

implement the protection provided by the Endangered Species Act of 1973, as amended

DATE: The effective date of this rule is January 9, 1986.

ADDRESSES: The complete file for this rule is available for inspection, by appointment, during normal business hours at the U.S. Fish and Wildlife Service, Suite 1692, Lloyd 500 Building, 500 NE. Multnomah Street, Portland, Oregon 97232.

FOR FURTHER INFORMATION CONTACT: Mr. Wayne S. White, Chief, Division of Endangered Species, at the above address (503/231-6131 or FTS 429-6131)

SUPPLEMENTARY INFORMATION:

Background

The desert dace (*Eremichthys acros*) is endemic to a series of thermal spring habitats in the Soldier Meadows area of Humboldt County, Nevada, where it was discovered in 1939 and described 11 years later by Carl Hubbs and R.R. Miller (1948). This species is the only member of the genus *Eremichthys*. The species has apparently survived in the Soldier Meadows area for at least tens of thousands of years. The species and genus is characterized by the presence of prominent horny sheaths on the jaws. No other cyprinid possesses such a remarkable feeding adaptation. The species is notable for its high temperature tolerance. Desert dace typically occur in water 67° to 97 °F, but have been observed in water as hot as 100.4°F (Nyquist 1963). Water temperature appears to be a major factor controlling the distribution of desert dace within a spring system. When temperature at a springhead exceeds 100°F, desert dace are restricted to the somewhat cooler outflow downstream from the springs.

Most of the thermal springs and their outflow creeks inhabited by the desert dace occur on private lands. The local landowner has modified much of the species' habitat by diverting water away from natural channels into manmade ditches. The diversion of outflow water away from natural channels is especially detrimental in spring systems where the headpool temperature exceeds 100°F and the species can only occupy the outflow creeks.

Two reservoirs exist in the Soldier Meadows area approximately three miles from springs and outflows inhabited by desert dace. Channel catfish (*Ictalurus punctatus*) and smallmouth bass (*Micropterus dolomieu*) have been introduced into one of the reservoirs. If these exotics are introduced into nearby habitats

occupied by the desert dace, they would probably compete with and prey on the desert dace. Exotic species may also introduce disease or parasites to which the native species have not been previously exposed.

The Soldier Meadows area has been designated a Known Geothermal Resource Area. Geothermal exploration occurred in the area several years ago but was later abandoned. If geothermal exploration and development are resumed, these activities could impact the desert dace by interfering with the aquifers that supply water to thermal springs in the area.

The desert dace was included in the Service's Notice of Review of Vertebrate Wildlife published December 30, 1982 (47 FR 58454). In a petition dated April 4, 1983, and received April 12, 1983, the Desert Fishes Council requested that the desert dace be added to the List of Endangered and Threatened Wildlife. An administrative finding that the petition presented substantial information indicating that the requested action may be warranted was made May 9, 1983, and reported in the **Federal Register** on June 14, 1983 (48 FR 27273). Publication of the proposed rule on May 29, 1984 (49 FR 22355), signified that the requested action was warranted, and constituted a required finding in accordance with section 4(b)(3)(B)(ii) of the Act as amended in 1982.

Summary of Comments and Recommendations

In the May 29, 1984, proposed rule (49 FR 22355) and associated notifications, all interested parties were requested to submit factual reports or information that might contribute to development of a final rule. Appropriate State agencies, county governments, Federal agencies, scientific organizations, and other interested parties were contacted and requested to comment. A newspaper notice was published in the following newspapers: *Fallon Eagle-Standard* (June 26, 1984); *Elko Daily Free Press* (June 26, 1984); *Las Vegas Review Journal* (June 27, 1984); and *Nevada State Journal* (June 26, 1984). In addition, a public hearing, requested by Mr. James A. Callahan on behalf of Mr. Ken Earp, owner of the Soldier Meadows Ranch, was held in Winnemucca, Nevada, on October 10, 1984. The hearing announcement was published on September 20, 1984 (49 FR 36886), and the comment period extended until October 22, 1984.

Nine letters of comment were received. Comments were received from both the Nevada State Office and

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Determination of Threatened Status and Critical Habitat for the Desert Dace

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service determines threatened status and critical habitat for the desert dace (*Eremichthys acros*), and issues a special rule to allow take in accordance with state law. Known only from an area of thermal springs and immediate outflow creeks in Humboldt County, Nevada, the species survives in about eight of more than 20 springs in six square miles of the area known as Soldier Meadows. This action is being taken because habitat alterations have eliminated much former habitat and the existing population is potentially threatened by additional habitat alteration. This final rule would

Winnemucca District Office of the Bureau of Land Management, Nevada State Office of Community Services, Nevada Department of Minerals, Nevada Department of Wildlife, Nevada Division of State Parks, Nevada Department of Agriculture, Nevada Division of Environmental Protection, and Mr. James A. Callahan, attorney. Three letters supported the proposed rule, one opposed the rule, four contained additional information, and one was a non-substantive comment.

The Nevada State Office of the Bureau of Land Management pointed out that although only a small portion of dace habitat occurs on public land, a habitat management plan has been completed, a dace transplant to two springs is planned, and a total of 307.22 acres of public land in Soldier Meadows has been designated both an Area of Critical Environmental Concern and a Research Natural Area. The Winnemucca District Office supported the proposed listing and expressed the view that the listing was consistent with District efforts to protect the dace and its habitat.

The Nevada Division of State Parks also supported the proposal and emphasized this support by stating that the area designated as critical habitat is listed in the Nevada Natural Heritage Program. This program identifies representative areas of the State's natural heritage, including plants, animals, and geological formations, as well as scenic and scientific areas, in an effort toward preserving those areas listed.

The Nevada Division of Environmental Protection had no objections to the proposed actions and stated that the proposal would have no apparent adverse impacts on Division programs.

The State Department of Minerals commented that the Soldier Meadows area has been designated as a Known Geothermal Resource Area and geothermal exploration had occurred in the area. This agency further stated that this geothermal resource appears to be of low temperature character useful for domestic or commercial purposes rather than power generation, but future exploration programs may delineate a greater potential for development. The Department recommended that consideration toward future resource development be evaluated before a final recommendation is made on the proposed rule. The Service replies that the 1982 amendments to the Act require that determinations to list species as threatened or endangered be based solely on the best scientific and commercial information available for

the species. Economic impacts are not allowed to be considered in making a listing determination. The Act specifies, however, that the economic impact of designating a particular area as critical habitat must be considered. The Service accordingly has prepared an economic analysis of the areas determined in this rule to be critical habitat. This analysis did not bring forth economic or other impacts to warrant consideration of revising the critical habitat designation.

The Nevada Department of Agriculture opposed the proposed rule on the basis that listing the desert dace as threatened would inhibit agricultural production at Soldier Meadows Ranch. The Service responds that the Endangered Species Act of 1973, as amended, only precludes Federal agencies from authorizing, funding, or carrying out activities that are likely to jeopardize the continued existence of a listed species or adversely modify its critical habitat. Unless a proposed private action requires such Federal approval or funding, it would not be precluded by section 7 of the Act. However, the taking prohibitions in section 9 could apply to private actions that result in the taking of a threatened species.

The Nevada Department of Wildlife supported the proposed rule. It did express concern regarding the critical habitat designation since the species occurs primarily on private lands and the designation will provide very limited protection. The Department further suggested easement purchase or restricted development agreements with private landowners as a means of protecting the species. The Service agrees that designation of critical habitat on private lands affords little protection for the species unless Federal approval or funding is required for the action that occurs on private land. However, critical habitat designations can accompany the listing of species under the Act to serve as official notification to Federal agencies that their responsibilities under section 7 of the Act are applicable in a certain area.

The public hearing held on October 10, 1984, was attended by four individuals with only James A. Callahan, representing the owner of the Soldier Meadows Ranch, presenting a formal statement. No additional written comments were received following the public hearings.

Mr. Callahan was concerned that the proposed rule would adversely impact water rights and livestock grazing on private lands. The Service responds that the Endangered Species Act of 1973, as amended, only precludes Federal agencies from authorizing, funding, or

carrying out activities that are likely to jeopardize the continued existence of a listed species or adversely modify its critical habitat. Unless a proposed action requires such Federal approval or funding, it would not be precluded by section 7 of the Act.

Mr. Callahan also questioned whether the Act allows for condemnation of private land. The Service responds that it prefers not to employ these powers while alternative means exist for preserving this fish and its habitat.

Additional concern was expressed by Mr. Callahan that desert dace would be transplanted to other water areas in Soldier Meadows. Service policy is to not transplant a species outside its historic range unless there are no other means of preserving the species. If waters within the historic range are not presently supporting dace populations, but are found to be suitable habitat, the Service would support transplants to these waters.

Mr. Callahan also asked if there are areas other than Soldier Meadows where desert dace are present. The Service has reviewed and concurs with scientific literature accepted by ichthyologists and other scientists, as correctly identifying the desert dace as a unique species endemic to a limited number of habitats within Soldier Meadows, Humboldt County, Nevada. No scientific information has ever been presented to the contrary.

Mr. Callahan further questioned whether the Soldier Meadow Desert Dace Habitat Management Plan developed by the Bureau of Land Management was in concert with present Fish and Wildlife Service plans to recover the species. The Service replies that the draft Habitat Management Plan was reviewed by Fish and Wildlife Service biologists and written comments provided to the Bureau of Land Management on January 25, 1983. Specific plans to implement portions of the Habitat Management Plan were also reviewed and commented on July 10, 1984. In both instances, the Service agreed with these plans.

The possibility that springs and riparian areas inhabited by dace would be fenced to exclude livestock was a concern of Mr. Callahan. The Service position presently is that livestock use in the area is not currently a threat to the continued existence of the species, but if livestock were to adversely impact the habitat of the species, control of livestock should be able to be accomplished in a manner that would allow continued livestock access to water in the immediate area.

Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined that the desert dace should be classified as a threatened species. Procedures found at section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations promulgated to implement the listing provisions of the Act (50 CFR Part 424) were followed. 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). These factors and their application to the desert dace (*Eremichthys acros*) are as follows:

A. The present or threatened destruction, modification, or curtailment of its habitat or range. The desert dace is endemic to warm springs and their outflow creeks in the Soldier Meadows area of Humboldt County, Nevada. Approximately eight warm springs with water temperatures as high as 100.4° F are occupied by the species. Many of the springs' outflow creeks have been diverted from their natural channels into manmade ditches, the diversions are for agricultural activities, such as irrigation and providing water for cattle on the Soldier Meadows Ranch. These diversions have reduced habitat available to the desert dace. Diversion of spring outflows is especially serious in those spring systems where the water in the spring headpool is too hot to be tolerated by the desert dace. In these systems the species exists only in the natural outflow. The manmade ditches do not provide suitable habitat for the species.

B. Overutilization for commercial, recreational, scientific, or educational purposes. Not applicable to this species.

C. Disease or predation. There is no evidence that either disease or predation has contributed to the threatened status of this species. Disease and predation could both result from the introduction of species not native to this area (see Factor "E" below).

D. The inadequacy of existing regulatory mechanisms. At this time the only regulation applicable to the desert dace is a requirement for a State scientific collecting permit for taking the species. There are no laws or regulations to protect the habitat of the desert dace.

E. Other natural or manmade factors affecting its continued existence. Reservoirs have recently been constructed on the north and south end of the Soldier Meadows area. Channel catfish and smallmouth bass have been

introduced into the southern reservoir. If these exotics should enter habitat occupied by the desert dace they could further reduce dace numbers. The presence of exotic fishes is usually detrimental to native fishes in the western United States due to competition and predation (Deacon *et al.* 1964), as well as the introduction of exotic parasites and disease (Wilson *et al.* 1966). Much of the critical habitat is included in the Soldier Meadows Known Geothermal Resource Area. Although no exploration or drilling is currently occurring in the Soldier Meadows area, the resumption of such activity could result in interference with the thermal aquifers that supply water to springs in the area.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to make this rule final. Based on this evaluation, the preferred action is to list the desert dace as a threatened species, with critical habitat. This listing is appropriate because of past disturbance to habitats that has resulted in populations remaining at relatively low levels that may be adversely impacted by future ground water depletion, geothermal activities, agricultural development, and introduction of exotics. An explanation of the critical habitat designation is presented in the "Critical Habitat" section of this rule.

Critical Habitat

Critical habitat, as defined by Section 3 of the Act, means: (i) The specific areas within the geographical area occupied by a species, at the time it is listed in accordance with the Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) that may require special management considerations or protection, and (ii) specific areas outside the geographical area occupied by a species at the time it is listed, upon a determination that such areas are essential for the conservation of the species.

Section 4(a)(3) of the Act requires that critical habitat be designated to the maximum extent prudent and determinable concurrently with the determination that a species is endangered or threatened. Critical habitat is being designated for the desert dace to include all thermal springs and their outflows located within determinable section and fractional section boundaries in the Soldier Meadows area of Humboldt County, Nevada. The designated aquatic habitat within these boundaries is

somewhat evanescent, shifting in response to seasonal and other climatic factors. The area enclosed by the determinable boundary is approximately four miles long and varies from one to two and two-thirds miles wide. Mud Meadow Creek is near its eastern edge. The southern edge is approximately one mile north of Fly Creek.

Listing regulations of the Service, 50 CFR 424.12(b), state that when considering the designation of critical habitat, the Service shall focus on the biological or physical constituent elements within the defined area that are essential to the conservation of the species. Known primary constituent elements are to be listed with the critical habitat description.

With respect to the desert dace, the thermal springs and their outflows proposed as critical habitat satisfy all known criteria for ecological, behavioral, and physiological requirements of the species. The quantity and quality of water in the pools and outflow streams inhabited by this fish are the most important factors in its conservation. A range of favored temperatures between about 70° and 102°F restricts the fish to areas of the streams near the headwater pools, but these areas expand in summer, when pool temperatures are too high to be tolerated, and contract in winter, when temperatures in the lower streams drop below the favored range. These specialized requirements are met only in limited but seasonally variable portions of this one thermal spring area. Breeding and the growth of young desert dace are likewise confined to certain parts of the area. The species is native to these springs and outflows and is found nowhere else.

Section 4(b)(8) requires, for any proposed or final regulation that designates critical habitat, a brief description and evaluation of those activities (public or private) which may adversely modify such habitat or may be affected by such designation. Such activities are identified for the desert dace as follows.

In the past, water diversions from spring outflow creeks have modified or eliminated much suitable habitat for this species. Additional modification of springs or their outflow creeks without regard for the species could further adversely affect the species and its critical habitat. In addition, the manipulation of water flows and surface disturbance associated with ranching, and geothermal energy exploration or development, could adversely modify remaining habitat of the desert dace.

It should be emphasized that critical habitat designations only affect activities of Federal agencies through section 7 of the Act. Federal actions that could possibly be affected by this rule include actions of the Bureau of Land Management associated with aquatic habitat modification, grazing, and leasing of lands for geothermal exploration and/or development. Such activities could result in adverse modification of desert dace habitat. Section 7 consultation is designed, however, to explore alternatives or modifications to proposed activities that could avoid jeopardizing the continued existence of listed species or adversely modifying their critical habitat. The consultation process could possibly provide recommendations for measures which, if adopted, would ensure compliance with section 7(a)(2) of the Act.

Section 4(b)(2) of the Act requires the Service to consider economic and other impacts of designating a particular area as critical habitat. The Service has considered the critical habitat designation in light of relevant information obtained through the comment process and concludes that no adjustment of the critical habitat boundaries is warranted. Based on the Bureau of Land Management's existing Habitat Management Plan, the absence of any active or planned geothermal or oil and gas leases within or adjacent to the proposed critical habitat, the insignificant potential impacts to grazing, and the unquantifiable benefits that may result from the critical habitat designation, it is not expected that significant economic impacts will result from the designation of critical habitat on Federal lands. In addition, there is no known involvement of Federal funds or permits for private lands within the proposed critical habitat area. Therefore, no significant impact is expected as a result of this critical habitat designation.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species. Such actions are initiated by the

Service following listing. The protection required of Federal agencies and the prohibitions against taking and harm are discussed, in part, below.

Section 7(a) of the Act, as amended, 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 and are now under revision (see proposal at 48 FR 29990; June 29, 1983). 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 a listed 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 the Service. With respect to the desert dace, this provision may affect the Bureau of Land Management in the administration of its portion of the critical habitat area.

The Act and implementing regulations found at 50 CFR 17.21 and 17.31 set forth a series of general prohibitions and exceptions that generally apply to all threatened wildlife. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to take, import or export, ship in interstate commerce in the course of a commercial activity, or sell or offer for sale in interstate or foreign commerce any listed species. It also is illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that had been taken illegally. Certain exceptions would apply to agents of the Service and State conservation agencies. General regulations governing the issuance of permits to carry out otherwise prohibited activities involving threatened wildlife species under certain circumstances are set out at 50 CFR 17.32.

The above discussion generally applies to threatened species of fish and wildlife. However, the Secretary has discretion under section 4(d) of the Act to issue special regulations for a threatened species that are necessary and advisable for its conservation. The desert dace is threatened primarily by habitat disturbance or alteration, not by intentional, direct taking of the species or by commercialization.

Given this fact, and the fact that the State currently regulates direct taking of the species through the requirement of State collecting permits, the Service has concluded that the State's collection

permit system is more than adequate to protect the species from excessive taking, so long as such take is limited to: educational purposes, scientific purposes, the enhancement of propagation or survival of the species, zoological exhibition, and other conservation purposes consistent with the Endangered Species Act. A separate Federal permit system is not required to address the current threats to the species. Therefore, the special rule allows take to occur for the above-stated purposes without the need for a Federal permit if a State collection permit is obtained and all other State wildlife conservation laws and regulations are satisfied. It should be recognized that any activities involving the taking of this species not otherwise enumerated in the special rule are prohibited.

Without this special rule, all of the prohibitions of 50 CFR 17.31 would apply. This special rule would allow for more efficient management of the species, and thus would enhance the conservation of the species. For these reasons, the Service concludes that this regulatory action is necessary and advisable for the conservation of the desert dace.

The final rule brings sections 5 and 6 of the Endangered Species Act into effect with respect to the desert dace. Section 5 authorizes the acquisition of lands or interests therein for the purpose of conserving endangered and threatened species. Pursuant to section 6, the Fish and Wildlife Service would be able to grant available funds to the State of Nevada for management actions aiding the protection and recovery of this species.

Listing the desert dace as threatened would provide for development of a recovery plan for this fish. Such a plan would draw together the State and Federal agencies having responsibility for conservation of the dace. The plan would establish an administrative framework, sanctioned by the Act, for agencies to coordinate activities and cooperate with each other in conservation efforts. The plan would set recovery priorities and estimate the cost of the various tasks necessary to accomplish them. It would assign appropriate functions to each agency and a time frame within which to accomplish them.

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under 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 Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

Regulatory Flexibility Act and Executive Order 12291

The Department of the Interior has determined that designation of critical habitat for this species will not constitute a major action under Executive Order 12291 and certifies that this designation will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule contains no information collection or recordkeeping requirements as defined by the Paperwork Reduction Act of 1980.

Based on BLM's management of its portion of critical habitat, no significant economic impacts are expected to result from the designation of critical habitat on Federal land. In addition, there is no known involvement of Federal funds or permits for the private land included as critical habitat. Any conservation efforts by private landowners would be voluntary. Therefore, no significant

economic or other impacts are expected to result from the critical habitat designation on private land. These determinations are based on a Determination of Effects that is available from the Regional Director, U.S. Fish and Wildlife Service, Suite 1692, Lloyd 500 Building, 500 NE Multnomah Street, Portland, Oregon 97232.

Literature Cited

Deacon, J.E., C. Hubbs, and B.J. Zahuranec. 1964. Some effects of introduced fishes on the native fish fauna of southern Nevada. *Copeia* 1964:384-388.
 Hubbs, C.L. and R.R. Miller. 1948. Two new, relict genera of cyprinid fishes from Nevada. *Occ. Pap. Mus. Zool., Univ. Mich.*, No. 507, 30 pp.
 Nyquist, D. 1963. The ecology of *Eremichthys acros*, an endemic thermal species of cyprinid fish from northwestern Nevada. M.S. Thesis, Univ. Nevada, Reno, 247 pp.
 Wilson, B.L., J.E. Deacon, and W.G. Bradley. 1966. Parasitism in the fishes of the Moapa River, Clark County, Nevada. *Trans. California-Nevada Wildlife Soc.* 1966:12-23.

Author

The primary author of this final rule is Donald W. Sada, U.S. Fish and Wildlife Service, 4600 Kietzke Lane, Building C, Reno,

Nevada 89502 (702-784-5227 or FTS 470-5227).

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Regulations Promulgation

PART 17—[AMENDED]

Accordingly, Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, is amended as set forth below:

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

Authority: Pub. L. 93-205, 87 Stat. 884; Pub. L. 94-359, 90 Stat. 911; Pub. L. 95-632, 92 Stat. 3751; Pub. L. 96-159, 93 Stat. 1225; Pub. L. 97-304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*).

2. Amend § 17.11(h) by adding the following, in alphabetical order under "Fishes," to the List of Endangered and Threatened Wildlife:

§ 17.11 Endangered and threatened wildlife.

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Fishes							
Desert dace	<i>Eremichthys acros</i>	U.S.A. (NV)	Entire	T	210	17.95(e)	17.44(m)

3. Add the following as special rules to 50 CFR 17.44:

§ 17.44 Special rules—fishes.

(m) Desert Dace (*Eremichthys acros*).

(1) No person shall take the species, except in accordance with applicable State fish and wildlife conservation laws and regulations in the following instances: For educational purposes, scientific purposes, the enhancement of propagation or survival of the species, zoological exhibition, and other conservation purposes consistent with the Act.

(2) Any violation of applicable State fish and wildlife conservation laws or regulations with respect to the taking of this species will also be a violation of the Endangered Species Act.

(3) No person shall possess, sell, deliver, carry, transport, ship, import, or export, by any means whatsoever, any such species taken in violation of

applicable State fish and wildlife conservation laws or regulations.

(4) It is unlawful for any person to attempt to commit, solicit another to commit, or cause to be committed, any offense defined in paragraphs (1) through (3) above.

4. Amend 50 CFR 17.95(e) by adding critical habitat of the desert dace as follows: (The position of this entry under § 17.95(e) will follow the same sequence as the species occurs in § 17.11).

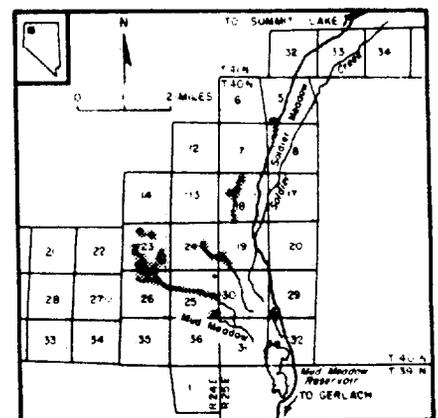
§ 17.95 Critical habitat—fish and wildlife.

(e) * * *

Desert Dace ("Eremichthys acros")

Nevada, Humboldt County. Thermal springs and their outflows plus surrounding riparian areas for a distance of 50 feet from these springs and outflows in T40N, R25E, SW¼ Section 5, NW¼NW¼ Section 8, W½ Section 18, W½SW¼ Section 19; T40N, R24E.

Section 23, N½SE¼ and S½NE¼ Section 24, SE¼ Section 25, N½ Section 25, and N½ Section 26.



Primary constituent elements of the habitat are considered to be quantity, and thermal and chemical quality of water in headpools and spring outflow streams; presence of a

stable, natural substrate supporting food plants for the fish; and length of outflow streams; adequate for seasonal movements in response to changes of water temperature.

Dated: October 8, 1985.

P. Daniel Smith,

Acting Deputy Assistant Secretary for Fish and Wildlife and Parks.

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