(c) *Ending date.* An employee's extended benefit period ends on the 97th day after it began. If an employee attains age 65 during an extended sickness benefit period, such extended benefit period will terminate on the day next preceding the date on which the employee attains age 65, except that it may continue for the purpose of paying benefits for his or her days of unemployment, if any, during such extended period. If an extended sickness benefit period terminates because the employee has attained age 65, and if at that point the employee has rights to normal sickness benefits, the employee will be paid normal sickness benefits if he or she is otherwise entitled to payment thereof.

(d) *Maximum number of compensable days.* Extended benefits may be paid for a maximum of 65 days of unemployment (or 65 days of sickness, as the case may be) within an employee's extended benefit period.

Dated: November 23, 1999.

By Authority of the Board.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 99–31323 Filed 12–2–99; 8:45 am]

BILLING CODE 7905–01–P

DEPARTMENT OF DEFENSE

48 CFR Part 30

Changes in Cost Accounting Practices

AGENCY: Department of Defense (DoD).

ACTION: Notice of public meeting.

SUMMARY: The Office of the Director of Defense Procurement, in conjunction with the National Contract Management Association, is sponsoring a public meeting to discuss alternatives to the Cost Accounting Standard Board's Supplemental Notice of Proposed Rulemaking (SNPRM–II) regarding ''Changes in Cost Accounting Practices,'' published in the **Federal Register** at 64 FR 45700 on August 20, 1999. The Office of the Director of Defense Procurement would like to hear the views of interested parties on potential alternatives to the approach proposed by the Cost Accounting Standards Board in SNPRM–II. One such alternative is available on the Internet Home Page of the Office of Cost, Pricing, and Finance at http://www.acq.osd.mil/dp/cpf.

The Office of the Director of Defense Procurement is particularly concerned about the complexity and level of detail contained in SNPRM–II, and the additional administrative burden for contractors and contracting officers that would result from its implementation. The Office is also concerned that the addition of unnecessary and cumbersome requirements for contractor submissions and government reviews would lengthen the process for resolving the cost impact of a change in cost accounting practice and increase the potential for disputes.

If feasible alternatives to SNPRM–II can be identified, working groups may be formed to refine the alternatives if necessary. The alternatives would then be provided to the Chairman of the Cost Accounting Standards Board for the Board's consideration.

DATES: The meeting will be held on December 17, 1999, from 9 a.m. until 1 p.m.

ADDRESSES: The meeting will be held at the National Contract Management Association, 1912 Woodford Drive, Vienna, VA 22182. Directions may be found on the Internet at http://www.acq.osd.mil/dp/cpf.

FOR FURTHER INFORMATION CONTACT: Mr. David Capitano, Office of Cost, Pricing, and Finance, by telephone at (703) 695–7249, by FAX at (703) 693–9616, or by e-mail at capitadj@acq.osd.mil; or Ms. Claudia Low, National Contract Management Association, by telephone at (703) 734–5440.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

[FR Doc. 99–31362 Filed 12–2–99; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AF79

Endangered and Threatened Wildlife and Plants; Proposed Threatened Status for the Plant Silene spaldingii (Spalding's Catchfly)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule and notice of petition finding.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), propose to list *Silene spaldingii* (Spalding's catchfly) as threatened pursuant to the Endangered Species Act of 1973, as amended (Act). *Silene spaldingii* is currently known from a total of 52 populations. Seven populations occur in west-central Idaho, 7 in northeastern Oregon, 9 in western Montana, 28 in eastern Washington, and 1 in adjacent British Columbia, Canada. This taxon is threatened by a variety of factors including habitat destruction and fragmentation from agricultural and urban development, grazing and trampling by domestic livestock and native herbivores, herbicide treatment, and competition from non-native plant species. This proposal, if made final, would implement the Federal protection and recovery provisions afforded by the Act for the plant.

DATES: Comments from all interested parties must be received by February 1, 2000. Public hearing requests must be received by January 18, 2000.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Supervisor, Snake River Basin Office, U.S. Fish and Wildlife Service, 1387 S. Vinnell Way, Room 368, Boise, Idaho 83709. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Robert Ruesink, Supervisor, at the above address (telephone 208/378–5243; facsimile 208/378–5262).

SUPPLEMENTARY INFORMATION:

Background

A member of the pink or carnation family (Caryophyllaceae), *Silene spaldingii* Watson is a long-lived perennial herb with four to seven pairs of lance-shaped leaves and a spirally arranged inflorescence (group of flowers) consisting of small greenish-white flowers. The foliage is lightly to densely covered with sticky hairs. Reproduction is by seed only; *S. spaldingii* does not possess rhizomes or other means of vegetative reproduction (Lesica 1992). Plants range from approximately 2 to 6 decimeters (dm) (8 to 24 inches (in)) in height (Lichthardt 1997).

First collected in the vicinity of the Clearwater River, Idaho, between 1836 and 1847, *Silene spaldingii* was originally described by Watson (Watson 1875). This taxon was retained as a full species in a recent, comprehensive regional flora (Hitchcock and Cronquist 1973). *Silene spaldingii* differs from the related, common species *S. scouleri* by having petal blades 2 millimeters (mm) (0.08 in) in length; *Silene scouleri* has deeply lobed petal blades that are 6 to 7 mm (0.24 to 0.28 in) long. *Silene douglasii* also occurs with *S. spaldingii* in some areas but typically has multiple, slender stems, narrower leaves, and is rarely sticky-pubescent (Lichthardt 1997).

The distribution and habitat of *Silene spaldingii* are limited. The total number of sites discussed in the 90-day finding for *S. spaldingii* (63 FR 63661) was 94, which is larger than the number of populations identified in this proposed rule. The number of sites stated in the 90-day finding was based primarily on information (generally known as element occurrence records) available in State natural heritage data bases. During the preparation of this proposed rule, we felt it was appropriate to group certain element occurrence records for *S. spaldingii* together when the sites were located approximately 1.6 kilometer (km) (1 mile (mi)) or less apart. Thus, the difference in the number of *S. spaldingii* locations described in this proposed rule and the 90-day finding does not reflect the actual loss or extirpation of sites.

This species is currently known from a total of 52 populations in the United States and British Columbia, Canada. Of the 51 *Silene spaldingii* populations in the United States, 7 occur in Idaho (Idaho, Lewis, and Nez Perce Counties), 7 in Oregon (Wallowa County), 9 in Montana (Flathead, Lake, Lincoln, and Sanders Counties), and 28 in Washington (Asotin, Lincoln, Spokane, and Whitman Counties). A population consists of one to several sites that are generally located less than 1.6 km (1 mi) apart. The number of *S. spaldingii* individuals within each population ranges from one to several thousand. Eighteen populations contain more than 50 individuals; only 6 of these populations are moderately large (i.e., contain more than 500 plants). Of the six largest populations, two are found in Oregon (Wallowa County), one in Idaho (Nez Perce County), one in Montana (Lincoln County), and two in Washington (Asotin and Lincoln Counties). The 6 moderately large populations contain approximately 84 percent (*i.e.*, 13,800 individuals) of the total number of *S. spaldingii*. The total number of *S. spaldingii* individuals for all 52 populations is about 16,500 (Edna Rey-Vizgirdas, Service, *in litt.* 1999).

Much of the remaining habitat occupied by *Silene spaldingii* is fragmented. For example, *S. spaldingii* sites in Oregon are located at least 64 km (40 mi) from the nearest known sites in eastern Washington. *Silene spaldingii* sites in Montana are approximately 190 km (120 mi) from occupied habitat in Idaho and Washington. Approximately 52 percent of extant *S. spaldingii* populations occur on private land, 10 percent on State land, 33 percent on Federal land, and 5 percent on Tribal land (E. Rey-Vizgirdas, *in litt.* 1999).

This species is primarily restricted to mesic (not extremely wet nor extremely dry) grasslands (prairie or steppe vegetation) that make up the Palouse region in southeastern Washington, northwestern Montana, and adjacent portions of Idaho and Oregon. In addition, approximately 100 plants were located in British Columbia (Geraldine Allen, University of Victoria, *in litt.* 1996). Palouse habitat is considered to be a subset of the Pacific Northwest bunchgrass habitat type (Tisdale 1986). In Idaho, Palouse habitat is confined to a narrow band along the western edge of central and north-central Idaho, centering on Latah County (Tisdale 1986; Ertter and Moseley 1992). Large-scale ecological changes in the Palouse region over the past several decades, including agricultural conversion, changes in fire frequency, and alterations of hydrology, have resulted in the decline of numerous sensitive plant species including *Silene spaldingii* (Tisdale 1961). More than 98 percent of the original Palouse prairie habitat has been lost or modified by agricultural conversion, grazing, invasion of non-native species, altered fire regimes, and urbanization (Noss *et al.* 1995).

Silene spaldingii is typically associated with grasslands dominated by native perennial grasses such as *Festuca idahoensis* (Idaho fescue) or *F. scabrella* (rough fescue). Other associated species include bluebunch wheatgrass (*Agropyron spicatum*), snowberry (*Symphoricarpos albus*), Nootka rose (*Rosa nutkana*), yarrow (*Achillea millefolium*), prairie smoke avens (*Geum triflorum*), sticky purple geranium (*Geranium viscosissimum*), and arrowleaf balsamroot (*Balsamorhiza sagittata*) (Lichthardt 1997; Montana Natural Heritage Program (MNHP) 1998). Scattered individuals of Ponderosa pine (Pinus ponderosa) may also be found in or adjacent to *S. spaldingii* habitat. *S. spaldingii* sites range from approximately 530 m (1,750 feet (ft)) to 1,600 m (5,100 ft) elevation (Oregon Natural Heritage Program (ONHP) 1998; Washington Natural Heritage Program (WNHP) 1998).

Previous Federal Action

Federal government actions for the plant began as a result of section 12 of the Act (16 U.S.C. 1531 *et seq.*), which directed the Secretary of the Smithsonian Institution to prepare a report on those plants considered to be endangered, threatened, or extinct in the United States. This report, designated as House Document No. 94–51, was presented to Congress on January 9, 1975, and included *Silene spaldingii* as an endangered species. We published a notice on July 1, 1975, in the **Federal Register** (40 FR 27823) of our acceptance of the report of the Smithsonian Institution as a petition within the context of section 4(c)(2) (petition provisions are now found in section 4(b)(3) of the Act) and our intention to review the status of the plant taxa named in the report. The July 1, 1975, notice included the above taxon. On June 16, 1976, we published a proposal (41 FR 24523) to determine approximately 1,700 vascular plant species to be endangered species pursuant to section 4 of the Act. The list of 1,700 plant taxa was assembled on the basis of comments and data received by the Smithsonian Institution and us in response to House Document No. 94–51 and the July 1, 1975, **Federal Register** publication. *Silene spaldingii* was included in the June 16, 1976, proposal.

In 1978, amendments to the Act required that all proposals over two years old be withdrawn. On December 10, 1979, we published a notice withdrawing that portion of the June 16, 1976, proposal that had not been made final, including the proposal to list *Silene spaldingii* (45 FR 82480). We published an updated Notice of Review for plants on December 15, 1980 (45 FR 82480). This notice included *S. spaldingii* as a category 1 candidate. Category 1 candidates were those for which we had sufficient information on biological vulnerability and threats to support proposals to list them as endangered or threatened species. *Silene spaldingii* was included as a category 2 candidate in the November 28, 1983, supplement to the Notice of Review (48 FR 53640), as well as subsequent revisions on September 27, 1985 (50 FR 39526), February 21, 1990 (55 FR 6184), and September 30, 1993 (58 FR 51143). Category 2 candidates were those for which information in our possession indicated that proposing to list as endangered or threatened was possibly appropriate, but sufficient data to support proposed rules was not currently available. Upon publication of the February 28, 1996, Notice of Review (61 FR 7596), we ceased using category designations. *Silene spaldingii* was not included as a candidate species in this notice.

Section 4(b)(3)(B) of the Act requires the Secretary to make findings as to whether the petitioned action is warranted on petitions that present substantial information indicating the petitioned action may be warranted. Section 2(b)(1) of the 1982 amendments further required that all petitions pending on October 13, 1982, be treated as having been newly submitted on that

date. This provision applied to *Silene spaldingii* because the 1975 Smithsonian report had been accepted as a petition. On October 13, 1983, we found that the listing of the species was warranted but precluded by other pending listing actions, in accordance with section 4(b)(3)(B)(iii) of the Act. We published notification of this finding on January 20, 1984 (49 FR 2485). Our warranted but precluded finding required us to consider the petition as having been resubmitted annually, pursuant to section 4(b)(3)(C)(i) of the Act.

On February 27, 1995, we received a petition dated February 23, 1995, from the Biodiversity Legal Foundation of Boulder, Colorado; the Montana and Washington Native Plant Societies; and Mr. Peter Lesica of Missoula, Montana, to list *S. spaldingii* within the conterminous United States as threatened or endangered under the Act. The petition submitted information stating that this species is threatened by competition with non-native and woody vegetation, improper livestock grazing practices, improper herbicide application, inbreeding depression, and fire suppression.

In April 1995, the enactment of Public Law 104–6 placed a moratorium on final listing determinations and critical habitat designations. It also rescinded $1.5 million from our budget for carrying out listing activities for the remainder of Fiscal Year 1995. In order to maintain at least minimal listing programs in all our regions, Region 1's FY 1995 listing allocation was reduced by $1.2 million. Region 1 has lead responsibility for the *Silene spaldingii* petition. Subsequently, from October 1, 1995, until April 26, 1996, the Department of the Interior operated without a regularly enacted full-year appropriations bill. Instead, funding for most Interior programs, including the endangered species listing program, was governed by the terms of a series of 13 ''continuing resolutions.'' Their net effect was essentially to shut down the listing program. On April 26, 1996, President Clinton approved the Omnibus Budget Reconciliation Act of 1996 and lifted the moratorium. At that time, we had accrued a backlog of proposed listings for 243 species, of which Region 1 had the lead on 199, or 82 percent. Due to this backlog, reduced budgets for the listing program, and litigation demands, completion of the processing of this petition was not practicable until November 16, 1998. On that date, we published a finding that the petition presented substantial information indicating that the petitioned action may be warranted (63 FR 63661) and commenced a status review for *Silene spaldingii*.

The processing of this proposed rule conforms with our Listing Priority Guidance published in the **Federal Register** on October 22, 1999 (64 FR 57114). The guidance clarifies the order in which we will process rulemakings. Highest priority is processing emergency listing rules for any species determined to face a significant and imminent risk to its well-being (Priority 1). Second priority (Priority 2) is processing final determinations on proposed additions to the lists of endangered and threatened wildlife and plants. Third priority (Priority 3) is processing new proposals to add species to the lists. The processing of administrative petition findings (petitions filed under section 4 of the Act) is the fourth priority (Priority 4). The processing of critical habitat determinations (prudency and determinability decisions) and proposed or final designations of critical habitat will no longer be subject to prioritization under the Listing Priority Guidance. This proposed rule is a Priority 3 action and is being completed in accordance with the current Listing Priority Guidance.

Summary of Factors Affecting the Species

Section 4 of the Act and regulations (50 CFR part 424) promulgated to implement the listing provisions of the Act set forth the procedures for adding species to the Federal lists. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1) of the Act. These factors and their application to *Silene spaldingii* are as follows.

A. The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

As discussed in the ''Background'' section above, the distribution and habitat of *Silene spaldingii* are limited. This species is primarily restricted to slopes, flats, or swales (marshy lands) in mesic grasslands or steppe vegetation of the Palouse region in southeastern Washington, northwestern Montana, and adjacent portions of Idaho and Oregon. One site is located in British Columbia, Canada, directly adjoining a Montana population. In Idaho, Palouse habitat is confined to a narrow band along the western edge of central and north-central Idaho, centering on Latah County (Tisdale 1986; Ertter and Moseley 1992). The Palouse prairie is extensively cultivated, with few remnants of native habitat (Tisdale 1986). Large-scale ecological changes have occurred in the Palouse region over the past several decades. More than 98 percent of the original Palouse prairie habitat has been lost or modified by agricultural conversion, grazing, invasion of non-native species, altered fire regimes, and urbanization (Noss *et al.* 1995). This loss of habitat has resulted in the decline of numerous sensitive plant species including *S. spaldingii* (Tisdale 1961).

Although historical data on *Silene spaldingii* distribution and population size are incomplete, this species was likely much more widespread in the past, based on the former distribution on suitable Palouse habitat. According to Ertter and Moseley (1992), ''because of the exceptionally rich soil, a deep layer of loess, most of the grasslands have been converted to agriculture. Most of the Palouse prairie vegetation has, therefore, disappeared, and endemic species such as *Aster jessicae* Piper and *Haplopappus liatriformis* (Greene) St. John are threatened with extinction.'' Both *A. jessicae* and *H. liatriformis* may be found within or near habitat occupied by *S. spaldingii* (Lichthardt 1997).

Invasion by non-native plant species, herbicide application, and/or grazing (including trampling and consumption of plants) threaten virtually all of the remaining populations of this species, including those present in areas administered by the Bureau of Land Management (BLM) and U.S. Forest Service (Forest Service) (Biodiversity Legal Foundation *et al.* 1995; Lichthardt 1997; MNHP 1998; ONHP 1998; WNHP 1998).

Non-native plant species are considered to be a major threat at nearly all sites supporting *Silene spaldingii.* Threats to *S. spaldingii* posed by non-native plant species include competition for water, nutrients, and light, in addition to competition for pollinators (Lesica and Heidel 1996). Non-native plant species such as St. John's-wort (*Hypericum perforatum*), yellow star-thistle (*Centaurea solstitialis*), leafy spurge (*Euphorbia esula*), teasel (*Dipsacus sylvestris*), Canada thistle (*Cirsium arvense*), sulfur cinquefoil (*Potentilla recta*), Russian knapweed (*Acroptilon repens*), Scotch thistle (*Onopordium acanthium*), and cheatgrass (*Bromus tectorum*) threaten *S. spaldingii* in Idaho, Oregon, Montana, and Washington (Lesica and Heidel 1996; Lichthardt 1997; MNHP 1998; ONHP 1998; WNHP 1998; Janice Hill, The Nature Conservancy, *in litt.* 1999).

Some of these non-native species can invade and displace native plant communities in a relatively short period

of time. For example, at The Nature Conservancy's Garden Creek Preserve, which contains the largest *Silene spaldingii* population in Idaho (Idaho Conservation Data Center 1998), yellow star-thistle spread from approximately 60 hectares (ha) (150 acres (ac)) in 1987 to 1,200 ha (3,000 ac) in 1998 (J. Hill, *in litt.* 1999). Another site containing *S. spaldingii* in Idaho (Lawyer's Creek) was apparently extirpated by highway construction in 1990 and the invasion of yellow star-thistle.

Yellow star-thistle is found in the vicinity of all *Silene spaldingii* populations in Idaho (Lichthardt 1997). This aggressive exotic can form almost complete monocultures, invading and outcompeting native species. Even small areas that experience soil disturbance are almost immediately colonized by yellow star-thistle or other non-native winter annuals (Lichthardt 1997). Seeds of yellow star-thistle can remain dormant in the soil for 10 years (Callihan and Miller 1997), making effective control of this aggressive weed extremely difficult.

Russian knapweed spreads readily by reproducing vegetatively, as well as by seed. Once established, knapweed forms single-species stands by producing chemicals that inhibit the survival of competing plant species, known as allelopathy (U.S. Geological Survey 1999). Knapweed has been noted to displace *Silene spaldingii* plants in Montana. At this site, the number of *S. spaldingii* plants declined from 30 in 1983 to 11 in 1990, due to the invasion of knapweed (MNHP 1998). Noxious weeds also threaten the largest *S. spaldingii* populations in Montana (Biodiversity Legal Foundation *et al.* 1995; Brian Martin, The Nature Conservancy, *in litt.* 1998), Oregon (Jimmy Kagan, Oregon Natural Heritage Program, pers. comm. 1998), and Washington (Scott Riley, Umatilla National Forest, pers. comm. 1999). *Silene spaldingii* and other native plants are generally unable to grow or successfully reproduce in areas dominated by yellow star-thistle and knapweed.

Silene spaldingii habitat is threatened by herbicide drift. Most remaining *S. spaldingii* populations are adjacent to agricultural fields, which are often treated with herbicides to control weeds. Even *S. spaldingii* sites that are not located immediately adjacent to agricultural areas may be vulnerable to herbicide use due to the presence of weeds (Jerry Hustafa, Wallowa-Whitman National Forest, pers. comm. 1999). Herbicide overspray threatens populations in Idaho (Lichthardt 1997; J. Hill, *in litt.* 1999), Oregon (J. Hustafa, pers. comm. 1998; J. Kagan, pers. comm. 1998), and Washington (WNHP 1998). The population of *S. spaldingii* at one site in Idaho (Lewis County) decreased by more than 80 percent in the past 11 years, apparently due to weed invasion, herbicide spraying, and development (Lichthardt 1997). One of the two largest *S. spaldingii* sites in Washington (on the Umatilla National Forest, Pomeroy Ranger District) is threatened by herbicide spraying to control weeds (S. Riley, pers. comm. 1999). A recent aerial herbicide spraying incident in Idaho County, Idaho, impacted the threatened plant species, MacFarlane's four-o'clock (*Mirabilis macfarlanei*). Approximately 2,000 *M. macfarlanei* plants on Federal and private land were accidentally sprayed during treatment for nearby target weed species (Craig Johnson, BLM, *in litt.* 1997). This species occurs in similar habitats as *S. spaldingii*. At least two *S. spaldingii* sites in Idaho (Nez Perce County) are particularly vulnerable to herbicide drift because of their close proximity to cropland (Lichthardt 1997).

In addition to direct consumption of plants (as discussed under Factor C of this section), grazing animals can also affect *Silene spaldingii* by trampling and changing the community composition by fostering the invasion of non-native species. Impacts from trampling by native ungulates and domestic livestock have been observed at *S. spaldingii* sites in Washington (Gamon 1991; WNHP 1998). Grazing can indirectly affect *S. spaldingii* habitat by altering the species composition (Gamon 1991; Lichthardt 1997; Bonnie Heidel, Montana Natural Heritage Program, *in litt.* 1999). If grazing is heavy enough to adversely affect native species or allow weed invasion, *S. spaldingii* will likely disappear from sites (Barbara Benner, BLM, *in litt.* 1993). Biennial and non-native annual plants, adapted to disturbance, have a competitive advantage over *S. spaldingii* because of the soil disturbance associated with grazing (B. Benner, *in litt.* 1995).

Most populations (52 percent) of *Silene spaldingii* occur on privately owned property and are, therefore, threatened by changes in land use practices, including certain livestock grazing practices, agricultural developments, and urbanization. For example, active housing development threatens to eliminate *S. spaldingii* habitat near Redbird Ridge in Idaho (Lichthardt 1997). Over the past 3 years, residential development immediately adjoining land owned by The Nature Conservancy (TNC), which has the largest *S. spaldingii* population in Montana, has destroyed potential habitat, increased the likelihood of uncontrolled, competing noxious weeds, and reduced management options such as controlled burning on the preserve (B. Martin, *in litt. 1998). Continued development in this area is expected (B. Martin, in litt.* 1998). Habitat for *S. spaldingii* on private land near Wallowa Lake in eastern Oregon, which supports the largest site in Oregon, may be threatened by development because of its proximity to existing recreational facilities and residences (E. Rey-Vizgirdas, pers. obs. 1998). Other *S. spaldingii* sites on private land in Idaho, Montana, and Washington may also be threatened by development.

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

The plant is not a source for human food, nor is it currently of commercial horticulture interest. Therefore, overutilization is not considered to be a threat to this species at the present time. However, simply listing a species can precipitate commercial or scientific interest, both legal and illegal, which can threaten the species through unauthorized and uncontrolled collection for scientific and/or commercial purposes. The listing of species as threatened or endangered publicizes their rarity and may make them more susceptible to collection by researchers or curiosity seekers. Some of the populations of *Silene spaldingii* are small enough that even limited collection pressure could have adverse impacts on their reproductive or genetic viability.

C. Disease or Predation

Grazing or browsing of *Silene spaldingii* inflorescences by livestock and native herbivores has been observed and is considered a significant threat to the species (Kagan 1989; Lesica 1993; Heidel 1995; B. Benner, *in litt.* 1999). While grazing or browsing of *S. spaldingii* by native herbivores likely occurred historically, the effects of grazing or browsing becomes even more important as population sizes decrease. Rodent activity is also considered a significant factor affecting the persistence of *S. spaldingii* at several sites in eastern Washington (B. Benner, *in litt.* 1999). For example, numerous *S. spaldingii* plants were marked with stakes and metal tags as part of a monitoring study on land managed by the BLM in Washington. On a site visit, the BLM botanist discovered that many of these plants were either broken off or missing completely and likely consumed by rodents, as evidenced by

rodent burrowing activity in the area (B. Benner, *in litt.* 1999). Since *S. spaldingii* reproduces only by seed (Lesica 1992), grazing, browsing, or trampling directly affects reproduction of this species when flowers or seeds are removed or damaged.

Insect predation on flowers and fruits is also a threat for this species (Kagan 1989; Gamon 1991; B. Benner, *in litt.* 1999). Such predation likely results in reduced reproductive success for *Silene spaldingii* (Heidel 1995). For example, at one of the two largest *S. spaldingii* populations in Washington on land managed by the Forest Service, insect consumption of seeds has been consistently observed by biologists monitoring the plants. This consumption results in empty capsules with no seeds, thereby limiting sexual reproduction of affected *S. spaldingii* plants (S. Riley, pers. comm. 1999). Similarly, in Oregon, a high percentage of *S. spaldingii* seed heads were destroyed by a seed weevil (Kagan 1989). Insect damage to foliage of *S. spaldingii* plants has also been noted (Lichthardt 1997).

D. The Inadequacy of Existing Regulatory Mechanisms

silene spaldingii is listed as endangered by the State of Oregon (Oregon Department of Agriculture). However, the State Endangered Species Act does not provide protection for species on private land. Therefore, under State law, any plant protection is at the discretion of the landowner. *Silene spaldingii* is on the Washington Natural Heritage Program's list of threatened species (Gamon 1991), but this designation offers no statutory protection (Ted Thomas, Service, *in litt.* 1998). In addition, although State natural heritage programs in Idaho and Montana consider *Spaldingii* to be rare and imperiled these States have no endangered species legislation that protect threatened or endangered plants. The majority of *S. spaldingii* habitat occurs on private land, which is not adequately protected by existing regulatory mechanisms.

In Canada, *Silene spaldingii* is listed on the British Columbia, Ministry of Environment, Lands and Park's Red List. The Red List includes indigenous species or subspecies (taxa) that are either extirpated, endangered, threatened, or candidates for such status. Endangered taxa are facing imminent extirpation or extinction. Threatened taxa are likely to become endangered if limiting factors are not reversed. *Silene spaldingii* is a candidate for legal designation as an endangered or threatened species (British Columbia Conservation Data Center 1999). The Red List designation does not provide any statutory protection to this population, which occurs on private pasture land (Mike Miller, University of Victoria, *in litt.* 1999).

Silene spaldingii is considered a sensitive species by the BLM and the Forest Service. Both of these agencies have laws and regulations that address the need to protect sensitive, candidate, and federally listed species (e.g., the Federal Land Policy and Management Act and the National Forest Management Act). Monitoring of some (but not all) *S. spaldingii* populations on Federal lands has already been initiated. Also, the BLM in eastern Washington has acquired several private land parcels that contain *S. spaldingii* habitat. However, these actions have not eliminated all of the threats to this species. For example, the effects of activities such as livestock grazing have not been evaluated for all *S. spaldingii* sites managed by the Forest Service and BLM. In addition, numerous sites on Federal lands are threatened by exotic weeds, herbicide spraying, and habitat succession through fire suppression (see factors A and E of this section).

One *Silene spaldingii* population in eastern Washington occurs on the U.S. Department of Defense Fairchild Air Force Base (Base), and the Base asked the WNHP to visit the area in 1999 to assess its habitat and ground-disturbing activities that would affect this species (John Gamon, WNHP, pers. comm. 1999). This population contains fewer than 15 plants in an isolated fragment of native habitat, and the area has been used for military training (WNHP 1998).

Two populations occur on lands owned by TNC. This organization protects the habitat and natural communities on lands that it owns. TNC will protect *Silene spaldingii* on its lands and actively manage the habitat to improve conditions for this species, such as controlling livestock grazing (TNC 1999).

E. Other Natural or Manmade Factors Affecting Its Continued Existence

Competition with other species for a limited number of pollinators (e.g., bumblebees (*Bombus fervidus*)) has the potential to adversely affect both fecundity and individual fitness in *Silene spaldingii* (Lesica and Heidel 1996). Competition for pollinators occurs primarily at *S. spaldingii* sites with large populations of other flowering plants, and the competition can adversely affect the survival of these small populations of *S. spaldingii*. For example, the non-native flowering plant St. John's-wort competes for pollinators where this plant occurs with *S. spaldingii* in Idaho (Lesica and Heidel 1996; Janice Hill, TNC, *in litt.* 1999; Karen Gray, botanist, *in litt.* 1999).

Reduced pollinator activity is associated with poor reproductive success of *Silene spaldingii*, particularly in small populations (Lesica 1993; Lesica and Heidel 1996). Agricultural fields do not provide suitable habitat for pollinators of *S. spaldingii*, which requires pollination by insects for maximum seed set and population viability (Lesica and Heidel 1996). Populations of *S. spaldingii* that occupy small areas surrounded by land that does not support bumblebee colonies (e.g., crop lands) are not likely to persist over the long term, and the presence of pollinators is considered to be critical for the persistence of *S. spaldingii* (Lesica 1993; Lesica and Heidel 1996). In addition to agricultural conversion and pesticides, pollinators are vulnerable to herbicide application, domestic livestock grazing, and fire (Gamon 1991; Lesica 1993).

Climatic fluctuations can adversely affect this species and may contribute to the extirpation of small populations. For example, a population of *Silene spaldingii* at Wild Horse Island (Montana) declined from approximately 250 to 10 plants, due primarily to drought conditions in the late 1980's (Lesica 1988; Heidel 1995). Such reductions in population size are often exacerbated by other factors including pollinator competition and poor reproductive success.

Habitat changes associated with fire suppression threaten this species, even at sites on public lands and those with some protective status (e.g., managed by TNC). Fire suppression can result in an overall decline in suitable habitat conditions for *Silene spaldingii* by facilitating encroachment by woody vegetation and other plant species and contributing to a build-up in the litter or duff layer. Competition from woody plants is frequently considered to reduce fecundity or recruitment of native prairie species (Menges 1995). In areas where fire regimes have been altered or excluded, shrubs and trees can encroach on grassland habitats that support *S. spaldingii* and inhibit seed germination. For example, *S. spaldingii* in the Kramer Palouse Biological Study Area in Washington declined from 147 to 10 individuals during the period from 1981 to 1994, apparently due to encroachment by the non-native yellow star-thistle and woody vegetation (Heidel 1995). Prescribed fire may have a positive effect on *S. spaldingii* by removing litter and creating suitable

sites for recruitment (Lesica, in press). Recruitment of *S. spaldingii* at study sites in Montana was enhanced following prescribed fire (Lesica 1992; in press). However, the effects of fire will vary at different sites within the range of this species due to factors such as fuel moisture content, species composition, and season and intensity of burning (Lesica 1997).

Most populations of *Silene spaldingii* are restricted to small, remnant patches of native habitat (Gamon 1991; Lichthardt 1997; B. Heidel, *in litt.* 1999; S. Riley, pers. comm. 1999). When the number of populations of a species or the population size is reduced, the remnant populations (or portions of populations) have a higher probability of extinction from random events. Small populations are vulnerable to even relatively minor disturbances such as fire, herbicide drift, and weed invasions, which could result in the loss of *S. spaldingii* populations (Gamon 1991). Small populations of *Silene regia*, a rare prairie species native to the Midwest, have low seed germination presumably due to reduced pollinator visitation and other factors (Menges 1995). Small fragments of habitat that contain *S. spaldingii* may not be large enough to support viable populations of pollinators (Lesica 1993). Small populations are vulnerable to natural and manmade disturbances and may lose a large amount of genetic variability because of genetic drift (loss of genetic variability that takes place as a result of chance), reducing their long-term viability. Many *S. spaldingii* populations are isolated from other populations by large distances, and the majority of the populations occur at scattered localities separated by habitat that is not suitable for this species, such as agricultural fields. Extinction appears to be imminent for at least two *S. spaldingii* populations in Idaho due to their small size and habitat degradation (Lichthardt 1997). One of these populations consists of four individuals, and the other population has only one *S. spaldingii* plant. With these very small population sizes, even if the habitat was completely undisturbed, these populations would not be considered viable.

We have carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by the species in determining to issue this proposed rule. Most of the remaining sites that support *Silene spaldingii* are small and fragmented, and existing sites are vulnerable to impacts from factors including grazing, trampling, herbicide use, and non-native vegetation, in addition to urban and agricultural development. The majority of this species (52 percent) occurs on private land with little or no protection. Only one-third (33 percent) of *S. spaldingii* populations occur on Federal land (managed primarily by the BLM and Forest Service) and may, therefore, be afforded some level of protection. As previously described, only 6 *S. spaldingii* populations (12 percent) contain more than 500 plants, and even these relatively large populations (which occur on private and Federal land) are variously threatened by the above factors.

Critical Habitat

We are not at this time making a critical habitat determination for *Silene spaldingii.* The Final Listing Priority Guidance for FY 1999/2000 (64 FR 57114) states, that the processing of critical habitat determinations (prudency and determinability decisions) and proposed or final designations of critical habitat ''will no longer be subject to prioritization under the Listing Priority Guidance. Critical habitat determinations, which were previously included in final listing rules published in the **Federal Register**, may now be processed separately, in which case stand-alone critical habitat determinations will be published as notices in the **Federal Register**. We will undertake critical habitat determinations and designations during FY 1999 and FY 2000 as allowed by our funding allocation for that year.'' As explained in detail in the Listing Priority Guidance, our listing budget is currently insufficient to allow us to immediately complete all of the listing actions required by the Act. Deferral of the critical habitat determination for *S. spaldingii* will allow us to concentrate our limited resources on higher priority critical habitat and other listing actions, while allowing us to pursue protections needed for the conservation of *S. spaldingii* without further delay. We will publish a critical habitat determination for *S. spaldingii* in the **Federal Register** subsequent to this rule.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain activities. Recognition through listing encourages public awareness and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Act provides for possible land acquisition and cooperation with the State and requires that recovery plans be developed for all listed species. The protection required of Federal agencies and the prohibitions against certain activities involving listed plants are discussed, in part, below.

Section 7(a) of the Act requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 402. Section 7(a)(4) of the Act requires Federal agencies to confer with us on any action that is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed critical habitat. If a species is subsequently listed, section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with us, unless we concur that the action is not likely to adversely affect the species.

Federal agencies that may have involvement with *Silene spaldingii* include the Federal Housing Administration and the Farm Services Agency, which may be subject to section 7 consultation through potential funding of housing and farm loans where this species or its habitat occurs. Highway construction and maintenance projects that receive funding from the U.S. Department of Transportation for Federal highways will also be subject to review under section 7 of the Act. In addition, activities that may affect populations of *S. spaldingii* that occur on Federal lands (e.g., managed by the BLM, Department of Defense, or Forest Service) will be subject to section 7 review.

The Act and its implementing regulations set forth a series of general prohibitions and exceptions that apply to all threatened plants. Pursuant to 50 CFR 17.71, generally all prohibitions of 50 CFR 17.61 apply to threatened plants. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to import or export, transport or ship any endangered or threatened plant species in interstate or foreign commerce in the course of a commercial activity, sell or offer for sale such species in interstate or foreign commerce, or remove and reduce such species to possession from

areas under Federal jurisdiction. Certain exceptions apply to our agents and State conservation agencies.

The Act and 50 CFR 17.72 also provide for the issuance of permits to carry out otherwise prohibited activities involving threatened plant species under certain circumstances. Such permits are available for scientific purposes and to enhance the propagation or survival of the species. For threatened plants, permits also are available for botanical or horticultural exhibition, educational purposes, or special purposes consistent with the purposes of the Act. We anticipate few trade permits would ever be sought or issued for this species because the plant is not common in cultivation or in the wild.

Our policy is as published in the **Federal Register** on July 1, 1994 (59 FR 34272), to identify, to the maximum extent practicable at the time a species is listed, those activities that would or would not constitute a violation of section 9 of the Act. The intent of this policy is to increase public awareness of the effects of the listing on proposed and ongoing activities within the species' range.

We believe that, based upon the best available information, the following actions will not result in a violation of section 9, provided these activities are carried out in accordance with existing regulations and permit requirements:

(1) Activities authorized, funded, or carried out by Federal agencies (e.g., grazing management, agricultural conversions, wetland and riparian habitat modification, flood and erosion control, residential development, recreational trail development, road construction, hazardous material containment and cleanup activities, prescribed burns, pesticide/herbicide application, and pipeline or utility line construction crossing suitable habitat), when such activity is conducted in accordance with any reasonable and prudent measures given by us in a consultation conducted under section 7 of the Act;

(2) Casual, dispersed human activities on foot or horseback (e.g., bird watching, sightseeing, photography, camping, hiking);

(3) Activities on private lands that do not require Federal authorization and do not involve Federal funding, such as grazing management, agricultural conversions, flood and erosion control, residential development, road construction, and pesticide/herbicide application; and

(4) Residential landscape maintenance, including the clearing of vegetation around one's personal residence as a fire break.

We believe that the following might potentially result in a violation of section 9; however, possible violations are not limited to these actions alone:

(1) Unauthorized collecting of the species on Federal lands; and

(2) Interstate or foreign commerce and import/export without previously obtaining an appropriate permit.

Questions regarding whether specific activities risk violating section 9 should be directed to the Field Supervisor of the Snake River Basin Office (see **ADDRESSES** section). Requests for copies of the regulations on listed plants and animals, and general inquiries regarding prohibitions and permits, may be addressed to the U.S. Fish and Wildlife Service, Ecological Services, Endangered Species Permits, 911 N.E. 11th Ave., Portland, Oregon 97232–4181 (telephone 503/231–2063; facsimile 503/231–6243).

Public Comments Solicited

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

(1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to this species;

(2) The location of any additional populations of this species and the reasons why any habitat should or should not be determined to be critical habitat pursuant to section 4 of the Act;

(3) Additional information concerning the range, distribution, and population size of this species; and

(4) Current or planned activities in the subject area and their possible impacts on this species.

We will take into consideration for any decision on this proposal the comments and additional information we receive, and such communications may lead to a final regulation that differs from this proposal.

Executive Order 12866

Executive Order 12866 requires agencies to write regulations that are easy to understand. We invite your comments on how to make this proposal easier to understand including answers to questions such as the following:

(1) Is the discussion in the ''Supplementary Information'' section of the preamble helpful in understanding the proposal?

(2) Does the proposal contain technical language or jargon that interferes with its clarity?

(3) Does the format of the proposal (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce its clarity? What else could we do to make the proposal easier to understand?

Send a copy of any comments that concern how we could make this rule easier to understand to the office identified in the **ADDRESSES** section at the beginning of this document.

National Environmental Policy Act

We have determined that an environmental assessment and environmental impact statement, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244).

Required Determinations

This rule does not contain any information collection requirements for which Office of Management and Budget (OMB) approval under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, is required. An information collection related to the rule pertaining to permits for endangered and threatened species has OMB approval and is assigned clearance number 1018–0094. This rule does not alter that information collection requirement. For additional information concerning permits and associated requirements for threatened plants, see 50 CFR 17.72.

References Cited

A complete list of all references cited herein, as well as others, is available upon request from our Snake River Basin Office (see **ADDRESSES** section).

Author:

The primary author of this proposed rule is Edna Rey-Vizgirdas, U.S. Fish and Wildlife Service, Snake River Basin Office (see **ADDRESSES** section).

List of Subjects in 50 CFR Part 17

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

Regulations Promulgation

Accordingly, we propose to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations as set forth below:

PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500, unless otherwise noted.

2. Section 17.12(h) is amended by adding the following, in alphabetical order under FLOWERING PLANTS, to the List of Endangered and Threatened Plants:

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

Species		Historic range	Family	Status	When listed	Critical habitat	Special rules
Scientific name	Common name						
*	*	*	*	*	*	*	
FLOWERING PLANTS							
*	*	*	*	*	*	*	
Silene spaldingii	Spalding's catchfly	U.S.A. (OR, ID, MT, WA), Canada (B.C.).	*Caryophyllaceae*	T		NA	NA
*	*	*	*	*	*	*	

Dated: October 29, 1999.

Jamie Rappaport Clark,

Director, Fish and Wildlife Service.

[FR Doc. 99–31387 Filed 12–2–99; 8:45 am]

BILLING CODE 4310–55–P