In consideration of the foregoing—

§ 1.64 Delegations to the Assistant Secretary for Budget and Programs.

The Assistant Secretary for Budget and Programs is delegated authority to—

(a) Exercise day-to-day operating management responsibility over the Office of Programs and Evaluation and the Office of Budget.

(b) Direct and manage the Department planning, evaluation, and budget activities.

(c) Request apportionment or reapportionment of funds by the Office of Management and Budget, provided that no request for apportionment or reapportionment which anticipates the need for a supplemental appropriation shall be submitted to the Office of Management and Budget without appropriate certification by the Secretary.

(d) Issue allotments or allocations of funds to components of the Department.

(e) Authorize and approve official travel and transportation for staff members of the Immediate Office of the Secretary including authority to sign and approve related travel orders and travel vouchers, but not including requests for overseas travel.

(f) Issue monetary authorizations for use of reception and representation funds.

(g) Act for the Secretary and Deputy Secretary with respect to certain budgetary and administrative matters relating to the Immediate Office of the Secretary.

(2) Appendix A of Paragraph 1.64 of Title 49, Code of Federal Regulations is amended to read as follows:

APPENDIX A—DELEGATIONS AND REDISTRIBUTIONS

1. Director of Budget. The Assistant Secretary for Budget and Programs has been delegated to the Director of Budget authority to—

(a) Select a person to serve as the Director of the Department (49 USC 1632(c) and 1651(c)).


BROOK ADAMS,
Secretary of Transportation.

[FR Doc.77-2796 Filed 11-30-77; 8:45 am]

[4310-55]

Title 50—Wildlife and Fisheries

CHAPTER 1—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Final Endangered Status and Critical Habitat for the Florida Population of the Pine Barrens Treefrog

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service hereby determines that the Florida population of the Pine Barrens treefrog (Hyla andersonii) to be an Endangered species and determines Critical Habitat for this unique population. This action is taken because of the threatened adverse modification of the habitat. This rule provides additional protection necessary for this species.

EFFECTIVE DATE: December 8, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Keith M. Schreiner, Associate Director—Assistant Secretary, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240.

SUPPLEMENTARY INFORMATION:

Background. On April 5, 1977, the Service published a proposed rulemaking in the Federal Register (42 FR 18109—18111) which suggested a species was on file to support a determination that the Florida population of the Pine Barrens treefrog was an Endangered Species as provided for in the Act. That proposal summarized the factors thought to be contributing to the likelihood that this frog could become extinct within the foreseeable future, specified the prohibitions which would be applicable if such a determination were made and solicited comments, suggestions, objections, and factual information from any interested persons. Section 4(b)(1) (A) of the Act requires that the Governor of each State, within which a resident species of wildlife is known to occur, be notified and be provided 90 days to comment before any such species is determined to be a Threatened species or an Endangered species. A letter was sent to Governor Askew of Florida on April 27, 1977, notifying him of the proposed rulemaking for the Florida population of the Pine Barrens treefrog. A similar letter on the same date was sent to the Director of the Florida Game and Fresh Water Fish Commission. On May 4, 1977, a memorandum was sent to the Service Directorate and affected Regional personnel, and letters were sent to other interested parties. No official comments were received from the Governor of Florida or members of his staff.

SUMMARY OF COMMENTS AND RECOMMENDATIONS

Section 4(b)(1) (C) of the Act requires that a summary of all comments and recommendations be received and published in the Federal Register prior to adding any species to the List of Endangered and Threatened Wildlife and Plants.

In the April 5, 1977, Federal Register proposed rulemaking (42 FR 18109—18111) and the associated April 9, 1977, News Release, all interested parties were invited to submit factual reports or information which might contribute to the formulation of a final rulemaking.

All public comments received during the period April 5, 1977, to July 29, 1977, were considered.

Comments were received from 8 individuals and organizations, including: Clyde Jones, Director of the National Fish and Wildlife Laboratory, Dr. James Lazell (Massachusetts Audubon Society), Mr. Phoebe Wray (Endangered Species Productions), Mr. J. H. Carter III (Southern Pines, N.C.), Mr. Russell A. Cookingham, Director of the Department of Environmental Protection of the State of New Jersey, and Mr. David Moore (New Jersey Conservation Foundation).

The Director of the National Fish and Wildlife Laboratory, Dr. Lazell, and Mr. Wray supported the proposed Endangered status for the Florida population of the Pine Barrens treefrog. Mr. Moore commented extensively on past studies which support such a designation and the need for habitat protection throughout its range. No changes in the proposal were recommended.

Mr. Carter commented on populations of the Pine Barrens treefrog in North and South Carolina. While he provided information on these populations, no comments were made on the Florida populations. Likewise, Mr. Lazell and Mr. Moore did not comment on the proposal, but stressed the need for protection and critical habitat designation for those populations in New Jersey.

CONCLUSION

After a thorough review and consideration of all the information available, the Director has determined that the Florida population of the Pine Barrens treefrog is in danger of extinction throughout all or a significant portion of its range due to one or more of the factors described in Section 4(a) of the Act. This review substantiates the description of those factors included in the proposed rulemaking (42 FR 18109—18111). Those factors were described as follows:

1. The present or threatened destruction, modification, or curtailment of its habitat or range. The Pine Barrens treefrog is now known to exist as seven small populations in Okaloosa County, Fla. Four other populations including those in Walton County, have been extirpated since the last thorough survey in 1970. These losses were due to development and land clearing for agricultural use. These Florida populations, isolated by over 700 kilometers from the nearest Pine Barrens treefrog populations in South Carolina, are unique in their color pattern, mating calls, and body proportions. At present their relationship with other isolated populations of the Pine Barrens treefrog in North Carolina, South Carolina, and New Jersey remains unclear. Unless measures are taken soon to protect the remaining seven populations which include less than 500 individuals, each the unique member of the Florida Gulf Coast herpetofauna may be extirpated.

2. Overutilization for commercial, sporting, scientifc, or educational purposes. The location of these populations is not generally known to the public, and there is no evidence of overutilization at present. If, however, the populations
were to be discovered by collectors, serious reduction of the populations might occur.

3. Disease or predation. Not applicable for this species.

6. The inadequacy of existing regulatory mechanisms. Populations of the Pine Barrens treefrog are protected by the Florida Game and Fresh Water Fish Commission against taking, possession, and transport of specimens. Provision to the Endangered and Threatened Wildlife list would provide additional discouragement to collectors, especially as regards prohibitions against interstate commerce.

5. Other natural or manmade factors affecting its continued existence. None.

**CRITICAL HABITAT**

The Director has considered all comments and data submitted in response to the proposed determination of Critical Habitat for the Florida population of the Pine Barrens treefrog (43 FR 18109-18111).

Based on this review the Critical Habitat for the Florida population of the Pine Barrens treefrog, Hyla andersonii, is determined to include the following areas which are not necessary to the normal needs or survival of the species:

1. NW ¼ Section 25 T4N R28W Okaloosa Co.
2. NE ¼ Section 27 T4N R28W Okaloosa Co.
3. SW ¼ Section 24 T4N R28W Okaloosa Co.
4. NW ¼ Section 24 T4N R28W Okaloosa Co.
5. NW ¼ Section 23 T4N R28W Okaloosa Co.
6. NW ¼ Section 22 T4N R28W Okaloosa Co.
7. NE ¼ Section 21 T4N R28W Okaloosa Co.

**EFFECT OF THE RULEMAKING**

The effects of these determinations and this rulemaking include, but are not necessarily limited to, those discussed below.

Endangered species regulations already published in Title 50 of the Code of Federal Regulations set forth a series of general prohibitions and exceptions which apply to all Endangered species. The regulations referred to above, which pertain to Endangered species, are found at § 17.21 of Title 50 and are summarized below.

With respect to the Florida population of the Pine Barrens treefrog in the United States, all prohibitions of section 9(a)(1) of the Act, as implemented by 50 CFR 17.21, would apply. These prohibitions in part, would make it illegal for any person to take, possess, or sell, or offer for sale, in interstate or foreign commerce any such wildlife which was taken or killed. Certain exceptions would apply to agents of the Service and State conservation agencies.

Regulations which appear in Part 17, Title 50 of the Code of Federal Regulations were first published in the Federal Register on September 25, 1975 (40 FR 44412) and provide for the issuance of permits to transport or sell such species listed as threatened or endangered species under certain circumstances.

**NATIONAL ENVIRONMENTAL POLICY ACT**

An environmental assessment has been prepared and is on file in the Service's Washington Office of Endangered Species. It addresses this action as it involves the Florida population of the Pine Barrens treefrog. The assessment is available for public comment during the specified period of time to receive any comments which would be considered as part of an appropriate supplement to this rulemaking process. No changes to the final rule were made as a result of the comments received.

**REGULATIONS PROMULGATION**

Accordingly § 17.11 of Part 17 of Chapter I of Title 50 of the U.S. Code of Federal Regulations is amended as follows: 1. By adding alphabetically the Florida population of the Pine Barrens treefrog to the list under "Amphibians" as indicated below:

<table>
<thead>
<tr>
<th>SPECIES</th>
<th>RANGE</th>
<th>STATUS</th>
<th>WHEN LISTED</th>
<th>SPECIAL RULES</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>AMPHIBIANS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Treefrog, Pine Barrens</td>
<td><em>Florida</em> USA(Florida)</td>
<td>Entire</td>
<td>E</td>
<td>29</td>
</tr>
</tbody>
</table>
ACTION: Final rule.

SUMMARY: The Service hereby determines the golden coqui (Eleutherodactylus jasperi) to be a Threatened species and determines Critical Habitat for this species. This action is being taken because of the threats of habitat modification and overcollection. This rule provides additional protection necessary for the species.

EFFECTIVE DATE: December 8, 1977.

FOR FURTHER INFORMATION CONTACT:

SUPPLEMENTARY INFORMATION:

BACKGROUND

On April 5, 1977, the Service published a proposed rulemaking (42 FR 18106-18109), advising that sufficient evidence was on file to support a determination that the golden coqui was a threatened and endangered species as provided for by the Act. That proposal summarized the factors thought to be contributory to the likelihood that this frog could become endangered within the foreseeable future, specified the prohibitions which would be applicable if such a determination were made, and solicited comments, suggestions, objections and factual information from any interested person. Section 4(b)(1)(A) of the Act requires that the Governor of each State or Territory, within which a resident species of wildlife is known to occur, be notified and be provided 60 days to comment before any such species is determined to be a Threatened or an Endangered species. A letter was sent to Governor Barceló of the Commonwealth of Puerto Rico on April 27, 1977, notifying him of the proposed rulemaking for the golden coqui. A similar letter on the same date was sent to Pedro Negro Ramos of the Puerto Rico Department of Natural Resources. On April 28, 1977, a memorandum was sent to the Service's regional office and the Puerto Rico Field Office, requesting additional comments from other interested parties.

Official comments were received from Mr. Felix R. Prieto, Acting Director, Department of Natural Resources, representing both the Department and the Government of Puerto Rico. Mr. Prieto supported the proposal to place the golden coqui on the U.S. List of Endangered and Threatened Wildlife and Plants and commented that the Department of Natural Resources is in the final stage of review of new wildlife regulations which will protect the golden coqui.

SUMMARY OF COMMENTS AND RECOMMENDATIONS

Section 4(b)(1)(C) of the Act requires that a full and complete summary of all comments and recommendations received be published in the Federal Register prior to adding any species to the List of Endangered and Threatened Wildlife and Plants.

In April 5, 1977, Federal Register proposed rulemaking (42 FR 18106) all interested parties were invited to submit factual reports or information which might contribute to the formulation of a final rulemaking.

All public comments received during the period April 5, 1977, to July 29, 1977, were considered.

In addition to the comments received from Mr. Hernandez, comments were received from Dr. Franklin Delano Lopez (Chairperson of the Democratic Party of Puerto Rico) and Dr. Sergio Rivera of the University of Puerto Rico. On behalf of the Democratic Party of Puerto Rico, Dr. Lopez supported the proposal to place the golden coqui under protection of the Endangered Species Act of 1973 and indicated that legislation protecting the golden coqui was being drafted for presentation to the local state legislature.

Dr. Rivero made the following comments and although he did not specifically indicate that he was against the proposal, the points he made would imply that this is the case. Dr. Rivero indicated that a designation of Critical Habitat could spark a political controversy involving Puerto Rico separatists. In addition, he felt that development is a great threat to the coqui, as many frogs appear to reside near present residential dwellings. Dr. Rivero believes that the range of the golden coqui may be more extensive and indicates that Dr. Richard Thomas has found the frog in an area outside the designated Critical Habitat. Dr. Rivero feels that overcollection is not a threat to the golden coqui since one of the authors distributed 31 specimens to various museums. He objects to calling the coqui "golden" and states that such names are used by people who foster exploitation instead of favoring protection. Dr. Rivero feels that a threatened status would prevent research on the biology of this species and that regulation by the Department of Natural Resources would better allow research to be conducted. Dr. Rivero objects to the phrases "obligate bromeliad dweller" and "low reproductive rate", "apparent inability to disperse", and "limited range". He states that such terms are gratuitous and irresponsible as, in his opinion, they are not supported by biological data.

CONCLUSION

While Dr. Juan Rivero presents many statements, none are supported by him with biological data. It is likely true that golden coqui can exist with present development and thrive as long as their bromeliads are left undisturbed. However, there remains the threat of more development and land clearing that could destroy much available habitat. Extensive field work by Dr. Rivero and his colleagues indicates that the known areas inhabited by golden coquis are included within the Critical Habitat proposal area; if additional areas are found...