

SUPPLEMENTARY INFORMATION:**Background**

Section 4(b)(3)(A) of the Endangered Species Act (Act) of 1973, as amended in 1982 (16 U.S.C. 1531 et seq.), requires that the U.S. Fish and Wildlife Service (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 review of the status of the involved species.

The Service announces a 90-day finding on a petition requesting the Service to list as endangered the fluvial (permanently stream-dwelling) Arctic grayling (*Thymallus arcticus*) in the contiguous United States and initiates a status review.

A petition dated October 2, 1991, was received by the Service from the Biodiversity Legal Foundation and George Wuerthner on October 9, 1991. The petition requested that the "fluvial Arctic grayling" be listed as endangered throughout its historic range in the conterminous United States. Additionally, the petitioners requested that critical habitat be designated. The petitioners submitted biological, distributional, and historical information, and referenced several scientific articles in support of the petition.

Within the contiguous United States, two geographically isolated fluvial populations of Arctic grayling, referred to by the petitioners as fluvial Arctic grayling, were found in Michigan and in the drainage of the upper Missouri River in Montana and Yellowstone National Park in northwestern Wyoming (Scott and Crossman 1973). The petitioners stated that the fluvial Arctic grayling has been extirpated from most of its historic range in the contiguous United States. As the petitioners recognized, the population of Arctic grayling in Michigan has been extinct since the 1930's (Vincent 1962; Scott and Crossman 1973; S. Walker, U.S. Fish and Wildlife Service, pers. comm., 1992). Because the Michigan population of Arctic grayling is extinct and, therefore, by definition cannot be listed, the finding addressed only the fluvial population of the Arctic grayling found in the upper Missouri River drainage.

The only confirmed remnant of the indigenous fluvial population of Arctic grayling in the upper Missouri River

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Part 17****Endangered and Threatened Wildlife and Plants; 90-Day Finding and Commencement of Status Review for a Petition to List the Fluvial Population of the Arctic Grayling as Endangered**

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of petition findings 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 contiguous U.S. population of the fluvial Arctic grayling (*Thymallus arcticus*) to the List of Threatened and Endangered Wildlife. The Service finds the petition presents substantial information indicating that the requested action may be warranted.

DATES: The finding announced in this notice was made in December 1992. Comments and materials need to be submitted by March 22, 1993 to be considered in the 12-month finding.

ADDRESSES: Information, comments, or questions concerning this petition may be submitted to the Field Supervisor, U.S. Fish and Wildlife Service, Fish and Wildlife Enhancement, Federal Building and U.S. Courthouse, 301 South Park, P.O. Box 10023, Helena, Montana 59626-0023. The petition, finding, and supporting data are available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Dale Harms, State Supervisor, at the above address, telephone (406) 449-5225.

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drainage exists in the Big Hole River and the lower reaches of the Big Hole's tributaries in southwestern Montana (Liknes and Gould 1987, Kaya 1990). An additional remnant of the fluvial Arctic grayling population of the upper Missouri River drainage may occur in Ennis Reservoir on the Madison River in Madison County, Montana. For convenience in the subject finding, the fluvial form of the indigenous Arctic grayling from the upper Missouri River drainage in Montana and Wyoming is referred to as the fluvial Arctic grayling.

A status review was first initiated for the "Montana Arctic grayling" (*T. a. montanus*) by a notice of review published December 30, 1982 (47 FR 58454). However, this subspecific designation is not widely accepted (Kaya 1990). The scientific community considers the Missouri River drainage population of the Arctic grayling to be a geographically isolated population of *T. arcticus*.

The petitioners indicated that decline of the fluvial Arctic grayling is a result of many factors. The primary causes cited by the petitioners were habitat degradation resulting from livestock grazing and stream diversions for irrigation, competition with nonnative trout species, and past overharvesting by anglers. Additionally, the petition stated that much of the annual recruitment is lost in irrigation ditches.

The Service found that a combination of elements have contributed to the decline or extirpation of fluvial Arctic grayling. In both the upper Missouri River drainage and Michigan, historic overharvest appears to have initiated declines of the Arctic grayling (Vincent 1962). Competition and/or predation by nonnative trout species are speculated to be important factors contributing to the decline of Arctic grayling (Vincent

1962, Kaya 1990). Furthermore, in Michigan, logging activities diminished the quality of stream habitat through erosion, increased silt deposition, elevated water temperatures, and destruction of streambeds (Vincent 1962).

In the upper Missouri River drainage, dewatering for agricultural irrigation reduces available habitat for grayling and may result in stranding of incubating eggs or young fish, increased predation on young because they are concentrated in the remaining water, and higher water temperatures (Kaya 1990). Fry and juvenile grayling become stranded in irrigation ditches and die when the headgates are closed without opportunity for fish to return to the river (Shepard and Oswald 1989).

Additionally, an integral portion of the historic range of the fluvial Arctic grayling has been altered by the extensive construction of dams and reservoirs that have created barriers obstructing migrations to spawning, wintering or feeding areas, and inundated grayling habitat (Vincent 1962, Kaya 1990).

The Act allows the Service to list distinct population segments of vertebrate fish and wildlife. The fluvial form of the Arctic grayling in the upper Missouri River drainage is geographically isolated from other fluvial grayling populations and is behaviorally distinct from lacustrine (live in lakes and spawn in streams) grayling. For these reasons, the Service believes the fluvial form of the Arctic grayling in the upper Missouri River drainage is a distinct population segment.

After reviewing the petition, accompanying documentation, and references cited therein, the Service finds that the petition presents

substantial information indicating that listing the fluvial population of the Arctic grayling in the upper Missouri River drainage as endangered may be warranted. Within 1 year from the date the petition was received, a finding as to whether the petitioned action is warranted as required by section 4(b)(3)(B) of the Act.

The petitioners also requested that critical habitat be designated. If the 12-month finding determines that the petitioned action to list the fluvial Arctic grayling as endangered is warranted, then the designation of critical habitat would be addressed in the subsequent proposed rule.

References Cited

A complete list of references cited in this rule is available upon request from the Fish and Wildlife Service (see ADDRESSES section).

Author

This notice was prepared by Lori H. Nordstrom of the U.S. Fish & Wildlife Service, Helena, MT, Field Office (see ADDRESSES section).

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (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: December 15, 1992.

Richard N. Smith,
Acting Director, Fish and Wildlife Service.
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