

ACTION: Proposed rule.

SUMMARY: The Service proposes a fish, *Gila ditaenia* (Sonora Chub), to be a threatened species and to determine its critical habitat under the authority contained in the Endangered Species Act of 1973, as amended. A special rule allowing take for certain purposes in accordance with Arizona State laws and regulations is proposed. *Gila ditaenia* occurs in Santa Cruz County, Arizona, and in Sonora, Mexico. It is threatened by the possible introduction of exotic fish and their parasites into its habitat, and by potential mining activities. It is particularly vulnerable to these threats because of its very limited range, and because of the intermittent nature of the stream. This proposal, if finalized, would implement Federal protection provided by the Endangered Species Act of 1973, as amended, for *Gila ditaenia*. The Service seeks data and comments, from the public on this proposal.

DATES: Comments from all interested parties must be received by August 6, 1984. Public hearing requests must be received by July 23, 1984.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, 421 Gold Avenue SW., Room 407, Albuquerque, New Mexico 87103. Comments and materials received will be available for public inspection, by appointment, during normal business hours, at the above address.

FOR FURTHER INFORMATION CONTACT:

For further information on the proposal contact Dr. James E. Johnson, Chief, Regional Office of Endangered Species, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103 (505/766-3972 or FTS 474-3972) or Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and

50 CFR Part 17**Endangered and Threatened Wildlife and Plants; Proposal To Determine *Gila Ditaenia* (Sonora Chub) To Be a Threatened Species and To Determine Its Critical Habitat**

AGENCY: Fish and Wildlife Service, Interior.

Wildlife Service, Arlington, Virginia (703/235-2771).

SUPPLEMENTARY INFORMATION:

Background

Gila ditaenia was first collected by E. A. Mearns in 1893 from Sycamore Creek, Arizona. It was first described from fish collected by R. G. Miller from the Rio Magdalena near the town of La Casita, Sonora, Mexico (Miller, 1945). This fish is a member of the minnow family and is generally less than 125 millimeters (5 inches) in total length. It is a moderately chubby, dark colored fish, with two prominent black lateral bands on the sides and a dark oval spot at the base of the tail. In breeding males, the lower fins develop red at the bases, with some orange on the belly. *Gila ditaenia* is primarily a pool dweller, but is highly secretive and little is known of its behavior and habitat preferences (Minckley, 1973).

In the United States, this fish occurs only in Sycamore Creek and its headwater tributary, Yank's Spring, located on the Colorado National Forest northwest of Nogales, Santa Cruz County, Arizona. Yank's Spring has a perennial flow; however, it has been impounded in a concrete tank for many years. Sycamore Creek starts to flow about ½ mile below Yank's Spring and flows downstream 3.7 miles (USDA, 1982) in a series of pools and small riffles over a bedrock and rubble substrate. It is intermittent during various times of the year, at which time it is a series of pools of varying depth (Miller, 1949; Brooks, 1982). When intermittent, pools are maintained in shaded areas against cut banks or the canyon walls by underground flow (Minckley, 1973). During years of heavy rainfall, water does reach to the International Border, some 5 miles downstreams from Yank's Spring, at which time the Sonora chub presumably extends its range to that boundary, if not beyond.

Available life history information is limited to feeding observations based on a few individuals and to spawning observations based on the presence of

young in various collections (Minckley, 1973). Information on the riparian habitat is provided in earlier works by R. R. Miller (1945), L. Miller (1949), and Goodding (1961). More recent water quality and habitat information is presented by Brooks (1982) in a brief characterization of the physio-chemical features of Sycamore Creek. This information is summarized in the 1983 status report on *Gila ditaenia* (Minckley, 1983).

Current threats to the United States population include the stocking of exotic fishes and their associated parasites, and possible uranium mining.

In the State of Sonora, Mexico, this fish is known from very few localities, and nothing is known about its biology. The 1940 type locality was the Rio Magdalena near La Casita, Sonora, Mexico. At that time, the Rio Magdalena was a clear stream 4 to 5 feet wide, about 1 foot deep, and with fairly swift current over a bottom of sand and gravel. The principal vegetation was watercress, found in backwaters along the stream (Miller, 1945). It is not known if habitat for *Gila ditaenia* still exists at this location, or if so, its condition. *Gila ditaenia* has been collected as recently as 1981 from the Rio Magdalena drainage at Campo Carretero and Cienega La Atascosa (D. Hendrickson, Arizona State University, pers. comm., 1983, and in press). These collections indicate the possibility of hybridization between *Gila ditaenia* and *Gila purpurea*, the Yaqui chub, at least in one locality. It is not known how widespread such possible hybridization is within that population or if it occurs in other Mexican populations.

In November 1982, the U.S. Fish and Wildlife Service contracted Mr. C. O. Minckley to prepare a report on the status of *Gila ditaenia*. Because of threats to the species from the introduction of exotic fish and their associated parasites, potential mining activities, and the fact that this fish occurs in a very limited area in Arizona and has an uncertain status in Mexico, threatened status with critical habitat was recommended by Minckley.

Gila ditaenia was included on the

Service's December 30, 1982, Vertebrate Notice of Review (47 FR 58454) in category 2. Category 2 includes those taxa which are thought to be in need of listing as threatened or endangered, but for which more information is needed to determine the status of the species and to support listing. That information is now available for *Gila ditaenia* in the current status report (Minckley, 1983).

Gila ditaenia is listed by the State of Arizona as a threatened species, Group 3 (Arizona Game and Fish Commission, 1982), which are those species "whose continued presence in Arizona could be in jeopardy in the foreseeable future."

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations promulgated to implement the listing provisions of the act (codified at 50 CFR Part 424: under revision to accommodate the 1982 amendments) set forth procedures for adding species to the Federal list. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in Section 4(a)(1). These factors and their application to *Gila ditaenia* (Sonora chub) are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* The present and historic range of *Gila ditaenia* in the United States consists of Sycamore Creek and Yank's Spring, located on the Coronado National Forest in Santa Cruz County, Arizona. Yank's Spring is a perennial spring impoundment in a concrete tank, and Sycamore Creek is a small, seasonally intermittent stream only 5 miles or less in length. Its very limited distribution makes this fish quite susceptible to any habitat disturbances, especially during periods when the stream flow is intermittent. Habitat disturbances which could be detrimental to the species are increased siltation and runoff subsequent to mining or other activities, depletion of the stream flow, and the introduction of

manmade pollutants into the stream. It is quite feasible that this species could be extirpated throughout its small U.S. range in a relatively short time by such habitat damage and loss (Minckley, 1983).

Sycamore Canyon at present remains in a basically unaltered state, and present impacts of man's activities in the area are relatively minor. A portion of the stream (approximately 1.5 miles) flows through the Goodding Research Natural Area which is a special use designation of the Forest Service. This area is withdrawn from mineral entry except under lease, and is closed to grazing. Recreation is limited to nondeveloped dispersed uses, but the canyon receives fairly heavy visitor use. Yank's Spring is the site of the trailhead parking for visitors into the area; however, the spring has been in a concrete tank for many years and is relatively resistant to habitat damage.

Besides *Gila ditaenia*, Sycamore Canyon also supports several rare and unique plant and animal species. One of these, the Tarahumara frog, experienced a catastrophic die-off in Sycamore Canyon in 1974 and has not been found there since. The factors causing its disappearance are not fully known, but are thought to be environmental toxicants (Hale, 1983). Since this frog occupies the same waters as *Gila ditaenia*, the cause may be of importance to the survival of *Gila ditaenia* as well.

At present no mining is occurring anywhere within the Sycamore Creek watershed and none is expected in the near future (R. B. Tippecanoe, U.S. Forest Service, pers. comm., 1983); however, active mining is ongoing in California Gulch, just one watershed to the west. Exploration for uranium occurred in 1981 on the upper eastern slopes of the Sycamore drainage on mining claims occupying approximately 4 to 5 square miles. Uranium was found and the claims are being maintained; however, no active mining is presently planned here. The Sycamore Creek drainage is mineralized and the development of mining activity within the watershed would have the potential for severe adverse effects on *Gila ditaenia* through such activities as increased water demand and withdrawal, habitat disturbance, siltation, and pollution.

Although the canyon is included in a livestock allotment, there is little direct effect on the *Gila ditaenia* habitat, due in part to steep, rocky streambank topography. Indirect effects of grazing, such as erosion and siltation, are minor at present but could have significant

effects on *Gila ditaenia* habitat if grazing were increased.

Extremely little is known about the habitat of *Gila ditaenia* in Mexico. Hendrickson (Arizona State University, pers. comm., 1983) noted that the habitat near Cienega La Atascosa was in quite good condition in 1981; however, there is no protection for this species or its habitat in Mexico and the current or proposed uses in the area are not fully known. There is irrigated agriculture along the river, but very little groundwater pumping seems to be occurring. The amount of land under cultivation, the amount of water diversion, the pollution, and the riparian and channel damage appear to have remained fairly constant in the past (G. Mabhan, University of Arizona, pers. comm., 1983).

B. Overutilization for commercial, recreational scientific, or educational purposes. There is no indication that this species is overutilized for any such purposes at this time.

C. Disease or predation. Predation by introduced exotic fish could prove disastrous for *Gila ditaenia*, leading to its extirpation in the United States. The introduction of exotic fishes, particularly game fish, into Sycamore Canyon would undoubtedly result in predation of *Gila ditaenia*. Currently, green sunfish occur in small numbers in the lower portions of Sycamore Creek; however, the extent of their impact is unknown. Tentative plans are being made to remove this exotic fish (Brooks, 1982). The adverse impacts of parasites, introduced along with exotic fish, on other species of *Gila* are documented (James, 1968; Minckley, et al., 1981; Wilson et al., 1966) and would probably occur with *Gila ditaenia*.

D. The inadequacy of existing regulatory mechanisms. The State of Arizona lists this species under Group 3 of the "Threatened Native Wildlife in Arizona." Group 3 includes "Species or subspecies whose continued presence in Arizona could be in jeopardy in the foreseeable future. Serious threats to the occupied habitats have been identified and populations (a) have declined or (b) are limited to a few individuals in few locations" (AGFC, 1982). No protection of the habitat is included in such designation and no management plan exists for this species. In Mexico no protection exists for either the species or its habitat.

E. Other natural or manmade factors affecting its continued existence. Although unlikely, the United States population could be extirpated by natural phenomena (drought) if the water supply for Sycamore Creek should

fail. The possibility of this occurring is increased by many activities of man. Watershed disturbances within the basin such as poor grazing practices, mining, roads, or off-road vehicle use can contribute to erosion, lowering water tables, and disturbed runoff patterns, and may affect the amount of flow in both Yank's Spring and Sycamore Creek. Direct manipulation of water within the basin, such as stock tank construction and groundwater pumping, could also affect the flows.

In Mexico, Hendrickson (pers. comm., 1983, and in press) found that *Gila purpurea*, the Yaqui chub, which is native to the drainages of the Rios Yaqui, Matape, and Sonora, is now present in the Rio Magdalena along with *Gila ditaenia*. His collections indicate that hybridization may be occurring between the two species in at least at one location. Spread of *Gila purpurea* in the Rio Magdalena could result in extensive losses of *Gila ditaenia* through hybridization.

The proposed action has been arrived at through the careful assessment of the best scientific and commercial information available, as well as the best assessment of the past, present, and future threats faced by this species. Based on this evaluation, the proposed action is to list *Gila ditaenia* as threatened with critical habitat. Because of the small size of the United States population and its habitat, the resultant vulnerability to damage from a single or multiple sources, the potential for mineral development in the area, and because of the uncertain status of the Mexican population, its lack of any legal protection, and increasing water demand in its range, it was apparent that not to propose this species would probably result in its becoming endangered in the foreseeable future. However, the status of the United States population of *Gila ditaenia* is presently stable, and at least some populations exist in Mexico. The U.S. population is currently afforded some protection by State laws and by management policies of the Forest Service. Therefore, endangered status seems inappropriate.

Critical Habitat

The Act defines "critical habitat" as (i) the specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the provisions of section 4 of this Act, on which are found those physical or biological features (I) essential to the conservation of the species, and (II) which may require special management considerations or protection; and (ii) specific areas outside

the geographic area occupied by the species at the time it is listed in accordance with the provisions of section 4 of this Act, upon a determination by the Secretary that such areas are essential for the conservation of the species.

The Act requires that critical habitat be designated to the maximum extent prudent and determinable concurrent with the determination that a species is endangered or threatened. Critical Habitat for *Gila ditaenia* is being proposed to include the entire area where the species is known to occur in the United States. This consists of Sycamore Creek, starting from its headwater tributary, Yank's Spring, downstream to the International Border with Mexico in Santa Cruz County, Arizona, including a 25 foot riparian area around the spring and along each side of the creek. The riparian zone is essential to the maintenance of the spring and creek ecosystem and the stream channel, and thus to the conservation of the species. All of the proposed area is in the Coronado National Forest.

Section 4(b)(8) of the Act requires for any proposed regulation which designates critical habitat, a brief description and evaluation of those activities (public and private) which may adversely modify such habitat or may be impacted by such designation. Activities in Sycamore Creek during times of intermittent flow, such as intensive collecting or mining activities, could be detrimental to this fish. Any activities that would deplete the flow or would significantly alter the natural flow regime in Yank's Spring or Sycamore Creek, such as excessive groundwater pumping, impoundment, or water diversion, would adversely impact the proposed critical habitat. Any activities that would significantly alter the water chemistry at Yank's Spring or Sycamore Creek, such as release of chemical or biological pollutant at a point source or by dispersed release, would adversely impact the proposed critical habitat. Additionally, the introduction, advertent or otherwise, of exotic fish may prove detrimental to the Sonora chub due to predation and competition for food and space. Any parasites associated with such introduction would also be detrimental. As no Federal activities are currently planned for this area, critical habitat designation is not expected to cause an impact in the near future. If in the future activities are planned, the status of the Sonora chub would have to be considered during such planning.

Section 4(b)(2) of the Act requires the Service to consider economic and other impacts of specifying a particular area as critical habitat. The Service is preparing an economic analysis that will be available at the time a final rule is prepared. The Service is requesting data from all concerned parties to assist in preparation of this analysis.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by other Federal, State and private agencies, groups and individuals. The Endangered Species Act requires that recovery actions be carried out for all listed species and these are initiated by the Service following listing. The protection afforded *Gila ditaenia* by this proposal, if published as a final rule, is discussed in part below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species which is proposed or listed as endangered or threatened. If published as a final rule, this proposal would require Federal agencies not only to ensure that activities they authorize, fund, or carry out, are not likely to jeopardize the continued existence of *Gila ditaenia* but also to ensure that their actions are not likely to result in the destruction or adverse modification of its critical habitat. If a Federal activity may affect a listed species, the Federal agency must enter into formal consultation with the Service. In addition, section 7(a)(4) requires Federal agencies to informally confer with the Service on any action that is likely to jeopardize the continued existence of a proposed species. Provisions for interagency cooperation implementing section 7 are codified at 50 CFR Part 402, and are now under revision (see proposal at 48 FR 29990; June 29, 1983).

The only known United States population of *Gila ditaenia*, and all proposed critical habitat for the species, are located on the Coronado National Forest. Sycamore Creek is fairly remote and approximately 1.5 miles of the stream are included in the Forest Service Goodding Research Natural Area, a limited use area. Present management of the Sycamore Creek drainage is compatible with the species. Therefore, no significant effects from these Federal activities are expected.

The Act and implementing regulations found at 50 CFR 17.31 set forth a series of prohibitions and exceptions which generally apply to all threatened wildlife. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to take, import or export, ship in interstate commerce in the course of commercial activity, or sell or offer for sale in interstate or foreign commerce listed species. It is also illegal to possess, sell deliver, carry transport, or ship any such wildlife which was illegally taken. Certain exceptions would apply to agents of the Service and State conservation agencies. General regulations governing the issuance of permits to carry out otherwise prohibited activities involving threatened animal species under certain circumstances are set out at 50 CFR 17.32.

The above discussion generally applies to threatened species of fish or wildlife. However, the Secretary has discretion under section 4(d) of the Act to issue special regulations for a threatened species that are necessary and advisable for its conservation. The Sonoran chub is threatened primarily by habitat disturbance or alteration, not by intentional, direct taking of the species or by commercialization. Given this fact and the fact that the State currently regulates direct taking of the species through the requirement of State collecting permits, the Service has concluded that the State's collect permit system is more than adequate to protect the species from excessive taking, so long as such takes are limited to: Educational purposes, scientific purposes, the enhancement of propagation or survival of the species, zoological exhibition, and other conservation purposes consistent with the Endangered Species Act. A separate Federal permit system is not required to address the current threats to the species. Therefore, the special rule allows takes to occur for the above-stated purposes without the need for a Federal permit if a State collecting permit is obtained and all other State wildlife conservation laws and regulations are satisfied. The special rule also acknowledges the fact that incidental take of the species by State-licensed recreational fishermen is not a significant threat to this species. (In fact, angling is an unlikely method of capture of the species.) Therefore, under this special rule such incidental take would not be violation of the Act if the fisherman immediately returned the individual fish taken to its habitat. It should be recognized that any activities

involving the taking of this species not otherwise enumerated in the special rule are prohibited.

Without this special rule, all of the prohibitions of 50 CFR 17.31 would apply. This special rule would allow for more efficient management of the species, and thus would enhance the conservation of the species. For these reasons, the Service concludes that this regulatory proposal is necessary and advisable for the conservation of the Sonoran chub.

If listed under the Act, the Service will review this species to determine whether it should be placed upon the Annex of the convention on Nature Protection and Wildlife Preservation in the Western Hemisphere, which is implemented through section 8A(e) of the Act, and whether it should be considered for other appropriate international agreements.

Public Comments Solicited

The service intends that any rule finally adopted will be as accurate and effective as possible in the conservation of any endangered or threatened species. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests, or any other interested party concerning any aspect of these proposed rules are hereby solicited. Comments particularly are sought concerning:

- (1) Biological or other relevant data concerning any threat (or the lack thereof) to *Gila ditaenia*;
- (2) The location of any additional populations of *Gila ditaenia* and the reasons why any habitat of this species should or should not be determined to be critical habitat as provided for by section 4 of the Act;
- (3) Additional information concerning the range and distribution of this species;
- (4) Current or planned activities in the subject area and their possible impacts on *Gila ditaenia* and on the area which is being considered for critical habitat; and
- (5) Any foreseeable economic and other impacts resulting from the proposed critical habitat.

Final promulgation of the regulation on *Gila ditaenia* will take into consideration the comments and any additional information received by the Service, and such communications may lead to adoption of a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the date of the proposal. Such requests should be made in writing and

addressed to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103.

National Environmental Policy Act

In accordance with a recommendation from the Council on Environmental Quality (CEQ), the Service has not prepared any NEPA documentation for this proposed rule. The recommendation from CEQ was based, in part, upon a decision by the Sixth Circuit Court of Appeals which held that the preparation of NEPA documentation was not required as a matter of law for listing actions under section 4(a) of the Endangered Species Act. *PLF v. Andrus* 657 F.2d 829 (6th Cir., 1981).

References

Arizona Game and Fish Commission. 1982. Threatened Native Wildlife in Arizona. Arizona Game and Fish Department Publication. 12 pp.

Brooks, J.E. 1982. Sycamore Creek survey—*Gila ditaenia*. Arizona Game and Fish Department inter-office memorandum. 2 pp.

Goodding, L.N. 1961. Why Sycamore Canyon in Santa Cruz County should be preserved as a nature sanctuary or natural area. *Journal of the Arizona Academy of Science* 1:113-115.

Hale, S.F. 1983. Status Report for *Rana tarahumarae* Boulenger. U.S. Fish and Wildlife Service, Office of Endangered Species, Albuquerque, New Mexico. 99 pp.

Hendrickson, D.A. In press. Distribution Records of Native and Exotic Fishes in Pacific Drainages of Northern Mexico. *Journal of the Arizona-Nevada Academy of Sciences*.

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Minckley, C.O. 1983. Status report on *Gila ditaenia*. U.S. Fish and Wildlife Service, Office of Endangered Species, Albuquerque, New Mexico. 14 pp.

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Wilson, B.L., J.E. Deacon, and W.G. Bradley. 1966. Parasitism in the fishes of the Moapa River, Clark County, Nevada. Desert Research Inst., Preprint Series No. 18. University of Nevada, Las Vegas.

United States Department of Agriculture. 1982. Draft Environmental Impact Statement, Proposed Coronado National Forest Plan. Forest Service, Southwestern Region. 173 pp.

Authors

The primary author of this proposed rule is S. E. Stefferud, Endangered Species Staff, U.S. Fish and Wildlife Service, Albuquerque, New Mexico 87103.

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Proposed Regulations Promulgation

PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below:

1. Authority citation for Part 17 reads as follows:

Authority: Pub. L. 93-205, 87 Stat. 884; Pub. L. 94-359, 90 Stat. 911; Pub. L. 95-632, 92 Stat. 92 Stat. 3751; Pub. L. 96-159, 93 Stat. 1225; Pub. L. 97-304, 96 Stat. 1411 (16 U.S.C. 1531 et seq.).

2. It is proposed to amend § 17.11(h) by adding, in alphabetical order under "Fishes," the following to the List of Endangered and Threatened Wildlife:

§ 17.11 Endangered and threatened wildlife.

* * * * *
(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Fishes:							
Chub, Sonora.	<i>Gila ditaenia</i>	U.S.A. (AZ) Mexico (Sonora).	Entire.....	T.....	17.95(e)...	17.44()	

3. It is further proposed to amend Title 50 CFR § 17.44 by adding the following:

§ 17.44 Special rules—fishes.

* * * * *
() Sonora chub, *Gila ditaenia*.

(1) No person shall take the species, except in accordance with applicable State fish and wildlife conservation laws and regulations in the following instances: (i) for education purposes, scientific purposes, the enhancement of propagation or survival of the species, zoological exhibition, and other conservation purposes consistent with the Act; or, (ii) incidental to State-permitted recreational fishing activities, provided that the individual fish taken is immediately returned to its habitat.

(2) Any violation of applicable State fish and wildlife conservation laws or regulations with respect to the taking of this species will also be a violation of the Endangered Species Act.

(3) No person shall possess, sell, deliver, carry, transport, ship, import, or export, by any means whatsoever, any

such species taken in violation of these regulations or in violation of applicable State fish and wildlife conservation laws or regulations.

(4) It is unlawful for any person to attempt to commit, solicit another to commit, or cause to be committed, any offense defined in paragraphs (1) through (3) above.

* * * * *

4. It is further proposed to amend § 17.95(e) by adding the critical habitat of *Gila ditaenia* as follows (the position of the following critical habitat entry under § 17.95(e) will be determined at the time of publication of a final rule):

§ 17.95 Critical habitat—fish and wildlife.

17.95 Critical habitat—fish and wildlife.

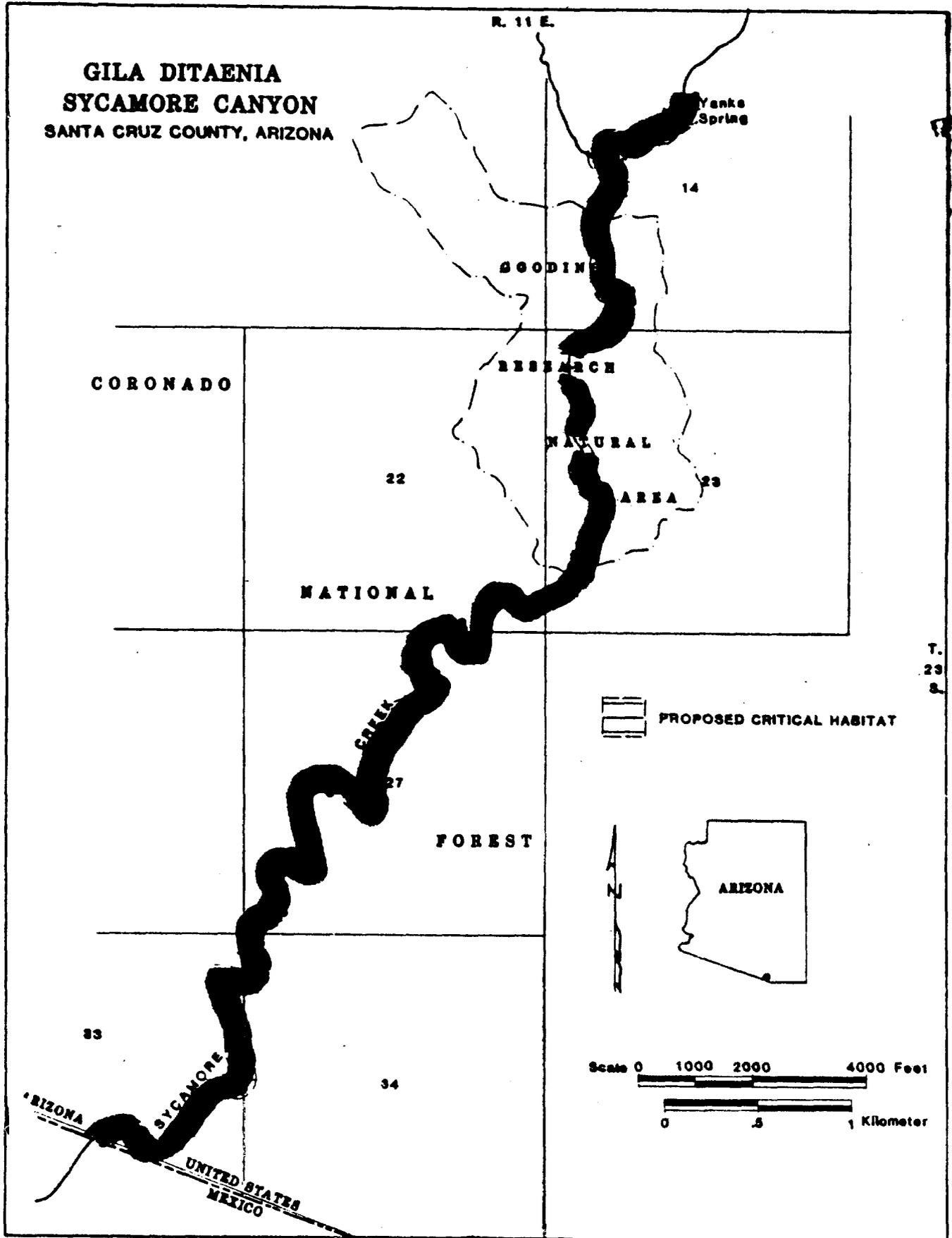
(e) * * *

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Sonora Chub, *Gila ditaenia*

Arizona, Santa Cruz County. The area of critical habitat includes an entire area where this species is known to occur in the United States. This consists of Yank's Spring and Sycamore Creek, and a riparian zone of 25 feet around the spring and along each side of the creek, starting from and including Yank's Spring, downstream approximately 5 stream miles to the International Border with Mexico (T.23S., R.11E., Sec. 14, 22, 23, 27, 33, and 34). Within the sections listed above, only Yank's Spring and Sycamore Creek and the 25 foot riparian zone is determined to be critical habitat. Known primary constituent elements include clean permanent water with pools and intermediate riffle areas and/or intermittent pools maintained by subsurface flow in areas shaded by canyon walls.

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Dated: May 23, 1984.

J. Craig Potter,
*Acting Assistant Secretary for Fish and
Wildlife and Parks.*

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