

4. A new § 90.219 is added to read as follows:

§ 90.219 Use of signal boosters.

Licensees authorized to operate radio systems in the frequency bands above 150 MHz may employ signal boosters in accordance with the following criteria:

(a) The amplified signal is retransmitted only on the exact frequency(ies) of the originating base, fixed, mobile, or portable station(s). The booster will fill in only weak signal areas and cannot extend the system's signal coverage area.

(b) The booster must be equipped with automatic gain control circuitry which will limit the total output power of the unit to a maximum of 500 milliwatts under all conditions. Per channel output power on broadband (Class B) units is the total output power (500 mw) divided by the number of channels amplified. All equipment must meet the out-of-band emmission limits of § 90.209.

(c) Boosters must be installed with sufficient isolation between receiving and retransmitting circuits to prevent oscillation.

(d) The licensee is given authority to operate signal boosters without separate authorization from the Commission. Type-accepted equipment must be employed and the licensee must ensure that all applicable rule requirements are met.

(e) Licensees employing Class B signal boosters as defined in § 90.7 are responsible for correcting any harmful interference that the equipment may cause to other systems.

PART 94—PRIVATE OPERATIONAL-FIXED MICROWAVE SERVICE

1. The authority citation for part 94 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303, unless otherwise noted.

2. Section 94.3 is amended by adding the definition for "signal booster" in alphabetical order to read as follows:

§ 94.3 Definitions.

* * * * *

Signal booster. A device which automatically receives, amplifies, and retransmits on a one-way or two-way basis, the signals received from base, fixed, mobile, and portable stations, with no change in frequency or authorized bandwidth. A signal booster may be either narrowband (Class A), in which case the booster amplifies only those discrete frequencies intended to retransmitted, or broadband (Class B), in which case all signals within the

passband of the signal booster filter are amplified.

* * * * *

3. Section 94.95 is added to read as follows:

§ 94.95 Use of signal boosters.

Licensees authorized to operate multiple address systems in the 928–929/952–960 MHz and 932–932.5/941–941.5 MHz bands may employ signal boosters in accordance with the following criteria:

(a) The amplified signal is retransmitted only on the exact frequency of the originating master or remote station. The booster will fill in only weak signal areas and cannot extend the system's signal coverage area.

(b) The booster must be equipped with automatic gain control circuitry which will limit the total output of the booster to 500 milliwatts under all conditions. Boosters must meet the out-of-band emmission limits of § 94.71.

(c) Boosters will be installed with sufficient isolation between receiving and retransmitting circuits to prevent oscillation.

(d) The licensee is given authority to use signal boosters without separate authorization from the Commission. Type-accepted equipment must be employed and the licensee must ensure that all applicable rule requirements are met.

(e) Licensees employing Class B signal boosters as defined in § 94.3 are responsible for correcting any harmful interference that the signal booster may cause to other systems.

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that listing this species is not warranted at this time.

DATES: The finding announced in this document was made on May 19, 1995.

ADDRESSES: Data, information, comments, or questions concerning this petition should be submitted to the U.S. Fish and Wildlife Service, 3000 Vintage Blvd., Suite 201, Juneau, Alaska 99801. 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, Ecological Services (see **ADDRESSES** section) (907/586-7240).

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(B) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*), requires that the Service make a finding within 12 months of the date of the receipt of a valid petition on whether the petitioned action is (a) not warranted, (b) warranted, or (c) warranted but precluded from immediate proposal by other pending proposals of higher priority.

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 reviewed for possible addition to the List of Endangered and Threatened Wildlife. Among the species included as Category 2 candidates was the northern goshawk (*Accipiter gentilis*). By inclusion as a subspecies, the Queen Charlotte goshawk was also designated a Category 2 species at that time.

On May 9, 1994, the Service received a petition dated May 2, 1994, from the Southwest Center for Biological Diversity, the Greater Gila Biodiversity Project, 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 to list the Queen Charlotte goshawk (*Accipiter gentilis laingi*) as endangered pursuant to the Endangered Species Act. On August 26, 1994, (59 FR 44124) the Service announced a 90-day finding that the petition presented substantial information indicating that the requested action may be warranted and opened a comment period until November 25, 1994. On January 4, 1995, (60 FR 425) the Service extended the comment period until February 9, 1995. On February 24, 1995 (60 FR 10344) the Service extended the comment period until February 28, 1995.

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; 12-Month Finding for a Petition to List the Queen Charlotte Goshawk as Endangered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 12-month petition finding.

SUMMARY: The Fish and Wildlife Service (Service) announces a 12-month finding for a petition to list the Queen Charlotte goshawk (*Accipiter gentilis laingi*) under the Endangered Species Act, as amended. After a review of all available scientific information the Service find

The Service has reviewed the petition, the literature cited in the petition, and other literature and information available in the Service's files, and contacted persons knowledgeable about this species. On the basis of the best scientific and commercial information available, the Service findings the petition is not warranted at this time.

In the 90-day finding the Service recognized the petitioners' concerns for the long-term survival of the Queen Charlotte goshawk. The Service continues to share those concerns. The U.S. Forest Service is evaluating its land management practices through the development of interim management guidelines to maintain viable populations of native wildlife, and considering long-term management actions through revision of the Tongass National Forest Land and Resource Management Plan. The Service believes there is opportunity to manage for the long-term viability of the goshawk through the implementation of these guidelines and the management plan. However, it is clear that without significant changes to the existing Tongass National Forest Land and Resource Management Plan, the long-term viability of the Queen Charlotte goshawk may be seriously imperiled. The Queen Charlotte goshawk will therefore be retained on the Service's list as a Category 2 candidate species. If additional data become available, the Service may reassess the need to list this species.

Author

The primary author of this document is John Lindell, Endangered Species Biologist, Ecological Services (see ADDRESSES section) (telephone 907/586-7240).

Authority

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

Dated: May 19, 1995.

Mollie H. Beattie,

Director, Fish and Wildlife Service.

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50 CFR Part 17

Endangered and Threatened Wildlife and Plants; 90-Day Finding for a Petition To List the Southern Torrent Salamander

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 on a petition to list the southern torrent salamander (*Rhyacotriton variegatus*), under the Endangered Species Act of 1973, as amended. The Service finds that the petition presented substantial information indicating that listing this species may be warranted. The Service initiates a status review and will prepare a 12-month finding.

DATES: The finding announced in this document was made on June 7, 1995. The Service will consider all comments received by July 31, 1995 in the status review and 12-month finding for this species.

ADDRESSES: Questions, comments, or information concerning this petition should be submitted to the U.S. Fish and Wildlife Service, 2800 Cottage Way, Room E-1823, Sacramento, California, 95825-1846. The petition, 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: Ann Crisney, staff biologist, at the above address or telephone 916-979-2725.

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Endangered Species Act of 1973, as amended (Act) (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 to demonstrate that the petitioned action may be warranted. A finding is to be based on all information available to the Service at the time the finding is made. To the maximum extent practicable, a finding is to be made within 90 days of the date the petition was received, and the finding is to be published promptly in the **Federal Register**. If the finding is positive, the Service is required to commence a review of the status of the species involved if one has not already been initiated under the Service's internal candidate assessment process.

The Service has made a 90-day finding on a petition to list the southern torrent salamander (*Rhyacotriton variegatus*). On May 31, 1994, the Service received a letter from Stephan C. Volker, attorney for the Environmental Protection Information Center, Northcoast Environmental Center, Oregon Natural Resources Council, California Wilderness Coalition, Friends of the River, South

Fork Mountain Defense Committee, Mendocino Environmental Center, Sierra Club, California Sportfishing Protection Alliance, Willits Environmental Center, and Ancient Forest Defense Fund, to list the southern torrent salamander as a threatened species. The letter was dated May 24, 1994, and clearly identified the above mentioned parties as co-petitioners of a petition dated May 23, 1994, authored by John M. Gaffin of the Environmental Protection Information Center, Inc. The petition contained the name, signature, institutional affiliation, and address of the primary petitioner.

The southern torrent salamander has been identified as a species (Good and Wake 1992) that is distinct from the Olympic salamander (*Rhyacotriton olympicus*), and the original sub-species designation of *Rhyacotriton olympicus variegatus* is no longer applicable. The Service is using the species' common name, southern torrent salamander, in accord with Good and Wake (1992), and is not using the former sub-species common name, southern seep salamander, as identified in the petition.

The petitioners requested that the Service list the southern torrent salamander as threatened throughout its range. Historically, the southern torrent salamander has been described as occurring from Tillamook County, Oregon, south along the coast range into northwestern California including Del Norte, Humboldt, Siskiyou, Trinity, and Mendocino counties. The species resides in headwaters habitat of conifer-dominated mature and old-growth forests, and has restrictive habitat requirements. It inhabits mossy seeps of headwaters or the moss-covered rocky substrate (Corn and Bury 1989) of first and second order streams up to 1,200 feet in elevation (Nussbaum *et al.* 1983). They have a low thermal range of 5.8 to 12.0 °C (42 to 53 °F) (Brattstrom 1963, Nussbaum *et al.* 1983), are highly sensitive to desiccation (Ray 1958), and are aquatic obligates. They are probably communal nesters (Nussbaum 1969), and produce few eggs per year (8.4 to 10.0) (Nussbaum *et al.* 1983). The petitioners assert that these characteristics minimize the ability of southern torrent salamander populations to recover from radical habitat alterations.

The petitioners have concerns about localized extinction as a result of continued timber harvest, habitat degradation and fragmentation, and genetic isolation. Although the species appears to be present throughout its historical range, there is evidence of localized population suppression and extirpation in the short-term due to past