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**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****50 CFR Part 17****Endangered and Threatened Wildlife  
and Plants; 90-day Finding for Petition  
to List Flatwoods Salamander as  
Endangered or Threatened and  
Designate Critical Habitat****AGENCY:** Fish and Wildlife Service,  
Interior.**ACTION:** Notice of petition finding.

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**SUMMARY:** The Service announces the 90-day finding on a pending petition to add the flatwoods salamander, *Ambystoma cingulatum*, to the Lists of Endangered and Threatened Wildlife and Plants. It is the finding of the Service that the petition does not present substantial information indicating that the requested actions may be warranted.

**DATES:** This finding was made May 6, 1993.

**ADDRESSES:** Comments and materials concerning this petition should be sent to U.S. Fish and Wildlife Service, 6578 Dogwood View Parkway, suite A, Jackson, MS 39213. 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:** Ms. Linda LaClaire or Mr. James Stewart at the above address.

**SUPPLEMENTARY INFORMATION:**

**Background**

Section 4(b)(3)(A) of the Endangered Species Act of 1973 (Act), as amended in 1982 (16 U.S.C. 1531 et seq.), requires that the Service make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information to demonstrate 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 is also required to promptly commence a review of the status of the involved species.

The Service has received and made a 90-day finding on a petition from the Biodiversity Legal Foundation and Ms. Elizabeth Carlton to determine the flatwoods salamander, *Ambystoma cingulatum*, as an endangered or threatened species throughout its historic range and to determine critical habitat. The petition was dated May 8, 1992. The petition lists the historic range as five southeastern States: Alabama, Florida, Georgia, Mississippi, and South Carolina. The petitioners contend that the available evidence indicates that the population of flatwoods salamander has declined precipitously, is in dire straits and requires urgent protective measures.

The Service has reviewed the petition, its supporting data and other available literature, in addition to contacting individuals with knowledge of this species. The petition does not provide any information on this species that was

not already available to the Service, and the available data do not provide an adequate basis for judging protection needs under the Act. While declines of this species can be reasonably presumed, based on loss and modification of habitat, much of the range has not been adequately surveyed in recent years.

Information on current status can be briefly summarized as follows. No significant survey work has been conducted in Alabama during the last decade. Surveys conducted in Florida in the winters of 1990-91 and 1991-92 located flatwoods salamanders at a total of 40 sites, mostly within the Apalachicola National Forest. In Georgia, there has apparently been no concerted effort to collect the species in recent years. One adult was captured in South Carolina in early 1992, but recent survey work has been very limited. The lone record for this species in Mississippi is generally considered to be an error by herpetologists. Further details regarding the biological status of the species are contained in the administrative finding. Interested persons may obtain a copy of the finding by contacting the office indicated in the **ADDRESSES** section of this notice.

The flatwoods salamander has been included in the Service's comprehensive notices of review for animals published in the **Federal Register** of December 30, 1982 (47 FR 58454), September 18, 1985 (50 FR 37958), January 6, 1989 (54 FR 554), and November 21, 1991 (56 FR 58804). The flatwoods salamander was included in each of these notices as a category 2 candidate for listing. A category 2 taxon is one for which information in possession of 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 determined that the petition to list the flatwoods salamander does not present substantial information indicating that the petitioned action may be warranted. A determination of "may be warranted" has, in effect, already been made by the Service through inclusion of the flatwoods salamander as a category 2 species in the various notices of review cited above. The current petition is redundant to ongoing activities, provides no new information and would not trigger the status review process that the Act intends to result from a positive finding.

The Service suspects this species is in decline throughout its historic range,

and for that reason has contracted for field surveys to better determine current distribution and status. Completion of the status surveys and a decision on protection needs are expected in late 1993. The Service will remain interested in any additional information about population trends for this species as it may become available.

**Authors**

This notice was prepared by Mr. James Stewart and Ms. Linda LaClaire (see **ADDRESSES** section).

**List of Subjects in 50 CFR Part 17**

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, 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: May 6, 1993.

**Bruce Blanchard,**

Acting Director, Fish and Wildlife Service.

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