

regulatory mechanisms involving these lands.

With regard to factor E, the petition states that because of small population sizes and isolation, fisher populations on the West Coast may be in danger of extinction from inbreeding depression (*i.e.*, negative genetic effects) and unpredictable variation in demographic or environmental characteristics (demographic and environmental stochasticity). Small populations of wildlife are considered to be at risk of extinction solely from demographic and environmental stochasticity, independent of deterministic factors, such as human-caused habitat loss (Lande and Barrowclough 1987; Lande 1993). According to Heinemeyer and Jones (1994), the greatest long-term risk to the fisher in the western United States is probably population extinction due to isolation of small populations. Aubry and Lewis (in press 2003) consider the inability of extant fisher populations to support one another demographically, including those that are isolated by relatively small distances, or to colonize currently unoccupied areas within their historical range, to be significant conservation concerns. Also, the significance of mortality factors such as incidental trapping or being struck by vehicles may be greater for small populations of fishers (Powell 1979; USDA Forest Service 2000), and the same may be true with regard to mortality due to predation.

Lewis and Stinson (1998) note that although commercial trapping of fishers has been prohibited in Washington for approximately 70 years, the species has not recovered in the State. They suggest that any small population that may still exist in Washington is at risk due to natural variation in demographic factors (*e.g.*, variable reproduction and survival) and environmental effects, as well as potential negative genetic effects that can affect small populations. They consider the remaining fishers in Washington to be unlikely to represent a viable population and conclude that the species is likely to be extirpated from the State without recovery activities. Despite the protections afforded by the NWFP, the low population level of the fisher in the portions of the range covered by the plan in Washington, Oregon and northern California results in "uncertainty that populations will recover even if habitat conditions are sufficient to support well-distributed, stable populations," and the recovery of fisher populations in the NWFP area is likely to be slow due to the species' low reproductive rate and small population

size (USDA and USDI 1994). The fisher population in the southern Sierra Nevada is thought to be at substantial risk because of several factors, including isolation, small population size, demographic and environmental stochasticity, and low reproductive capacity, in addition to ongoing habitat loss (Zielinski *et al.* 1995; Lamberson *et al.* in litt. 2000; Drew *et al.* 2003).

Finding

We have reviewed the petition, literature cited in the petition, and information available in Service files. We have found that the petition presents substantial information indicating the West Coast population of the fisher may be a distinct population segment for which listing may be warranted.

The petition also requests us to designate critical habitat for this species. If we determine in our 12-month finding that listing the fisher in its West Coast range is warranted, we will address the designation of critical habitat in the subsequent proposed listing rule or as funding allows.

Public Information Solicited

When we make a finding that substantial information exists 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 information on the fisher in California, Oregon, and Washington. This includes information regarding historical and current distribution, biology and ecology, ongoing conservation measures for the fisher and its habitat, and threats to the fisher and its habitat. We also request information regarding the adequacy of existing regulatory mechanisms including, but not limited to, State regulations pertaining to timber harvest, as well as the California Environmental Quality Act and any similar regulations that are applicable in Oregon or Washington. In addition to requesting information on the fisher in its West Coast range, we are requesting information on the species rangewide for the purpose of determining if the fisher in its West Coast range constitutes a DPS, or more than one DPS, or constitutes a significant portion of the range of the species. We request any additional information, comments, and suggestions from the public, other concerned governmental agencies, Tribes, the scientific community, industry or environmental entities, or

any other interested parties concerning the status of the fisher.

If you wish to comment, you may submit your comments and materials concerning this finding to the Field Supervisor (*see* ADDRESSES section). Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Respondents may request that we withhold a respondent's identity, as allowable by law. If you wish us to withhold your name or address, you must state this request prominently at the beginning of your comment. However, we will not consider anonymous comments. To the extent consistent with applicable law, we will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

References Cited

A complete list of all references cited herein is available on request from the Sacramento Fish and Wildlife Office (*see* ADDRESSES section).

Author

The primary author of this document is Jesse Wild (*see* ADDRESSES section).

Authority

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

Dated: July 3, 2003.

Marshall P. Jones, Jr.,

Acting Director, Fish and Wildlife Service.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Interim Voluntary Guidelines To Avoid and Minimize Wildlife Impacts from Wind Turbines

AGENCY: Fish and Wildlife Service.

ACTION: Notice of availability of interim guidelines and request for comments.

SUMMARY: The Fish and Wildlife Service (Service) has developed voluntary interim guidelines for locating and designing wind energy facilities to avoid or minimize the loss of wildlife, particularly birds and bats, and their

habitats. These guidelines are intended to assist Service personnel in providing technical assistance to the wind energy industry to avoid or minimize impacts to wildlife and their habitats through: (1) Proper evaluation of potential wind energy development sites; (2) proper location and design of turbines and associated structures within sites selected for development; and (3) pre- and post-construction research and monitoring to identify and/or assess impacts to wildlife. This guidance is intended for terrestrial applications only; guidelines for wind energy developments in marine environments and the Great Lakes are being studied and will be provided at a future date. While these guidelines are voluntary, we encourage their immediate use by the wind energy industry. We also encourage and solicit comments on this guidance, including suggestions for improvement based on new scientific research. The interim guidelines are based on current science and will be updated as new information becomes available. They will be evaluated over a 2-year period, and then modified as necessary based on their performance in the field and on the latest scientific and technical discoveries developed in coordination with industry, States, academic researchers, and other Federal agencies. Extensive use of the interim guidelines by the wind industry will be vital to this evaluation. The guidelines may be accessed on the Service's Web site at <http://www.fws.gov/r9dhcbfa>. Comments on the interim guidelines are invited during the 2-year interim period.

DATES: Comments on the interim guidelines must be received or postmarked by July 7, 2005.

ADDRESSES: Comments should be sent to Dr. Benjamin N. Tuggle, Chief, Division of Federal Program Activities, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Contact Dr. Benjamin N. Tuggle at (703) 358-2161.

SUPPLEMENTARY INFORMATION: In response to recommendations made in the National Energy Policy report, the Department of the Interior has been re-evaluating its existing renewable energy programs and industry access limitations to Federal lands. These actions are intended to both increase the Department's use of renewable energy and to assist industry in increasing renewable energy production, in an environmentally friendly manner, on Department managed lands. Development of wind energy is a significant component of this initiative.

Wind-generated electrical energy is renewable, produces no emissions, and is considered to be generally environmentally friendly technology. However, wind energy facilities can adversely impact wildlife, especially birds and bats, and their habitats. Commercial wind energy facilities have been constructed in 29 States, with developments planned for several other states as well as coastal and offshore areas. As more facilities with larger turbines are built, the cumulative effects of this rapidly growing industry may initiate or contribute to the decline of some wildlife populations. The potential harm to these populations from an additional source of mortality makes careful evaluation of proposed facilities essential. Considerable avian mortality occurred at older wind energy facilities; therefore, the potential impact of the current rapid expansion of wind energy developments on wildlife is of serious concern to the Fish and Wildlife Service, the wind energy industry, and the public. Due to local differences in wildlife concentration and movement patterns, habitats, area topography, facility design, and weather, each proposed development site is unique and requires detailed, individual evaluation.

Service personnel may become involved in the review of potential wind energy developments on public lands through National Environmental Policy Act review (Sections 1501.6, opportunity as a cooperating agency, and Section 1503.4, duty to comment on federally-licensed activities for agencies with jurisdiction by law, *i.e.*, the Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act); or because of special expertise. The National Wildlife Refuge System Improvement Act requires that any activity on Refuge lands be determined to be compatible with the Refuge system mission and Refuge purpose(s). In addition, the Service is required by the Endangered Species Act to assist other Federal agencies in ensuring that any action they authorize, implement, or fund will not jeopardize the continued existence of any federally endangered or threatened species. Service biologists have also received requests from industry for consultation on wildlife impacts of proposed wind energy developments on private lands.

In January 2002, the Service established a Wind Turbine Siting Working Group to develop a set of comprehensive national guidelines for locating, designing, and operating wind energy facilities in a manner that would avoid or minimize the loss of wildlife and their habitats at these facilities. The

purpose of this effort is to ensure that wildlife resources are protected while streamlining the site selection and facility design process, and avoiding unanticipated conflicts after construction.

(Notice: Interim Voluntary Guidelines to Avoid and Minimize Wildlife Impacts from the Wind Turbines)

Dated: June 23, 2003.

Matt Hogan,

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

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR-030-1020-PG; G 03-0221]

Resource Advisory Council Call for Nominations

AGENCY: Bureau of Land Management (BLM), Vale District, Interior.

ACTION: Notice of Resource Advisory Council call for nominations.

SUMMARY: The purpose of this notice is to solicit public nominations for two vacancies on the Bureau of Land Management (BLM) Southeast Oregon Resource Advisory Council (RAC). There is a timber industry term in Category One that expires in 2004, and a dispersed recreation term in Category Two that expires in 2005. The RAC provides advice and recommendations to the BLM and the USDA Forest Service on land use planning and management of the public lands located in whole or in part within the Vale, Burns and Lakeview Districts of BLM and the Fremont, Deschutes, Ochoco, and Malheur National Forests. Public nominations will be considered for 30 days after the publication date of this notice.

The Federal Land Policy and Management Act (FLPMA) directs the Secretary of the Interior to involve the public in planning and issues related to management of lands administered by BLM.

Section 309 of FLPMA directs the Secretary to select 10 to 15 member citizen-based advisory councils that are established and authorized consistent with the requirements of the Federal Advisory Committee Act (FACA). As required by the FACA, RAC members appointed to the RAC must be balanced and representative of the various interests concerned with the management of the public lands.

These include three categories: Category One—Holders of federal