#118-92

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; 90-Day Finding on Petition To List the Southwestern Willow Flycatcher and Initiation of Status Review

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of petition finding and initiation of status review.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces a 90-day finding for a petition to add the southwestern willow flycatcher (*Empidonax traillii extimus*) to the List of Endangered and Threatened Wildlife and Plants. The petition has been found to present substantial information indicating that the requested action may be warranted. A status review is initiated.

DATES: The finding announced in this notice was made on August 14, 1992. To be incorporated into the one-year finding on this petition, any information should be submitted to the Service by October 1, 1992. See **ADDRESSES** below). However, the Service will continue to accept information on the status of the southwestern willow flycatcher at any time.

ADDRESSES: Information, comments, or questions concerning the southwestern willow flycatcher petition may be submitted to the Field Supervisor, Phoenix Field Office, U.S. Fish and Wildlife Service, 3616 West Thomas Road, suite 6, Phoenix, Arizona 85019. The petition, finding, supporting data, and comments will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Sam Spiller, Field Supervisor at the above address (telephone 602/379-4720 or FTS 261-4720).

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 indicate that the petitioned action may be warranted. To the maximum extent practicable, this finding is to be made within 90 days of the receipt of the petition, and the finding is to be published promptly in the **Federal Register**. If the finding is positive, the Service also is required to promptly commence a status review of the species concerned.

On January 30, 1992, the Service received a petition from Kieran Suckling, David Hogan, and Robin Silver to list the southwestern willow flycatcher (*Empidonax traillii extimus*) as an endangered species. The petition also requested critical habitat be designated and the species be emergency listed. The petition was dated January 25, 1992, and co-sponsored by the Biodiversity Legal Foundation, Friends of the Owls, and Forest Guardians.

This finding is based on various documents, including published and unpublished studies, agency documents, and field survey records. All documents on which this finding is based are on file in the Fish and Wildlife Service Field Office in Phoenix, Arizona.

A species that is in danger of extinction throughout all or a significant portion of its range may be declared an endangered species under the Act. A species that is in danger of endangerment (as defined above) throughout all or a significant portion of it's range may be declared a threatened species under the Act. Section 3(15) of the Act includes under the term species "* * * any subspecies * * * and any distinct population segment of any species * * * which interbreeds when mature."

The southwestern willow flycatcher is one of four subspecies of the willow flycatcher (*Empidonax traillii*) recognized in North America. The widely distributed *E. t. traillii* occurs across the northern United States from New England through northern Wyoming and Montana, and into British Columbia. *E. T. adastus* occurs from Colorado west of the plains, to the west through the intermountain states and into eastern California, eastern Oregon and eastern Washington. The range of *E. t. brewsteri* extends from coastal California (just north of Los Angeles) north, through western Oregon and Washington to Vancouver Island. The range of the southwestern willow flycatcher (*E. t. extimus*) includes southern California, southern Nevada, southern Utah, western New Mexico, and Arizona. It may also occur in southwestern Colorado, but verified records are lacking. Several records from Baja California del Norte and Sonora indicate the subspecies had limited distribution in extreme northwestern Mexico.

The southwestern willow flycatcher is recognized as a valid subspecies. Phillips (1948) first described the subspecies, a taxon subsequently recognized and supported by Aldrich (1951), Phillips *et al.* (1964), Monson and Phillips (1981), Hubbard (1987), and Unitt (1987). The Service also recognized the *extimus* subspecies (56 FR 58804). However, the subspecies was not recognized by the American Ornithologists' Union (AOU 1957). The above information, presented by the petitioners and/or otherwise available to the Service, indicates the southwestern willow flycatcher may be listed under the Act, as "* * * any subspecies * * * and any distinct population segment of any species which interbreeds when mature" [section 3(15)].

The southwestern willow flycatcher occurs in densely vegetated riparian habitats, preferring streamside associations of cottonwood (*Populus* sp.), willow (*Salix* sp.), and other riparian vegetation (Grinnell and Miller 1944, Phillips 1948, Zimmerman 1970, Hubbard 1987, Unitt 1987). The petition contends that listing the southwestern willow flycatcher as endangered is necessary because populations have seriously declined, essential habitat is subject to widespread present and threatened destruction, and the existing regulatory mechanisms for protection are inadequate. Population declines were documented and habitat loss and modification was discussed. The petition also presented information on other, often interrelated threats to the continued existence of the southwestern willow flycatcher. These threats included brood parasitism by the brown-headed cowbird (*Molothrus ater*), replacement of native riparian vegetation by the exotic tamarisk (*Tamarix* sp.), livestock grazing, pesticide contamination, predation, and probable loss of winter habitat due to tropical deforestation.

I. Population Trends

The petitioners accurately represented the published information, which indicates that the southwestern willow flycatcher has declined throughout its range. A summary of the status of the southwestern willow flycatcher was published by Unitt (1987). Unitt reviewed historical and contemporary published records on the subspecies across its range, determining, that it had

"declined precipitously," and that "although the data reveal no trend in the past few years, the population is clearly much smaller now than 50 years ago, and no change in the factors responsible for the decline seem likely." The petitioners accurately represented new information that has become available since Unitt's (1987) summary. Recent information indicates a continuing downward trend of the population (Brown 1991, Whitfield and Laymon unpublished data).

In the January 6, 1989, Animal Notice of Review (54 FR 554), the Service listed the southwestern willow flycatcher as a Category 2 species. Category 2 species are those species for which information in the possession of the Service indicates that proposing to list as endangered or threatened is possibly appropriate, but for which conclusive data on biological vulnerability and threat are not currently available to support proposed rules. In the November 21, 1991, Animal Notice of Review (56 FR 58804), the Service elevated the southwestern willow flycatcher to Category 1 status. Category 1 status indicates that the Service has sufficient information to propose listing a species as threatened or endangered but a proposed rule has yet to be issued because the action is precluded at present by other listing activities. The majority of the southwestern willow flycatcher's range lies within California, Arizona, and New Mexico (Phillips 1948, Unitt 1987). Each of those states list the willow flycatcher as endangered on their respective lists of threatened, endangered and/or sensitive species (Arizona Game and Fish Department 1988, New Mexico Department of Game and Fish 1988, California Department of Fish and Game 1991). Population trends by state are briefly discussed below.

California

Southwestern willow flycatchers were common breeders in coastal southern California (Willet 1912, 1933). Egg collections confirmed it must have been common in the Los Angeles basin, the San Bernardino/Riverside area and San Diego County (Unitt 1987). Collections by Brown, discussed in Unitt (1987), suggest the subspecies was also a common breeder along the lower Colorado River near Yuma in 1902. California may have once supported the majority of nesting southwestern willow flycatchers.

The subspecies is no longer known to nest on the lower Colorado River (Hunter *et al.* 1987, Rosenberg *et al.* 1991), and currently exists as small, widely disjunct remnant nesting groups elsewhere in the state (Unitt 1987). Three recent status reviews (Garrett and Dunn 1981, Harris *et al.* 1986, Schlorff 1990) considered extirpation from California to be possible, even likely, in the foreseeable future. Only two nesting groups have been stable or increasing in recent years. One is on private land where threats from livestock grazing (see below) have been virtually eliminated (Harris *et al.* 1987, Whitfield 1990). However, after remaining stable for several years, this group on the Kern River experienced declines in 1991 (Whitfield and Laymon unpublished data). The other nesting group is on a military base, Camp Pendleton, where threats from cowbird parasitism (see below) have been reduced. Approximately six other nesting groups are known in California, all of which consisted of six or fewer nesting pairs in recent years (Suckling *et al.* 1992, Fish and Wildlife Service unpublished data).

Arizona

The type collection for *E. t. extimus* (by Gale Monson, May 30, 1940) came from the lower San Pedro River and was described by Phillips (1948). The former range in Arizona included the lower Colorado River (Phillips 1948, collections by Brown discussed in Unitt 1987), and also the Colorado River near the Little Colorado River confluence and Lees Ferry (Phillips pers. comm. cited in Unitt 1987). The subspecies was also known from the Santa Cruz River (Swarth 1914, Phillips 1948), the Verde River (Phillips 1948), the White River at Whiteriver, the White Mountains near Springerville and Alpine, and the Gila River at Fort Thomas (W.C. Hunter pers. comm. cited in Unitt 1987).

The subspecies is no longer known to nest on the lower Colorado River (Hunter *et al.* 1987, Rosenberg *et al.* 1991), and is known to persist elsewhere in the state in only three areas. Two are located in the Grand Canyon, and these had declined to a total of two pairs by 1991 (Brown 1991). Two possible breeding birds were seen in 1991 in the White Mountains area, known to have supported small nesting groups (Arizona Game and Fish Department unpublished data). Extensive loss and modification of riparian habitats has occurred throughout much of the state and most willow flycatcher habitat is now gone. Unitt (1987) concluded that " * * * it is clear that *extimus* has been extirpated from much of the area from which it was originally described, the riparian woodlands of southern Arizona."

New Mexico

Hubbard (1987) reviewed and summarized the flycatcher's status in New Mexico. He believes the breeding populations to be generally confined to the regions west of the Rio Grande River, with records from Rio Grande, Chama, Zuni, San Francisco, Gila, and possibly lower Penasco drainages. Phillips (1948) also noted records from southwestern New Mexico, and from Las Vagas in the northeast.

The total range of the willow flycatcher has not been reduced in New Mexico, but numbers have likely declined (Hubbard 1987, Unitt 1987). A majority of remaining nesting southwestern willow flycatchers may occur in New Mexico (Unitt 1987). Nesting groups of 19 and 53 flycatcher pairs were found on the upper Gila River (Montgomery *et al.* 1985). Recent information on those nesting groups is not available, and Hubbard (1987) noted that data were lacking for trends of most nesting groups. Where data were available, they documented loss of a group of 15 breeding pairs by the rising waters of Elephant Butte Reservoir. Hubbard noted that this colony may have moved upstream, to new shoreline habitat created by the impoundment. However, he also found that the "virtually inescapable" conclusion was that "a decrease has occurred in the population of breeding willow flycatchers in New Mexico over historic time," resulting from habitat loss (Hubbard 1987).

Texas

The eastern edge of the southwestern willow flycatcher's range is believed to be in western Texas (Unitt 1987). Collections of the subspecies have been made at Fort Hancock on the Rio Grande (Phillips 1948), in the Guadalupe Mountains (Phillips pers. comm. cited in Unitt 1987), and the Davis Mountains (Oberholser 1974). Wauer (1973) considered the southwestern willow flycatcher a rare summer resident in Big Bend National Park. Data are lacking on current population levels and trends in Texas.

Utah

The northern limits of breeding southwestern willow flycatchers, in the eastern half of its range, are in southern Utah. However, because of intergradations with the *adastus* subspecies, the exact limits are not well defined (Behle 1985, Unitt 1987). The subspecies apparently has always been rare in southern Utah (Behle pers. comm. cited in Unitt 1987). Records that are likely to represent the *extimus* subspecies are from the Virgin River, from Saint George to Springdale (Phillips 1948), Kanab Creek near Kanab, and along the San Juan and

Colorado Rivers in southeastern Utah (Behle 1985). Other possible records corroborate the subspecies being present along the Virgin, Colorado, San Juan, and perhaps Paria Rivers (Bureau of Land Management, unpublished data).

Few data are available on population trends in southern Utah. However, loss of habitat is assumed to have reduced populations on the Virgin, Colorado, and San Juan Rivers. These losses have been due to urban and suburban expansion on the Virgin River, and inundation by Lake Powell on the Colorado and San Juan Rivers (Behle pers. comm. cited in Unitt 1987, Bureau of Land Management unpublished data).

Nevada

Unitt (1987) reported only three records for Nevada, all before 1962. Unitt (1987) and Hubbard (1987) both considered extreme southern Nevada to be within the subspecies' range. However, no recent data are available on population levels or trends.

Colorado

It is unknown whether the southwestern willow flycatcher occurs in Colorado. Some authors believe the subspecies may range into extreme southwestern Colorado (e.g. Hubbard (1987); others do not (e.g. Unitt 1987). Willow flycatchers in this region display considerable individual variation, and may represent intergrades between the *extimus* and *adastus* subspecies (Phillips 1948). There are not recent data on current population levels or trends from this area.

Mexico

Six specimens from Baja California del Norte and two from mainland Mexico (Sonora) were discussed by Unitt (1987). That author and Phillips (pers comm. cited in Unitt 1987) believe the suospecies is not common in northwestern Mexico. There are no recent data on current population levels or trends.

II. Habitat Trends

The petitioners noted that extensive loss of southwestern willow flycatcher habitat has taken place, and that current habitat exists only as small, widely dispersed, fragmented islands. The petition indicated these habitat islands are highly vulnerable to further fragmentation and loss, and southwestern willow flycatchers inhabiting them are vulnerable to local extirpation from a variety of threats which are exacerbated by habitat fragmentation and isolation.

Widespread losses of southwestern wetlands are well-described, particularly the cottonwood-willow riparian habitats of southwestern willow flycatchers (Phillips *et al.* 1964, Bulmer and Thornburg 1988, General Accounting Office 1988, Szaro 1989, Dahl 1990, State of Arizona 1990). Dahl (1990) reviewed losses of wetlands between 1780 and the 1980's in the southwestern states: California 91%; Nevada 52%; Utah 30%; Arizona 36%; New Mexico 33%; and Texas 52%. Bulmer and Thornburg (1988) estimated losses of as much as 90% of lowland riparian habitat in Arizona. These losses have been attributed to urban encroachment, water diversion, channelization, livestock grazing, and hydrological changes resulting from numerous land uses.

Loss of the cottonwood-willow riparian forests has had widespread impact on the distribution and abundance of bird species associated with that forest type (Hunter *et al.* 1987, Hunter *et al.* 1988, Rosenberg *et al.* 1991).

The petition contends that as habitat becomes fragmented, small isolated habitat islands and their resident flycatchers are increasingly susceptible to extinction through stochastic events like floods, fire, brood parasitism, and predation.

III. Additional Threats to the Southwestern Willow Flycatcher

The petition stated that, in addition to loss of habitat and reductions in known populations, the southwestern willow flycatcher faces a variety of other, often interrelated threats to its continued existence. These include brood parasitism, invasion of habitat by exotic species, livestock grazing, pesticide contamination, predation, and probable loss of wintering habitat due to tropical deforestation.

Cowbird Parasitism

The petitioners stated that brood parasitism by the brown-headed cowbird (*Molothrus ater*) constitutes a threat to the southwestern willow flycatcher. Expansion of the range of the brown-headed cowbird and observed parasitism have been correlated with declines in various songbirds (Mayfield 1977a). The cowbird lays it eggs in the nest of other songbirds. The larger, more aggressive cowbird nestlings typically outcompete those of the host species for parental care. Several host species have experienced acute declines following the combination of habitat fragmentation and cowbird parasitism. These include the Kirtland's warbler (*Dendroica kirtlandii*) (Mayfield 1977a, 1977b), the least Bell's vireo (*Vireo bellii pusillus*) (Pike and Hays 1991), and the willow flycatcher.

Brood parasitism of the willow flycatcher by brown-headed cowbirds is well documented (Hanna 1928, Rowley 1930, Willet 1933, Gaines 1974, Garret and Dunn 1981, Harris *et al.* 1987, Laymon *et al.* 1987, Brown 1988, 1991, Sedgewick and Knopf 1988, Whitfield 1990, Harris 1991). The effects of such parasitism include reducing overall nest success rate, overall egg-to-fledging rate, and delaying successful fledging (because of renesting attempts) (Harris 1991). Harris believes the delayed fledging may not give fledglings sufficient time to prepare for migration. The typical response to parasitism was abandonment of the nest. Willow flycatcher sometimes renest after abandoning a nest parasitized by cowbirds. Renesting usually results in smaller clutches, further reducing overall reproductive potential (Holcomb 1974).

Habitat fragmentation is strongly associated with increased rates of brood parasitism by brown-headed cowbirds (Rothstein *et al.* 1980, Brittingham and Temple 1983, Airola 1986). Host species nesting in linear riparian habitats are particularly vulnerable to parasitism (Airola 1986, Laymon *et al.* 1987, Harris 1991, Bleitz 1956 cited in Harris 1991). Thus the habitat fragmentation described above is likely to increase the threat of cowbird parasitism.

Rothstein *et al.* (1980), Stafford and Valentine (1985), and Harris (1991) believe parasitism may be correlated with elevation, being more severe at lower elevations. Coupled with greater loss of lowland (desert) riparian habitat, the effects of habitat loss and parasitism are compounded. As discussed above, the lower Colorado River may have once been the core of this subspecies' range. Not only has this area suffered widespread habitat loss and modification, but being at a low elevation, cowbird parasitism may have been an equally potent agent of extirpation.

Tamarisk Invasion

The petitioners indicated that the rapid spread of the exotic tamarisk (*Tamarix* sp.) has impacted the southwestern willow flycatcher. Tamarisk was introduced into North America in the 1800's as an ornamental windbreak and erosion-control plant. It has spread rapidly along southwestern watercourses, typically to the detriment of native riparian vegetation, especially cottonwood/willow associations. The resulting changes include altered

floristic species composition, related changes in structure and volume of vegetation, and overall riparian ecology (Rosenberg *et al.* 1991). Changes in bird species communities resulting from invasion by tamarisk are well known. Conversion to tamarisk typically results in significant reductions or complete loss of bird species strongly associated with cottonwood-willow habitats. These include the yellow-billed cuckoo (*Coccyzus americanus*), summer tanager (*Piranga rubra*,), northern oriole (Icterus galbula), and the southwestern willow flycatcher (Hunter *et al.* 1987, Hunter *et al.* 1988, Rosenberg *et al.* 1991).

Willow flycatchers are generally absent where the exotic tamarisk has replaced native riparian vegetation (Hunter *et al.* 1987). The *extimus* subspecies is not known to nest in tamarisk at low or high elevations (Hunter *et al.* 1987, Hunter *et al.* 1988), but has nested in tamarisk at middle elevations (Hubbard 1987, Brown 1988, 1991). The petitioners cite numerous references quantifying tamarisk invasion and associating it with woodcutting vegetation clearing, and grazing (e.g. Behle and Higgins 1959, Hunter *et al.* 1988, Rosenberg *et al.* 1991).

Livestock Grazing

The petition also presented information on the detrimental effects of livestock grazing on the southwestern willow flycatcher and its habitat. The information presented indicated that livestock grazing negatively affects willow flycatchers through three mechanisms:

1. Destruction of nests by direct physical contact with livestock (Valentine *et al.* 1988, Flett and Sanders 1987, Stafford and Valentine 1985). Studying the *brewsteri* subspecies in California, Valentine (1987) found that 8 of 20 (40%) nests were trampled by cattle.

2. Changes in riparian vegetation caused by grazing include reduction of available nesting habitat, changes in vegetation structure, and changes in hydrology that result in altered riparian ecosystems (Serena 1982, Cannon and Knopf 1984, Taylor 1986). Linear riparian habitats in arid regions are particularly vulnerable to fragmentation due to their disproportionate attractiveness to cattle (Johnson 1989).

3. Cattle attract brown-headed cowbirds, whose detrimental effects are described above (Valentine *et al.* 1988). Cowbirds are strongly associated with livestock and human agriculture. Birds nesting in linear riparian habitats are particularly vulnerable to parasitism (Airola 1986, Laymon *et al.* 1987, Harris 1991, Bleitz 1956 cited in Harris 1991). As noted above, linear riparian habitats are also vulnerable to fragmentation by grazing, which further increases the threat of parasitism.

Strong circumstantial evidence is available that livestock grazing negatively affects willow flycatchers. Pronounced increases in willow flycatcher numbers have coincided with dramatic reductions in cattle grazing (Taylor and Littlefield 1986, Taylor 1986, Harris *et al.* 1987). Southwestern willow flycatchers increased by 61% over a five-year period after grazing was reduced (Harris *et al.* 1987). Taylor and Littlefield (1986) found higher numbers of *brewsteri* willow flycatchers correlated with minimal or nonexistent livestock grazing. The petitioners also noted that most of the areas still known to support southwestern willow flycatchers have low or nonexistent levels of livestock grazing.

Water Impoundment

The petitioners stated that water developments (particularly dams) have significantly reduced southwestern willow flycatcher habitat. The series of dams along most major southwestern rivers (Colorado, Gila, Salt, Verde, Rio Grande) have altered riparian habitats downstream of dams through hydrological changes, and inundated habitats upstream of the dams. New habitat is sometimes created along the shoreline of reservoirs, but this habitat (often tamarisk) is unstable with fluctuating levels of regulated reservoirs (Grinnell 1914, Phillips *et al.* 1964, Rosenberg *et al.* 1991).

Logging

The petitioners discussed logging of southwestern forests as another potential threat to the southwestern willow flycatcher. The petitioners stated that logging increases the likelihood of damaging floods in southwestern willow flycatcher nesting habitat. The petitioners presented no information to document specific impacts of logging on southwestern willow flycatcher nesting habitat. This issue will be investigated during the Service's status review.

Tropical Deforestation

The petitioners discussed deforestation of tropical and neotropical forests as another potential threat to the southwestern willow flycatcher. The petitioners stated that the subspecies winters in tropical regions, that tropical deforestation is widespread, and that the flycatcher may therefore be limited by availability of wintering habitat as well as breeding habitat.

The petitioners presented no information to document specific impacts of tropical deforestation on wintering southwestern willow flycatchers. This issue will be investigated during the Service's status review.

Pesticides

The petitioners discussed the southwestern willow flycatcher's preference for, and former abundance in, floodplain areas that are now largely agricultural. The petitioners argued that, where flycatcher populations remain, they are in proximity to agriculture areas, with the associated pesticides and herbicides. These agents may potentially affect the southwestern willow flycatcher, through direct toxicity and/or effects on their insect food base.

The petitioners presented no specific information to document effects of pesticides. The potential for negative effects on the flycatcher will be investigated during the Service's status review.

Predation

The petitioners maintained that predation on southwestern willow flycatchers may also be a significant threat, and may be increasing with habitat fragmentation. This contention is supported by some literature. Rosenberg *et al.* (1991) found increases in the great-tailed grackle in the lower Colorado River valley. The great-tailed grackle preys heavily on the eggs and young of other birds. Breeding southwestern willow flycatchers were apparently once common in the lower Colorado River valley (see discussion above). The flycatcher is no longer known to nest in that region. Whitfield (1990) found predation was significant on southwestern willow flycatcher nests. Predation increased with decreasing distance from nests to forest edge, suggesting that habitat fragmentation may increase the threat of predation, as well as increasing the threat of brood parasitism by cowbirds.

IV. Inadequacy of Existing Regulatory Mechanisms

The petitioners discussed the inadequacy of existing regulatory mechanisms to protect the southwestern willow flycatcher and its habitat. They noted that no conservation plans or habitat restoration projects exist on flycatcher habitat managed by the U.S. Forest Service, U.S. Bureau of Land Management, National Park Service, Bureau of Reclamation, U.S. Fish and Wildlife Service, Indian Nations, or

state agencies. The petitioners discussed specific management practices of each of these agencies which have resulted in loss of southwestern willow flycatcher habitat. The petitioners noted that the only measures implemented to benefit southwestern willow flycatchers have been on private (The Nature Conservancy) and military land (U.S. Marine Corps Camp Pendleton). In the latter instance, measures implemented primarily to recover the least Bell's vireo have also benefitted the flycatcher. The southwestern willow flycatcher is currently protected under the Migratory Bird Treaty Act (16 U.S.C. 703–712).

The adequacy of existing regulatory mechanisms protecting the southwestern willow flycatcher and its habitat will be evaluated during the Service's status review.

After a review of the petition, the references cited, and information otherwise available to the Service, the Service found that the petition presented substantial information indicating that listing the southwestern willow flycatcher may be warranted. The available information indicates that the numbers and range of the southwestern willow flycatcher have declined, in response to loss and modification of habitat, brood parasitism, predation, lack of existing regulatory mechanisms, and probably other factors yet to be defined. The Service will consider the request for emergency listing and designation of critical habitat. If the Service determines emergency listing is prudent, a proposed emergency rule will be published. If the Service determines designation of critical habitat is prudent and determinable, it will be included if a proposed rule is published.

This finding initiates a status review for the southwestern willow flycatcher as required under section (4)(b)(3)(A) of the Act. Within one year of receiving the petition, the Service is required under section 4(b)(3)(B) of the Act to make a finding whether the petitioned action is warranted. The Service requests any additional data, information or comments from the public, government agencies, the scientific community, industry, or any other interested party concerning the status of the southwestern willow flycatcher.

References Cited

A complete list of all references cited herein is available on request from the Field Supervisor, Phoenix Field Office (See **ADDRESSES** section).

Author

The primary author of this notice is Timothy Tibbitts of the Phoenix, Arizona Fish and Wildlife Service Ecological Services Field Office (see **ADDRESSES** section).

Authority: The authority for this action is 16 U.S.C. 1531–1544.

List of Subjects in 50 CFR Part 17

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

Dated: August 14, 1992.

Jay L. Gerst,

Acting Director, Fish and Wildlife Service.

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