

SUPPLEMENTARY INFORMATION:**Background**

Section 4(b)(3)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1533) (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 positive 90-day findings on three petitions to list seven species as endangered or threatened. The Service has, therefore, initiated status reviews on three plants: *Baccharis vanessae* (Encinitas baccharis), *Downingia concolor* ssp. *brevior* (Cuyamaca Lake downingia), and *Corethrogyne filaginifolia* var. *linifolia* (Del Mar Mesa sand aster); and four fairy shrimps: Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), vernal pool fairy shrimp (*Branchinecta lynchi*), and California linderiella (*Linderiella occidentalis*). 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.

The Service has determined that the following petitions present substantial information that the requested actions may be warranted. On November 20, 1990, the Service received a petition dated November 19, 1990, and supporting information dated November 20, 1990, from Ms. Roxanne Bittman of Davis, California, to list four vernal pool fairy shrimp as endangered. The four species are: The Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), vernal pool fairy shrimp (*Branchinecta lynchi*), and California linderiella (*Linderiella occidentalis*).

The petition stated that the four species of fairy shrimp merit protection under the Act because the animals are in jeopardy throughout their California ranges from urban development, agricultural land conversion, and other activities that adversely affect their vernal pool habitat. The Conservancy fairy shrimp is known from three

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 Three Petitions to List Seven 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 seven species to the Lists of Endangered and Threatened Wildlife and Plants. Three petitions to list the seven 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 on March 21, 1991, and May 16, 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, or questions 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 97232-4181. The petitions, findings, supporting data, and comments are available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Leslie Propp at the above address (503-231-6131 or FTS 429-6131).

disjunct localities: Seven pools in the Vina Plains north of Chico in Tehama County, three pools on the Jepson Prairie in Solano County, and one pool near Haystack Mountain northeast of Merced in Merced County. The longhorn fairy shrimp is known from three disjunct localities: Four pools in the Kellogg Creek watershed near Byron in Contra Costa County, one pool at Altamont Pass in Alameda County, and 13 pools around the western and northern boundaries of Soda Lake in San Luis Obispo County.

The vernal pool fairy shrimp is known from 29 localities ranging from the Vina Plains in Tehama County south through the Central Valley and eastern margin of the central coast range. Disjunct populations are known from the mountain grasslands of northern Santa Barbara County and the Santa Rosa Plateau and near Rancho California in Riverside County. The California linderiella is known from 39 localities in the Central Valley from east of Red Bluff in Tehama County to east of Madera in Madera County and across the valley in the Sacramento area to the central and south coast mountains from Boggs Lake in Lake County south to Riverside County.

Rapid urbanization and agricultural conversion of areas containing vernal pools pose a significant threat to the four fairy shrimps. It has been estimated that by 1970, 90 percent of the historic vernal pool habitat in the Central Valley had been lost and the rate of loss continues at an annual rate of 2 to 3 percent. At least four sites that contained suitable habitat for the vernal pool fairy shrimp and the California linderiella were eliminated by urban development in Sacramento County in the late 1980's. Five sites in this area containing a number of suitable pools for these two animals are currently being developed for residential use. Three additional proposed projects, if developed, would affect a large amount of vernal pool acreage in the Sacramento Valley. Soda Lake is inhabited by the longhorn fairy shrimp and the vernal pool fairy shrimp. Most of the known sites for these two species are located in areas subdivided and partially developed for sale. To date, few such sites have been cleared, but large scale habitat loss is likely in the foreseeable future. The California linderiella is recorded from vernal pools in the Lincoln area of Placer County. A number of these sites would be adversely affected by the construction of the proposed State Highway 65 Lincoln by-pass. The State of California

has proposed to construct an expansion of State Highway 505 that would extend from Vacaville to Colinsville in Solano County. This project could directly and indirectly impact vernal pools in this area inhabited by the Conservancy fairy shrimp. In addition, this area is undergoing rapid urbanization which would adversely affect the species. Other threats to these species include off-road vehicle use and adverse changes in the hydrological patterns of their vernal pool habitat.

On December 14, 1990, the Service received a petition dated December 5, 1990, from David Hogan of the San Diego Biodiversity Project, to list 9 plants: *Dudleya brevifolia* (short-leaved dudleya), *Downingia concolor* spp. *brevior* (Cuyamaca Lake downingia), *Baccharis vanessae* (Encinitas baccharis) *Brodiaea filifolia* (thread-leaved Brodiaea), *Nolina interrata* (Dehesa beargrass), *Hemizonia conjugens* (Otay tarweed), *Eryngium aristulatum* var. *parishii* (San Diego coyote thistle), *Orcuttia californica* (California Orcutt grass), and *Pogogyne nudiuscula* (Loma Alta mint) as endangered species. On January 7, 1991, the Service received another petition from Mr. Hogan, dated December 30, 1990, to list 3 additional plants: *Corethrogyne filaginifolia* var. *linifolia* (Del Mar Mesa sand aster), *Machaeranthera asteroides* var. *lagunensis* (Laguna Mountains aster), and *Acanthomintha ilicifolia* (San Diego thorn-mint) as endangered species. Both petitions also requested designation of critical habitat.

Nine of the plants listed above were included in the Smithsonian Institution's Report, which was presented to Congress on January 9, 1975, and accepted by the Service as a petition under the Act on July 1, 1975. The Service has made annual findings, beginning in 1983, that the petitioned action to list the above nine taxa is warranted, but precluded by other higher priority listing actions. The Service therefore regards petitions to list *Brodiaea filifolia*, *Dudleya brevifolia*, *Nolina interrata*, *Hemizonia conjugens*, *Eryngium aristulatum* var. *parishii*, *Orcuttia californica*, *Pogogyne nudiuscula*, *Machaeranthera asteroides* var. *lagunensis*, and *Acanthomintha ilicifolia* as second petitions. The Service has evaluated the petitioner's requested action for the remaining three plant species.

Downingia concolor spp. *brevior*, *Baccharis vanessae*, and *Corethrogyne filaginifolia* var. *linifolia* are all endemic to the coastal portion of San Diego

County, California. *Corethrogyne filaginifolia* var. *linifolia* Family Asteraceae is perennial herb with violet-rayed flowers and white woolly leaves. This plant occurs from the city of Encinitas to Del Mar. The plant is restricted to coastal maritime chaparral, where it prefers outcrops of open, eroded sandstone faces or bluffs; it can also recolonize disturbed areas. The petition stated that San Diego coastal maritime chaparral has been reduced by 85 percent due to development. Of the 15 known historic populations, 5 have been extirpated by development. The remaining 10 sites, which support a total of fewer than 1,500 plants, are threatened by pedestrian trampling, habitat loss and degradation due to railroad and highway maintenance, and potential urban development.

Downingia concolor spp. *brevior* (Family Campanulaceae) is a small, delicate plant with bluish/purple flowers. The plant is endemic to Cuyamaca Lake where it occurs at 7 locations, totalling approximately 600 plants, in the vernal moist areas surrounding the lake. The petition provided information that historical habitat has been lost due to damming of the lake. Current threats to this species, as noted in the petition, include grazing, high-impact recreational use, and potential development of lakeside homes.

Baccharis vanessae (Family Asteraceae) is a broom-like shrub with male and female flowers borne on separate plants. It occurs in coastal mixed chaparral and southern mixed chaparral within a 15-mile radius of Del Mar. Of 13 historic sites, 9 remain. The total number of plants at the 9 sites is approximately 200. Two sites contain single, male plants, and cannot be considered viable populations. The petition stated that the species is threatened by habitat loss attributed to documented and proposed development and highway construction and direct loss of individual plants from cutting.

Based on scientific and commercial information contained in the above petitions, referenced in the petitions, and otherwise available to the Service at this time, the Service has determined that the petitions to list the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), vernal pool fairy shrimp (*Branchinecta lynchi*), California linderiella (*Linderiella occidentalis*), *Downingia concolor* spp. *brevior* (Cuyamaca Lake downingia), *Baccharis vanessae* (Encinitas baccharis), and

Corethrogyne filaginifolia var. *linifolia*
(Del Mar Mesa sand aster) present
substantial information that listing may
be warranted for these species.

These findings initiate 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 Chris
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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. 1361-1407; 16 U.S.C.
1531-1544; 16 U.S.C. 4201-4245; Pub. L. 99-
625, 100 Stat. 3500; unless otherwise noted.

Dated: August 23, 1991.

Bruce Blanchard,

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

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