requirements of the specifications for CLIN[s] Numbers as stated in Attachment _____ to this contract. These specifications set forth the performance requirements of the System Name. Notwithstanding any conflict or inconsistency which may exist between the performance requirement achievements and adherence to the contractor's proposed design for the System Name, the contractor agrees that the system to be delivered in this contract shall, as a minimum, meet the specification performance requirements.

(b) The contractor's responsibilities for TSPR are as follows (list specific responsibilities and relate them directly to specification references):

(1) The contractor agrees that the incorporation into the System Name of Government Furnished Property (GFP) and Services as set forth in section _____ does not provide relief to the TSPR requirement and that:

(a) The contractor shall give written concurrence in the design or performance characteristics of the GFP within thirty (30) days after delivery to the contractor or subcontractor;

(b) The contractor shall give written concurrence in each change affecting the design or performance characteristics made by the government to the GFP; or

(c) If the contractor does not concur in the design or performance characteristics, inspection and acceptance procedures, or changes to the design or performance characteristics of the GFP, the contractor agrees to provide the government (within thirty (30) days of GFP delivery to the contractor or subcontractor) a list of the deficiencies in the GFP and the impact on cost, schedule and performance of this contract, in accordance with the Government Property clause in SECTION F, Contract Clauses. The contractor should also provide recommendations and courses of actions needed to correct deficiencies. Failure of the contractor to notify the government within the established time, as required by this clause, shall be considered as contractor concurrence and shall relieve the government from any claims, from late or defective GFP, being submitted by the contractor at a later date which would necessitate an equitable adjustment.

(d) The contractor acknowledges that it has no right to any claim or demands against the Government, its officers, agents, or employees, with respect to the specifications in effect on the contract award date (i) based upon impossibility of performance; defective, inaccurate, infeasible, insufficient or invalid specifications; implied warranties of suitability of specifications or (ii) otherwise derived from the specifications, and waives any claims or demands that might otherwise arise.

(e) Regardless of the Changes clause or any other clause of the contract, no specifications changes proposed by the contractor to achieve performance requirements shall entitle the contractor to any increase in the total target cost, total target fee, or total price amount established in SECTION D, or to any extensions in the delivery schedule established in SECTION F.

(End of Clause)

Patsy J. Conner,
Air Force Federal Register Liaison Officer.
[FR Doc. 91-6716 Filed 3-21-91; 8:45 am]

BILLING CODE 3101-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; 90-Day Findings and Commencement of Status Reviews for Seven Petitions To List Five Species as Threatened or Endangered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of petition findings.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces 90-day findings on pending petitions to add five species to the Lists of Endangered and Threatened Wildlife and Plants. Seven petitions to list five species have been found to present substantial information indicating that the requested actions may be warranted. Through issuance of this notice, the Service is commencing a formal review of the status of these species.

DATES: The findings announced in this notice were made in January and February, 1991. Comments and materials related to these petition findings may be submitted to the Assistant Regional Director at the above address until further notice.

ADDRESSES: Data, information, comments, and petitions concerning the status of the petitioned species described below should be submitted to the Assistant Regional Director, Fish and Wildlife Enhancement, U.S. Fish and Wildlife Service, Eastside Federal Complex, 911 NE, 11th Avenue, Portland, Oregon 97232. The petitions, findings, comments, and data are available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Karla Kramer, Listing Coordinator, at the above address (503/231-6131 or FTS 429-6131).

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C 1533 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. The Service announces 90-day findings on seven petitions to list five species as endangered or threatened. The Service therefore, initiates continue status reviews on two birds (coastal population of the cactus wren and California gnatcatcher), one fish (tidewater goby), one snake (giant garter snake). 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 September 21, 1990, the Service received two petitions to list the San Diego cactus wren (Campylorhynchus brunneicapillus sandiegensis) as an endangered species. Mr. David Hogan, of the San Diego Biodiversity Project, submitted a petition dated September 18, 1990, and Mr. Kenneth Weaver, President, Palomar Audubon Society, submitted a petition dated September 17, 1990. The petitioners stated that C. b. sandiegensis is imperiled because its current population size is very low; essential habitat is greatly diminished, fragmented, and is subject to continued widespread destruction; and existing regulatory mechanisms for protection are inadequate.

The currently accepted taxonomy of the cactus wren, as reflected in the Checklist of North American Birds, recognizes only one subspecies, Campylorhynchus brunneicapillus couesi, within the United States (American Ornithologists' Union 1957). This subspecies includes both coastal and interior populations from southern California, southern Nevada, southwestern Utah, south-central Arizona, southern New Mexico, and central and southern Texas south to northern Baja California and central Mexico. Rea (1986) published a description of C. b. sandiegensis; however the American Ornithologists' Union Committee on Classification and Nomenclature has not accepted this change (Dr. Burt Monroe, pers. comm.). The range of the coastal population of C. b. couesi is inclusive of the range of Rea's C. b. sandiegensis. Because the
The taxonomy of the San Diego cactus wren has not been accepted by the American Ornithologists’ Union. The Service is treating the petitions to list C. b. saniegensis as petitions to list the coastal population of C. b. couesi.

The coastal population of C. b. couesi occurs in coastal sage scrub vegetation extending from southern Ventura County, California south to northwestern Baja California, Mexico. This coastal population of C. b. couesi is highly fragmented and most populations consist of only a few pairs. As of spring 1990, about 200 pairs were estimated to occur in San Diego County; only 5 of 46 sites were known to support more than 5 pairs. In southern Orange County, most wrens are found along the mid-section of San Juan Creek and its northwestern tributaries. At least 50 pairs are known to occur at this locality. The status of cactus wrens in central and northern Orange County, formerly Ventura County is unknown. In Baja California, fewer than 10 pairs are present near Tecate. This is the only currently known area of occurrence for this wren south of the United States border. The Service finds that the petitions to list C. b. couesi present substantial information indicating that the requested action may be warranted because of this species’ low population numbers, limited distribution, and threats to its habitat.

On September 21, 1990, the Service received two petitions to list the California gnatcatcher (Polioptila californica californica) as an endangered species. Mr. David Hogan, of the San Diego Biodiversity Project, submitted a petition dated September 18, 1990, and Mr. Kenneth Weaver, President, Palomar Audubon Society, submitted a petition dated September 17, 1990. The petitions described the California gnatcatcher as imperiled because its current population size is very low; essential habitat is greatly diminished, fragmented, and subject to continued widespread destruction; and existing regulatory mechanisms for protection are inadequate.

The californica subspecies of the California gnatcatcher (formerly the California black-tailed gnatcatcher, Polioptila melanura californica) is restricted to the coastal slopes of southern California and northern Baja California, Mexico from Los Angeles County (formerly Ventura and San Bernardino Counties) south to about 30 degrees north latitude. The California gnatcatcher exhibits a strong affinity to coastal sage scrub vegetation dominated by California sagebrush. Although this plant community once covered about 2.5 million acres of California (Barbour and Major 1988), recent estimates indicate that 85 to 90 percent has been destroyed as a result of urban and agricultural development (Westman 1981a,b). Continued expansion of urban populations and agricultural development throughout the range of the California gnatcatcher adversely affects the remaining acres of habitat.

Atwood (1980) estimated that no more than 1,000 to 1,500 pairs of the California gnatcatcher remained in the United States. He also noted that remnant portions of its habitat were highly fragmented with nearly all being bordered on at least one side by rapidly expanding urban centers. Subsequent reviews of California gnatcatcher status by Garrett and Dunn (1981) and Unitt (1984) have paralleled the findings of Atwood (1980). The status of the California gnatcatcher in Mexico is unclear. The continued expansion of urban populations and agricultural development in northern Baja California, coupled with the lack of existing regulatory mechanisms adequate to protect coastal sage scrub habitat, is likely to dramatically influence the status of the California gnatcatcher in Mexico. The Service finds that because of limited distribution, low population numbers, and threats to the California gnatcatcher’s habitat, the petition to list this bird presents substantial information indicating that the requested action may be warranted.

The California gnatcatcher has been classified by the Service as a category 2 candidate species since 1982 (47 FR 58454). Category 2 candidates are taxa for which information now in possession by 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 a proposed rule. The Service has soliciting status information from the public on the California gnatcatcher since 1982 and continues to solicit biological data on this species with the announcement of this finding.

On October 24, 1990 the Service received a petition from Dr. Camm Swift, Associate Curator of Fishes, Natural History Museum of Los Angeles County, to list the tidewater goby (Eucyclogobius newberryi), as endangered. The tidewater goby has been classified by the Service as a category 2 candidate species since 1982 (47 FR 58454).

The tidewater goby is discontinuously distributed throughout coastal California and is restricted to the low salinity habitats of upper estuaries and lagoons. Museum records referenced by the petitioner document the tidewater goby as having once occurred from 90 coastal sites in California. Twenty-two of those populations were extirpated by 1989. The petitioner reported that by 1989, local extirpations had occurred at 21 additional sites rangewide. An additional three populations were extirpated during 1990. Based on the most recent data available to the petitioner, only 43 localities remain today, many of which are threatened by a variety of both human and natural factors. The local extirpations reported by the petitioner since 1984 represent a 35 percent decline in populations of tidewater goby.

The petitioner stated that a number of factors continue to threaten the tidewater goby in upper estuaries and lagoons in California. Those include (1) Deterioration of isolated, ephemeral, coastal lagoon habitats due to continued drought conditions; (2) increased water diversions that threaten both the supply and quality of water in coastal lagoons; (3) heightened threats from native predators (i.e. the Sacramnto perch) and/or non-native and introduced predators (i.e. the striped bass); (4) the inability of the goby to recolonize once eliminated from a site; (5) proposed coastal development projects; and (6) continued flood control activities in coastal lagoons. All information currently available to the Service confirms the claims presented by the petitioner. As a result, the Service finds that the petition to list the tidewater goby presents substantial information indicating that the action requested may be warranted.

On September 10, 1990, the Service received a petition from Ms. Diana Caughlan to list the San Francisco forktail damselfly (Ischnura gemina) as an endangered species. The petition stated that the San Francisco forktail damselfly merits protection under the Act because the animal is in jeopardy...
from a proposed development in San
Mateo County, California.

The range of this species includes
much of the San Francisco Bay area
from Point Reyes National Seashore
south to San Jose and then north to
western Alameda County. The Service
contracted with Dr. John Hafernik
of San Francisco State University to
conduct a status survey for this species
in 1986. This study concluded that of
the 37 known breeding colonies, 11 have
been eliminated, 21 persist in highly
altered wetlands that are subject to
considerable alteration and pollution,
and 5 are reasonably secure (Hafernik
1989). Threats to the San Francisco
donkey garter snake (Thamnophis
gigas) include habitat alteration due to
installing underground culverts and stream channelization.

Drought caused by natural or human-
related factors may also pose a threat.
Dr. Hafernik also speculated that
hybridization between the San
Francisco donkey garter snake and a more
widespread donkey garter snake species may be
occurring in locations that have
experienced significant human
disturbance (Hafernik 1989). The Service
finds that, because of limited
distribution, low population numbers,
and threats to the San Francisco donkey
donkey garter snake’s habitat, the petition to list
this species presents substantial
information indicating that the
requested action may be warranted.
The San Francisco donkey garter snake has
been classified by the Service as a
category 1 candidate species since 1984
(49 FR 21604). A category 1 candidate is
a species for which the Service currently
possesses sufficient information on
biological vulnerability and threats to
support a proposed rule.

On September 21, 1990, the Service
received a petition from the President of
the California-Nevada Chapter of the
American Fisheries Society to list the
giant garter snake (Thamnophis gigas)
as an endangered species. This species has been
classified by the Service as a
category 2 candidate species since 1985
(50 FR 37965). The giant garter snake historically
occurred from Buena Vista Lake Basin
near Bakersfield, California, north to the
vicinity of Chico in Butte County. This
species has been eliminated from
approximately one-fourth of its historic
range and presently only occurs in
localized patches of suitable habitat.

The species occurs in ponds or slow-
moving, shallow bodies of water with
emergent vegetation such as cattails and
bulrush. The petition stated that the
giant garter snake merits protection
under the Act because the animal has
experienced significant losses of habitat
and populations, and a reduction in its
range. The petition also stated that the
species has been virtually eliminated
from the San Joaquin Valley by
intensive agricultural operations.
Cumulatively, over 98 percent of the
wetland and riparian habitats existing
throughout the former range of the giant
garter snake have been eliminated. The
petition contended that virtually all
currently occupied habitats are
imminently threatened by a variety of
proposed and ongoing human actions. In
addition, the introduction of large game
fish, such as striped bass and crappie,
throughout the species’ historical range
may prevent reestablishment of
populations in otherwise suitable
habitats. These introduced fish prey on
small and medium-sized snakes and
thus reduce the reproductive potential of
the garter snake. The Service finds that
because of limited distribution and
threats to this species’ habitat, the
petition to list the giant garter snake
presents substantial information
indicating that listing may be warranted.

With the publication of these findings,
the Service initiates or continues a
formal 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.

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and succession in Californian coastal sage scrub.

the distribution of species of Californian

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List of Subjects in 50 CFR Part 17
Endangered and threatened species,
Exports, Imports, Reporting and record
keeping requirements. Transportation.
625. 100 Stat. 3500; unless otherwise noted.


Richard N. Smith,
Deputy Director, U.S. Fish and Wildlife
Service.

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DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric
Administration
50 CFR Parts 672 and 675
[Docket No. 910223-1023]

Groundfish of the Gulf of Alaska; Groundfish of the Bering Sea and
Aleutian Islands Area

AGENCY: National Marine Fisheries
Service (NMFS), NOAA, Commerce.

ACTION: Notice of proposed amendment
to Observer Plan; proposed rule; request
for comments.

SUMMARY: NOAA proposes to amend
the domestic fisheries Observer Plan for
the groundfish fisheries in the Gulf of
Alaska and in the Bering Sea/Aleutian
Islands area and the regulations
implementing that Plan. The
amendments would: (1) Delete the
annual criteria but not the monthly
criteria for shoreside processing
facilities; (2) impose the same observer
coverage criteria for mothership
processor vessels as is required for
shoreside processing facilities; (3) delete
the vessel length criteria for observer
coverage requirements for mothership
processor vessels but not for catcher/
processor or catcher vessels; (4) allow
NMFS to release to the public observer
estimated bycatch rates of prohibited
species by target fishery on an
individual vessel basis; and (5) extend
the duration of NMFS certification of an
observer contractor indefinitely unless