

**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****50 CFR Part 17****Endangered and Threatened Wildlife and Plants; Withdrawal of Expired Proposals for Listing Devil's River Minnow (*Dionda Diaboli*) and Virgin River Chub (*Gila Robusta Seminuda*)**

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

**ACTION:** Notice of withdrawal of two expired proposed rules.

**SUMMARY:** As amended November 10, 1978, the Endangered Species Act mandates withdrawal of proposed rules to list species which have not been made final within two years of the proposal date. The amended Act also authorized a one-year suspension of all withdrawals, until November 10, 1979. The time limit has expired for proposals to list the Devil's River Minnow (*Dionda diaboli*) and the Virgin River chub (*Gila robusta seminuda*).

The Devil's River minnow and Virgin River chub were proposed for listing as Threatened and Endangered, respectively, on August 15, 1978 (43 FR 36117-20) and August 23, 1978 (43 FR 37668-70). The Devil's River minnow occurs in the Devil's River and San Felipe Creek in Val Verde County Texas. The Virgin River chub occurs in the Virgin River in southwest Utah, northwest Arizona and southern Nevada. This notice constitutes the withdrawal of the two proposals for fishes for which the two-year time limit has expired.

**FOR FURTHER INFORMATION CONTACT:** Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, Fish and Wildlife Service, Washington, D.C. 20240 (703/235-2771).

**SUPPLEMENTARY INFORMATION:****Background**

Section 4(f)(5) of the Endangered Species Act of 1973, as amended November 10, 1978, states that:

"A final regulation adding a species to any list published pursuant to subsection (c) shall be published in the **Federal Register** not later than two years after the date of publication of the notice of the regulation proposing listing under paragraph (B)(i)(I). If a final regulation is not adopted within such two-year period, the Secretary shall withdraw the proposed regulation and shall publish notice of such withdrawal in the **Federal Register** not later than 30 days after end of such period. The Secretary shall not propose a regulation adding to such a list any species for

which a proposed regulation has been withdrawn under this paragraph unless he determines that sufficient new information is available to warrant the proposal of a regulation. No proposed regulation for the listing of any species published before the date of the Endangered Species Act Amendments of 1978 shall be withdrawn under this paragraph before the end of the one-year period beginning on such date of enactment."

The two-year time limit on proposals and one-year period suspension of withdrawals have expired for the Devil's River minnow and Virgin River chub. This action gives notice of the withdrawal of these species.

This notice is issued under the authority contained in the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1543).

The primary author of this notice is Dr. James D. Williams, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-1975).

Dated: September 15, 1980.

**Lynn A. Greenwalt,**  
*Director, Fish and Wildlife Service.*

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