rarely more than 30 miles. This dispersal was believed to be driven by a reduced prey availability in the nesting habitat through the winter months. Several authorities (Johnsgard 1990, Palmer 1988) believe goshawks mate for life, thus dispersing adult females are expected to return to a traditional nesting territory. The fidelity of goshawks to their natal area for nesting in adulthood is not currently known.

Data suggests goshawks are weakly migratory at best and after adulthood may be year-round residents in their

breeding habitat. Goshawks are proportionately uncommon at migration concentration points where congeneric Cooper's hawks and sharp-shinned hawks are common (Hoffman, *in litt.*, 1991). Several authors (McGowan 1975, Widen 1985) have noted adult goshawks in breeding territories through the winter. Without marking individuals these cannot be confirmed as "year-round residents" but are often assumed to be. The alternative is unlikely, that breeding birds would abandon their territories to invading migrants. Regardless, the importance of migration in genetic mixing between geographic regions is not likely to be great. By definition, migration involves individuals moving seasonally between distinct breeding and wintering grounds and does not provide for mixing of individuals from diverse geographical regions for reproductive purposes.

Service biologists considered the above information, assisted by a group of Federal biologists from the FS and BLM. The consensus was that the petition had not presented substantial information indicating that goshawks in Colorado, Utah, New Mexico, and Arizona constitute a distinct vertebrate segment (population). Limited information is available, and exists in two limited and somewhat counterbalancing data sets. On one hand, observations at migration stations do reveal a small number of goshawks in seasonal migration. Several band returns have quantified movements in subadults ranging from 100 to 1,000 miles. Thus goshawks are at least capable of movement into and out of the petitioned geographic area. However, telemetry data suggests goshawks do not tend to move large distances, for purposes that result in interbreeding of individuals from widely separated geographic regions. Evidence suggests adults (especially males) may largely be resident year-round, with females and subadults dispersing for the nonbreeding season, presumably in search of prey. The degree of philopatry is unknown at this time. Thus, the best available information suggests that goshawks are capable of considerable geographic movement, sometimes accomplish these movements, but also tend to remain near their breeding sites.

Given the relative continuity of goshawk habitat through the western United States, the petitioned area cannot be defined as a distinct population. While evidence suggests it is unlikely that goshawk from central Arizona (for example) interbreed with those from outside the petitioned region, it is possible that interbreeding takes

place across the boundaries of the petitioned region. Goshawks in northern Colorado may interbreed with those in southern Wyoming, 30 miles away. The petition, and the best available information, does not support defining goshawks in Utah, Colorado, New Mexico, and Arizona as an exclusive, interbreeding population.

The Service finds that the data contained in the petition, referenced in the petition, and otherwise available to the Service does not present substantial information indicating that the petitioned action may be warranted. This negative 90-day finding results from the failure of the petitioner to present substantial scientific or commercial information indicating that northern goshawks in Utah, Colorado, New Mexico, and Arizona satisfy Service criteria for a distinct vertebrate population. In reviewing the petition and all known relevant information, the Service was also unable to demonstrate that goshawks in the Southwest satisfy current population criteria and, therefore, found that the segment of the goshawk's range identified in the petition is not a listable entity.

The Service did conclude however, that the petition did present substantial information indicating that northern goshawk population declines and loss and/or modification of its habitat may be occurring. Therefore the Service has elevated the Northern goshawk (*A. gentilis*) to Category 2 status in the upcoming Endangered and Threatened Wildlife and Plants; Animal Notice of Review, throughout its range in the United States. Initiation of a status review for the goshawk in its range throughout the United States is announced in this volume of the **Federal Register**.

Literature Cited

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Authors

The primary authors of this notice are Timothy Tibbitts of the Phoenix, Arizona U.S. Fish and Wildlife Ecological Services Field Office, and Lorena Wada of the Albuquerque, New Mexico U.S. Fish and Wildlife Service Regional Office (see **ADDRESSES** section).

List of Subjects in 50 CFR Part 17

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

Authority: 16 U.S.C. 1381-1487; 16 U.S.C. 1531-1544; 16 U.S.C. 4201-4245; Pub L. 99-625, 100 Stat. 3500; unless otherwise noted.

Dated: December 30, 1991.

Richard N. Smith,

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

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