50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Notice of Finding on 6 Petitions

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of finding on petitions.

SUMMARY: The Service announces finding on various petitions to list or delist fish, wildlife, or plants under the Endangered Species Act.

Section 4(b)(3)(A) of the Endangered Species Act of 1973, as amended in 1982, 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.

DATES: The dates of the various findings is presented in the Background section.

ADDRESSES: Questions or comments concerning this finding should be submitted to the Associate Director—Federal Assistance, U.S. Fish and Wildlife Service (OES), Department of the Interior, Washington D.C. 20240. The petitions, and their supporting data, are available for public inspection by appointment during normal business hours at the Service’s Office of Endangered Species, Suite 500, 1000 North Cibe Road, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT:

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Endangered Species Act of 1973, as amended in 1982, 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.

The 1982 amendments to the Endangered Species Act also require a finding to be made within 12 months of petition receipt for any petition accepted for review in accordance with paragraph A or D(i) of section 4(b)(3) as amended. Pursuant to paragraph B or D(ii) of section 4(b)(3), this determines whether or not the requested action is warranted. The finding and any further procedures to be undertaken (for example species listing or delisting, critical habitat revision, or necessary postponement of such actions) are to be announced promptly in the Federal Register.

Expeditious progress in listing is being made, and is annually reported on in the
Federal Register. The first such progress report was published on January 20, 1984 (49 FR 2485).

Findings

1. On April 12, 1983, the Desert Fishes Council petitioned the Service to list the following 17 desert fishes:

- Desert dace, *Erimichthys acros*
- Hutton Spring tui chub, *Gila bicolor* ssp.
- Fish Creek Springs tui chub, *Gila bicolor euchila*
- Owens tui chub, *Gila bicolor snyderi*
- Yaqui chub, *Gila purpurea*
- White River spinedace, *Lepidomeda albivallis*
- Big Spring spinedace, *Lepidomeda mollispinis protensis*
- Little Colorado spinedace, *Lepidomeda dilatata*
- Pecos blunt-nose shiner, *Notropis simus pecosensis*
- Fosselt Spring speckled dace, *Rhinchithys osculus* ssp.
- Modoc sucker, *Catostomus microps*
- Warner sucker, *Catostomus warnerensis*
- June sucker, *Chasmistes ilorus mictus*
- White River springfish, *Crenichthys baileyi*
- Hiko White River springfish, *Crenichthys baileyi grandis*
- Railroad Valley springfish, *Crenichthys nevadae*
- Desert pupfish, *Cyprinodon macularius*

The Service reviewed the petition and found that substantial information had been presented indicating that the petitioned action may be warranted. This 90 day finding was announced in the Federal Register on April 12, 1983 (48 FR 16265). On May 2, 1983, the Service reviewed the petition and found that substantial information had been presented indicating that the petitioned action may be warranted. This 90 day finding was announced in the Federal Register on May 2, 1984 (49 FR 19044).

2. A petition from Ms. Marie C. Peronne of Clarence, New York dated March 30, 1984, was received by the Service on May 2, 1984. Ms. Peronne's petition requested that 2 plants be listed as endangered species under the Endangered Species Act. The species are: *Tyto longimembris* (grass owl), *Syphonodica indica* (long-legged bastard), *Mentzelia albicaulis* (white-stemmed evening-star), *Salix amygdaloides* (peach-leaved willow), and the milkworts *Polygala alba*, *P. pusiformis*, and *P. verticillata*. On June 8, 1984, the Service made its finding that the petition did not present substantial information for any of the species and that the petitioned actions are not warranted, in accord with Section 4(b)(3)(A) of the Act. The Service checked available data and found that none of the petitioned actions are not warranted, in accord with Section 4(b)(3)(A) of the Act. The Service made its finding that the petition included substantial information that the petitioned action is warranted on May 4, 1984.

3. A petition from the Pacific Legal Foundation, Save Our Shellfish, and the Greater Los Angeles Council of Divets, dated February 3, 1984, was received by the Service on February 6, 1984. This petition requested the delisting of the southern sea otter (*Enhydra lutris nereis*), a mammal found off the coast of central California that is currently classified as threatened. The Service has made the finding that this petition does not present substantial information in support of the requested action. The two main points of the petition are that the southern sea otter is not a separate subspecies and that it is not threatened by a potential oil spill. The first point is not supported by the preponderance of available evidence, and, in any case, the population qualifies for listing under the Endangered Species Act regardless of whether it is a distinct subspecies. The second point is contrary to extensive other information available to the Service, and in any case, the threat of an oil spill is only one of several factors jeopardizing the involved population.

4. A petition from Friends of the Sea Otter, dated May 1, 1983, was received by the Service on May 9, 1983. This petition requested the reclassification of the southern sea otter from threatened to endangered. The petition stated that the southern sea otter, which was classified as threatened in 1977, has deteriorated in status and is now endangered. The threat of an oil spill is only one of several factors jeopardizing the involved population.

5. A petition from Ms. Marie C. Peronne of Clarence, New York dated March 30, 1984, was received by the Service on May 2, 1984. Ms. Peronne's petition requested that 2 plants be listed as endangered species under the Endangered Species Act. Both plants are endemic to Dade County, Florida and appear to be in danger of extinction due to loss of habitat. The Service made its finding that the petition included substantial information that the petitioned action may be warranted on June 8, 1984. The plants are therefore placed in category 1 of the notice of review on candidates (48 FR 53859).

6. A petition from Mr. Alan Herndon of Florida International University dated March 17, 1984, was received by the Service on March 22, 1984. Mr. Herndon's petition requested that 2 Florida plants, *Amorpha crenulata* (Fabaceae) and *Galactia smallii* (Fabaceae), be listed as endangered under the Endangered Species Act. Both plants are endemic to Dade County, Florida and appear to be in danger of extinction due to loss of habitat. The Service made its finding that the petition included substantial information that the petitioned action may be warranted on June 8, 1984. The plants are therefore placed in category 1 of the notice of review on candidates (48 FR 53859).

The Service would appreciate any additional data, comments, or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning the Florida scrub jay and the 2 Florida plants *Amorpha crenulata* and *Galactia smallii*.

Author

This notice was prepared by James D. Williams, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-1975)
based on information supplied by the
U.S. Fish and Wildlife Service Regional
Offices and Biological Support staff of
the Washington Office of Endangered
Species.

Authority: The authority for this action is
the Endangered Species Act (16 U.S.C. 1531 et
seq.: Pub. L. 95-233, 98 Stat. 804; Pub. L. 94-
359, 90 Stat. 911; Pub. L. 95-632, 92 Stat. 3751;
Pub. L. 96-159, 93 Stat. 1225; Pub. L. 97-304, 96
Stat. 1411).

List of Subjects in 50 CFR Part 17

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

Dated: July 6, 1984.

Susan Recce,
Acting Assistant Secretary for Fish and
Wildlife and Parks.

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