

Service is commencing a formal review of the status of four of these species. The remaining three species were the subject of a previous petition and therefore are not being considered here.

**DATES:** The finding announced in this notice was made on March 2, 1992. Comments and materials related to this petition finding may be submitted to the Boise Field Office at the address below until further notice.

**ADDRESSES:** Data, information, comments, or questions concerning the status of the petitioned species described below should be submitted to the Field Supervisor, Boise Field Office, U.S. Fish and Wildlife Service, 4698 Overland Road, room 576, Boise, Idaho 83705. The petition, finding, supporting data, and comments are available for public inspection, by appointment, during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Robert Parenti, Boise Field Office, at the above address (208-334-1931).

**SUPPLEMENTARY INFORMATION:**

**Background**

Section 4(b)(3)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act), requires that the Service make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information indicating 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 Service finds that a petition presents substantial information indicating that a requested action may be warranted then the Service initiates a status review on that species. Section 4(b)(3)(B) of the Act requires the Service to make a finding as to whether or not the petitioned actions are warranted within 1 year of the receipt of a petition that presents substantial information.

On October 8, 1991, the Service received a petition from Mr. Stu Garrett, representing the native Plant Society of Oregon, Oregon Resources Council, Portland Audubon Society, Oregon Natural Desert Association, Concerned Citizens for Responsible Mining, and The Wilderness Society to list the following seven plants as endangered: *Amsinckia carinata* (Malheur Valley fiddleneck), *Astragalus sterilis* (barren milk-vetch), *Eriogonum crosbyae* (Crosby's buckwheat), *Ivesia rhypara*

var. *rhypara* (grimy ivesia), *Mentzelia mollis* (smooth blazing-star), *Mentzelia packardiae* (Packard's blazing-star), and *Senecio ertterae* (Ertter's senecio). Three of the plants listed above were included in the Smithsonian Institution's Report, which was presented to Congress on January 9, 1978, and accepted by the Service as a petition under the Act. The Service has made warranted but precluded findings annually since 1983 for these three taxa. Therefore, the Service regards the petition to list *Astragalus sterilis*, *Mentzelia mollis*, and *Mentzelia packardiae* as second petitions. The Service has evaluated the petitioner's requested actions for the remaining four plant species.

*Amsinckia carinata*, *Eriogonum crosbyae*, *Ivesia rhypara* var. *rhypara*, and *Senecio ertterae* occur on unique substrates in Oregon and Nevada. The petition and supporting documentation have been reviewed to determine if substantial information has been presented to indicate that the requested actions may be warranted.

The petition states that mining, particularly cyanide heap-leach open-pit gold mining, threatens these four plants, and that there has been a recent increase in this type of mining in Oregon, Idaho and Nevada. Threats include prospecting for new claims, off-road vehicle use associated with mining and prospecting, road construction for mining operations, deposition of overburden, mine reclamation, disturbance related to mining operations and actual mining in plant populations. In addition the petition states that all sites of the species occur within rangelands, which are used primarily for cattle grazing. Cattle trail over all known populations. Habitat disturbance caused by cattle leads to invasion of weeds, erosion, and to the overall degradation of the habitat.

*Amsinckia carinata*, in the family Boraginaceae, is an erect, bristly, annual herb with deep yellow or orange flowers and long middle and upper leaves. This plant is only known from the Malheur Valley, in northern Malheur County, Oregon. After its initial discovery in 1896, the plant was not seen again until 1984 when it was rediscovered near the small town of Harper, Oregon. Although several small populations were located in 1989, it appears that the potential habitat is extremely limited. The entire range of the species includes less than 10,000 acres of habitat in a 20 square mile (32 square kilometer) area. The petition states that potential habitat for

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; 90-Day Finding for a Petition To List Seven Species as Endangered and Commencement of a Status Review for Four of the Species

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of petition finding.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service), under the Endangered Species Act of 1973, as amended (Act), announces a 90-day finding on a petition to add seven species to the Lists of Endangered and Threatened Wildlife and Plants. A petition to list seven plant species from Oregon, Idaho, and Nevada has been found to present substantial information indicating that the requested action may be warranted. Through issuance of this notice, the

the species is extremely limited and it is unlikely that additional populations will be found. Population sizes vary from year to year with rainfall and in dry years are very small. According to the petition, all populations of the species are located on mining claims. Prolonged drought, variability in seasonal rainfall, competition with introduced noxious weeds, and some hybridization could also contribute to the extinction of this species.

*Eriogonum crosbyae*, in the family Polygonaceae, is a low, densely-matted herbaceous perennial with basal leaves and yellow flowers. The species occurs in south-central Oregon in Lake County including a site on the Lake-Harney County borders, and in adjacent Elko County, Nevada. The petition states that all known populations of the species are threatened by habitat destruction from surface mining for gold. The plant occurs on a tuffaceous substrate similar to gold-bearing deposits elsewhere in Oregon and Nevada. Recent status surveys on this species have not located any new populations (Smith and Schoolcraft 1988, as cited in the petition; Kaye *et al.* 1990, as cited in the petition). The petition further states that 88 percent of the Nevada populations are within the boundary of the Hog Ranch Mine Claim blocks in Nevada. Six subpopulations there have been partially or completely destroyed by mining operations. The reproductive capacity of this species appears to be poor at all known sites. Researchers have observed seedlings at only two sites in undisturbed habitat.

*Invesia rhypara* var. *rhypara*, in the family Rosaceae, is a low-spreading perennial with white flowers and mostly basal leaves. This species is now known from four population centers in Malheur and Lake Counties, Oregon, and Washoe and Elko Counties, Nevada, for a total of six populations. The plant is limited to a tuffaceous substrate similar to gold-bearing deposits elsewhere in Oregon and Nevada. The petition states that all known sites are on mining claims, although the status of two claims in Oregon is unclear. The known populations and habitat areas are small and localized. Extensive inventory efforts in 1989 and 1990 yielded no new populations (Kaye *et al.* 1990, as cited in the petition). Existing populations are small and widely isolated. The reproductive success of this species appears to be limited.

*Senecio ertterae*, in the family Asteraceae, is an herbaceous annual with irregularly-shaped, long, woolly, alternate leaves and golden-yellow flower heads. This species is a narrow endemic confined to specific substrates

derived from one type of volcanic ash in the Leslie Gulch ash flow tuff formation. The species is not known to occur outside Leslie Gulch, Malheur County, Oregon. The range of the species is less than 30 miles (48 kilometers), and the total known habitat within this range is approximately 2,000 acres. The overall area is small enough that the entire species could be considered one extended population. The petition states that the sites are surrounded by recently recorded mining claims and all but a few of the populations are included within the claims. This species is threatened by recreational use, particularly off-road vehicle use, which causes soil disturbance and erosion in the loose ash beds. An additional threat to the species is the invasion of exotic weeds such as cheatgrass (*Bromus tectorum*).

This petition has been reviewed by the staff at the Boise Field Office in Boise, Idaho, the Portland Field Office, and the Regional Office in Portland, Oregon. Based on scientific and commercial information contained in the petition, referenced in the petition, and otherwise available to the Service at this time, the Service has determined that the petition presents substantial information indicating that listing of *Amsinckia carinata*, *Eriogonum crosbyae*, *Invesia rhypara* var. *rhypara*, and *Senecio ertterae* may be warranted.

This finding initiates a status review for each of the above species. The Service would appreciate any additional data, comments, and suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning the status of these species.

#### Author

This notice was prepared by Robert Parenti (Boise Field Office) and Allison Banks (Portland Regional Office).

#### List of Subjects in 50 CFR Part 17

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

Authority: 16 U.S.C. 1361-1467; 16 U.S.C. 1531-1544; 16 U.S.C. 4201-4245; Pub. L. 90-625, 100 Stat. 3500, unless otherwise noted.

Dated: October 6, 1982.

Bruce Blanchard,

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

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