

## DEPARTMENT OF THE INTERIOR

## Fish and Wildlife Service

## 50 CFR Part 17

**Endangered and Threatened Wildlife and Plants; Final Rule To Determine the Yaqui Chub To Be an Endangered Species with Critical Habitat, and To Determine the Beautiful Shiner and the Yaqui Catfish To Be Threatened Species with Critical Habitat**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Final rule.

**SUMMARY:** The Service determines the Yaqui chub (*Gila purpurea*) to be an endangered species, and the beautiful shiner (*Notropis formosus*) and the Yaqui catfish (*Ictalurus pricei*) to be threatened species. Critical habitat on the San Bernardino National Wildlife Refuge (NWR) is designated for these three fishes. A special rule is included to allow take of the threatened species for educational, scientific, and conservation purposes in accordance with Arizona State laws and regulations. This determination is being made because populations of these species have been seriously reduced by habitat modifications including arroyo cutting, water diversion, impoundment construction, development of canal systems for irrigated agriculture, and excessive pumping of underground aquifers. An imminent threat to the remaining populations of Rio Yaqui fishes is the possible release of exotic fish such as the red shiner and channel catfish, which may result in intense competition and/or genetic swamping. The Rio Yaqui fishes occur in the Rio Yaqui Basin which drains western Sonora and portions of eastern Chihuahua in Mexico, and the extreme southeastern corner of Arizona. The Yaqui chub also has been recorded from the Rio Sonora and Rio Matape on the Pacific slope of Mexico, and the beautiful shiner formerly inhabited small drainages in the closed Guzman Basin, including Rio Mimbres in New Mexico, and the Casa Grandes, Santa Maria, and Del Carmen, just east of the Rio Yaqui. This action provides the protection of the Endangered Species Act of 1973, as amended, to these species.

**EFFECTIVE DATE:** The effective date of this rule is October 1, 1984.

**ADDRESS:** The complete file for this rule is available for inspection, by appointment, during normal business hours at the Regional Office, U.S. Fish and Wildlife Service, 421 Gold Avenue,

SW., Room 407, Albuquerque, New Mexico 87103 (505/766-3972 or FTS 474-3972).

**FOR FURTHER INFORMATION CONTACT:** Dr. James E. Johnson, Regional Office of Endangered Species, U.S. Fish and Wildlife Service, 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 Wildlife Service, Washington, D.C. 20240 (703/235-2771).

**SUPPLEMENTARY INFORMATION:****Background**

All of the Rio Yaqui fishes addressed in this rule were first collected and described from San Bernardino Creek, just south of the Arizona-Sonora border, in the latter half of the 19th century (Girard, 1856; Rutter, 1896). Adult Yaqui chubs are known to inhabit pools and undercut banks in permanent streams. The beautiful shiner is found in a variety of habitats, but the largest populations occur in the riffles of small streams. Yaqui catfish are usually found in large streams in areas of medium to slow current. Besides the above information on basic habitat preferences, little is known about the biology of the Rio Yaqui fishes. The biology of the beautiful shiner and the Yaqui catfish is thought to be similar to that of the red shiner and the channel catfish, respectively.

In the past, these fishes were found throughout the Rio Yaqui basin and in a few smaller adjacent drainages (Branson, 1960; Contreras-Balderas, 1975; Hendrickson, 1980; Koster, 1957; McNatt, 1974; Miller, 1977; Miller and Simon, 1943; Minckley, 1973). The range of these species has been significantly reduced, primarily due to habitat destruction. Remaining populations are in danger of being subjected to intense competition and genetic swamping through the indiscriminate release of closely related exotics (e.g., red shiner and channel catfish).

The Yaqui chub was considered by the Service for listing in 1966 and 1973, but no action was taken because its status in Mexico was undetermined (Bur. Sport Fish. Wildl. Res. Pubs. 34 and 114). A list published in March of 1979 by the Endangered Species Committee of the American Fisheries Society recommended special concern for the status of the beautiful shiner and the Yaqui catfish, and described the Yaqui chub as endangered (Deacon *et al.*, 1979).

In 1978, the Fish and Wildlife Service contracted with biologists from Arizona State University and the University of Michigan to survey the status of fishes

in the Rio Yaqui system of Mexico (Hendrickson *et al.*, 1980). These workers found only one specimen of the Yaqui chub after extensive collection efforts throughout the Rio Yaqui drainage. They also noted range reductions for the beautiful shiner and the Yaqui catfish and expressed concern for the status of these species.

The Yaqui chub, beautiful shiner, and Yaqui catfish were included on the December 30, 1982, Vertebrate Notice of Review (47 FR 58454) in category 1. Category 1 includes those taxa for which the Service has substantial information on hand to support the appropriateness of proposing to list the species as endangered or threatened. On April 12, 1983, the Service was petitioned by the Desert Fishes Council to list the Yaqui chub. Evaluation of this petition by the Service found that substantial information had been presented indicating that the petitioned action may be warranted. A notice of this finding was published on June 14, 1983 (48 FR 27273). Finding on the merits that the petitioned action was warranted, the Service on July 15, 1983, published a proposed rule to determine the Yaqui chub to be an endangered species with critical habitat, and the beautiful shiner and Yaqui catfish to be threatened species with critical habitat (48 FR 32527).

**Summary of Comments and Recommendations**

In the July 15, 1983, proposed rule (48 FR 32527) and associated notifications, all interested parties were requested to submit factual reports or information which might contribute to the development of a final rule. Appropriate State agencies, county governments, Federal agencies, foreign governments, scientific organizations, and other interested parties were contacted and requested to comment. A newspaper notice was published in "The Douglas Daily Dispatch" in Douglas, Arizona, on October 8, 1983, which invited general public comment. A total of five written comments were received on the proposal, one each from the Arizona Game and Fish Department, the Arizona Department of Water Resources, the Bureau of Land Management (BLM), the U.S. Forest Service, and the Mexico Direccion de Flora y Fauna Silvestre (Directorate of Wild Flora and Fauna). No public hearing was requested or held.

The Arizona Game and Fish Department submitted comments supporting the proposal and expressing concern about proposed geothermal exploration on the BLM lands in the San

Bernardino Valley and its possible adverse effects on the waters of the San Bernardino NWR. The Service responded that, while leasing of such resources has occurred, any further actions, such as drilling, would be subject to consultation with the Service under Section 7 of the Endangered Species Act.

The Arizona Department of Water Resources and the BLM submitted comments stating that they knew of no activities that would be affected by the proposal. The U.S. Forest Service responded that they had no opposition to the proposal, and commented that they knew of no potential habitat on their lands for suitable reintroduction of any of the three species.

The Mexico Direccion de Flora y Fauna Silvestre submitted comments expressing their concern for these species and their support for the Service's conservation efforts for these species. These comments also outlined problems these species face in Mexico.

#### Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined that the Yaqui chub (*Gila purpurea*) should be classified as an endangered species, and that the beautiful shiner (*Notropis formosus*) and the Yaqui catfish (*Ictalurus pricei*) should be classified as threatened species. Procedures found at 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 1982 Amendments) were followed. 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 these species are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* All three species of Rio Yaqui fish are seriously affected by a variety of habitat modifications. These species existed in San Bernardino Creek, Arizona, until the spring flows supporting the creek diminished and the remaining aquatic habitat was destroyed by cattle. Arroyo cutting, diverting stream headwaters, construction of impoundments, and excessive pumping of underground aquifers are responsible for the reduction of permanent stream habitat and for failing springs. The remaining U.S. populations of Yaqui chub are limited to a few springs on the San

Bernardino NWR (USFWS, 1979) and to Leslie Creek (Silvey, 1975), both in southeastern Arizona, and are threatened by a gradually dwindling spring flow. The shiner and Yaqui catfish have been extirpated from the United States. Many river systems in Mexico, especially in lowland areas, have been highly modified into canal systems for irrigation agriculture. These alterations destroy pool habitats and have adverse impacts on fish populations.

The San Bernardino Valley is known to have potential geothermal energy resources (Hahman, 1979), although the area is not a Known Geothermal Resource Area (KGRA). The BLM has issued leases for geothermal resources on some of their lands adjacent to the San Bernardino NWR. Exploration and development of these leases could potentially cause depletion or pollution of the underground aquifers that supply water to the springs of the refuge, and could thereby result in loss of pollution of the flows of those springs. However, if exploration and development are properly designed and regulated, such effects are not expected (Cheremisinoff and Morresi, 1976).

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* These fishes are not used for any commercial purposes, and past scientific collecting has had no impact on existing populations.

C. *Disease or predation.* Introduced predatory fishes, such as largemouth bass, bluegill, black bullhead, channel catfish, and green sunfish are present in some portions of the remaining range of the Rio Yaqui fishes, and probably prey opportunistically on them. The threat of such predation will continue to increase in the remaining habitats of these species in Mexico. This threat is minor at present in U.S. habitats, and steps are already being taken to alleviate it.

D. *The inadequacy of existing regulatory mechanisms.* The Yaqui chub is listed as a Group II species on the threatened and unique wildlife list of Arizona (Ariz. Game and Fish Comm., 1982). Species listed as Group II are defined as being endangered or being eliminated from the State. Arizona law allows take of Yaqui chub under a scientific collecting permit, or under a valid fishing license by angling. The beautiful shiner and the Yaqui catfish are listed in Group I of the Arizona list of threatened native wildlife (species extirpated from Arizona that still exist elsewhere, and which may possibly be reestablished in Arizona). Because Group I species do not exist in the State, Arizona law does not officially protect them. However, if reestablished, these

fishes would probably be relisted as Group II species and their take would be regulated by the State. Arizona law does not provide protection of essential habitat. The Rio Yaqui fishes receive no protection in Mexico.

E. *Other natural or manmade factors affecting its continued existence.* Extant populations of the beautiful shiner and the Yaqui catfish are seriously threatened by the introduction of close related exotic species. Future releases of the red shiner, *Notropis lutrensis* (currently, widely established in Arizona), into the Rio Yaqui system may reduce beautiful shiner populations through competition or by genetic swamping. The Yaqui catfish may be similarly affected by expanding populations of the channel catfish (*Ictalurus punctatus*) and blue catfish (*Ictalurus furcatus*) that are already established in the Rio Yaqui drainage. This type of interaction has been shown to be detrimental to other native fishes, as illustrated by the rapid elimination of native Yaqui topminnow (listed as endangered and found in the same drainage) populations after introduction of the closely related common mosquitofish (*Gambusia affinis*), documented by Minckley (1973), Schoenherr (1973) and others. The introduction of exotics in Mexico is expected to continue at an increased rate as the interior portions of Sonora and Chihuahua are developed. The establishment of exotic species in Mexico may also result in intense competitive pressure on existing populations of the Yaqui chub.

This action is the result of careful assessment of the best scientific information available, as well as the best assessment of the threats faced by these fishes. Based on this evaluation, it was determined that the beautiful shiner and Yaqui catfish are threatened species, and the Yaqui chub is an endangered species, as defined by section 3 of the Act. Threatened status for the beautiful shiner and Yaqui catfish seems appropriate based on their status and distribution in Mexico and because of the threats to their remaining habitat in the U.S. and Mexico. The Yaqui chub faces similar threats and a more restricted distribution in Mexico. Endangered status for the Yaqui chub is most appropriate. If these fishes are not listed their status could continue to decline.

#### Critical Habitat

The Act and 50 CFR Part 424 define critical habitat as: (i) The specific areas within the geographical area occupied by a species, at the time it is listed in

accordance with the Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) that may require special management considerations or protection, and (ii) specific areas outside the geographical area occupied by the species at the time it is listed in accordance with the provisions of Section 4 of the Act, upon determination by the Secretary that such areas are essential for the conservation of the species.

The Act in section 4(a)(3) 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 the Rio Yaqui fishes as follows: Arizona, Cochise County: All aquatic habitats of San Bernardino NWR in S $\frac{1}{2}$  Sec. 11; Sec. 14; S $\frac{1}{2}$  and NE $\frac{1}{4}$  Sec. 15; T24S R30E.

The known constituent elements for the Rio Yaqui fishes include clean, small, permanent streams and spring pools without any exotic fishes. The streams should have deep pool areas separated by riffles and flowing areas with moderate current. Backwater areas of stream and springs with overgrown cut banks and accumulations of detritus are necessary for feeding and shelter. The Service has determined that these physical or biological features are essential to the conservation of these species.

Section 4(b)(6) of the Act requires that any proposed or final regulation which designates critical habitat be accompanied by a brief description and evaluation of those activities which may adversely modify such habitat if undertaken, or may be affected by such designation. Any activity which would lower the ground water level to the extent that the water flow from springs on San Bernardino NWR would be reduced could adversely impact the critical habitat. Such activities include, but are not limited to, pumping of ground water for agricultural purposes, and drilling activities associated with geothermal exploration. Any activity which would significantly alter the water chemistry of springs on San Bernardino NWR could adversely impact the critical habitat. Such activities include, but are not limited to, release of chemical or biological pollutants into surface or underground waters at a point source or by dispersal release. An additional activity which could adversely impact critical habitat is the release of exotic or nonnative fishes. Predation and competition from these introductions could reduce or

eliminate populations of the endangered and threatened fishes.

The aquatic habitats of San Bernardino NWR, designated as critical habitat, provide habitat for one of the two existing populations of Yaqui chubs. Additionally, the aquatic habitats on San Bernardino Refuge provide expansion habitat for the Yaqui chub and are considered prime reintroduction sites for the beautiful shiner and Yaqui catfish.

Section 4(b)(2) of the Act requires the Service to consider economic and other impacts of designating a particular area as critical habitat. The Service has evaluated the proposed critical habitat designation for the Rio Yaqui fishes, taking into consideration all additional information and comments received. The information brought forward on economic or other impacts did not warrant adjustment of the proposed critical habitat designation. Activities that may be affected by the designation of critical habitat are discussed in the Available Conservation Measures section of this rule.

#### Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the 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 Federal, State, and private agencies, groups, and individuals. The Endangered Species Act provides for land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species. Recovery actions are initiated by the Service following listing. The protection required of Federal agencies and the prohibitions against taking and harm are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of the Yaqui chub, beautiful shiner and Yaqui catfish, and requires them to ensure that their actions do not result in the destruction or adverse modification of these critical habitats which have been determined by the Secretary. If a "may affect" determination is made, the Federal agency must enter into consultation with the Service. Regulations implementing this interagency cooperation provision are codified at 50 CFR Part 402 and are now under revision (see proposal at 48 FR 29990; June 29, 1983).

The only possible activity with Federal involvement that may potentially affect the designated critical habitat is geothermal exploration. This activity is beyond the boundary of the San Bernardino NWR, but could possibly affect underground aquifers supplying surface waters to the critical habitat. Geothermal exploration in the San Bernardino Valley is subject to Federal regulation and licensing by the BLM. It should be emphasized that critical habitat designation may not affect geothermal exploration activities in the vicinity. The designation of critical habitat for these species does not specifically preclude geothermal development in the area. Exploration activities will be allowed to proceed in the vicinity of critical habitat as long as artesian and surface water supplies at San Bernardino NWR are adequately protected.

The Act and implementing regulations found at 50 CFR 17.21 and 17.31 set forth a series of general prohibitions and exceptions which apply to all endangered and threatened wildlife. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the U.S. to take, import or export, ship in interstate commerce in the course of a commercial activity, or sell or offer for sale these species in interstate or foreign commerce. It also would be illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that was illegally taken. Certain exceptions would apply to agents of the Service and State conservation agencies.

Regulations codified at 50 CFR 17.22, 17.23, and 17.32 provide for the issuance of permits to carry out otherwise prohibited activities involving endangered and threatened species under certain circumstances. Such permits are available for scientific purposes or to enhance the propagation or survival of the species. In some instances, permits may be issued during a specified period of time to relieve undue economic hardship which would be suffered if such relief were not available. In addition, the two species proposed as threatened, the Yaqui catfish and beautiful shiner, have a special rule which will allow take for educational, scientific, or conservation purposes in accordance with applicable State laws and regulations. Any violation of applicable State law would be a violation of the Endangered Species Act. At present no State laws or regulations are applicable to the Yaqui catfish or beautiful shiner, because neither species is presently found in Arizona. When the reintroduction of

these species into Arizona waters occurs, the State will regulate taking in accordance with already existing laws and regulations regarding fishes. This special rule will allow these fishes to be managed as threatened species, thus allowing for more efficient management of the species, and enhancing their conservation. Without the special rule, all prohibitions of an endangered species status would apply.

The Service will review these species to determine whether they should be placed upon the Annex of the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere, implemented through section 8(A)(e) of the Act, and whether they should be considered for other international agreements.

#### National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined by the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the *Federal Register* on October 25, 1983 (48 FR 49244).

#### Regulatory Flexibility Act and Executive Order 12291

The Department of the Interior has determined that designation of critical habitat for these fishes will not constitute a major rule under Executive Order 12291 and certifies that this designation will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). These findings are based on a Determination of Effects which is available at the U.S. Fish and Wildlife Service Regional Office (see **ADDRESS** section).

The following information was considered in determining the economic and other impacts that might result from the determination of critical habitat.

Agriculture, primarily cattle production, constitutes the primary product of the areas surrounding the critical habitat. These activities are not expected to affect or be affected by the critical habitat designation on the San Bernardino NWR.

Some interest had been shown in potential geothermal resources in the vicinity of San Bernardino NWR. Geothermal drilling might possibly affect the underground aquifer supplying surface waters at San Bernardino NWR, the critical habitat of the Rio Yaqui

fishes. Any exploration activities, however, are subject to regulation and licensing by the BLM. The adjacent area is not a KGRA and there are currently no leases or any interest in that area that would affect or be affected by the critical habitat designation.

The final critical habitat designation for the threatened and endangered Rio Yaqui fishes should cause no additional impacts upon the present economic status of Cochise County.

The final rule designating critical habitat for three fish species contain no recordkeeping or information collection requirements as defined by the Paperwork Reduction Act of 1980.

#### References

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- Branson, B.A., C.J. McCoy, Jr., and M.E. Sisk. 1960. Notes on the freshwater fishes of Sonora, with an addition to the known fauna. *Copeia* 1960:217-220.
- Cheremisnoff, P.N., and A.C. Morresi. 1976. Geothermal energy technology assessment. Technomic Publishing Co., Inc., Westport, Connecticut. 164 pp.
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- McNatt, R.M. 1974. Reevaluation of the native fishes of the Rio Yaqui in the United States. *Proceedings 54th Annual Conference Western Association of State Game and Fish Commissioners*. pp. 273-279.
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Minckley, W.L. 1973. *Fishes of Arizona*. Arizona Game and Fish Department, Phoenix, Arizona. 293 pp.

Rutter, C. 1896. Notes on the fresh water fishes of the Pacific Slope of North America. *Proceedings California Academy Sciences* 6:245-267.

Schoenherr, A.A. 1973. Life History of the topminnow *Poeciliopsis occidentalis* (Baird and Girard) in Arizona and an analysis of its interaction with the mosquitofish *Gambusia affinis* (Baird and Girard). Unpublished Ph.D. Dissertation. Arizona State University, Tempe.

Silvey, W. 1975. *Fishes of Leslie Creek, Cochise County, Arizona*. Statewide Fisheries Investigations. Statewide Survey of Aquatic Resources Federal Aid Project F-7-R-17, Arizona Game and Fish Department, Phoenix, Arizona. 11 pp.

U.S. Fish and Wildlife Service. 1979. Environmental assessment of the proposed land acquisition of San Bernardino Ranch, Cochise County, Arizona. U.S. Dept. of the Interior, Fish and Wildlife Service, Albuquerque, New Mexico. 59 pp.

**Authors**

The primary authors of this rule are Mr. Jim Bednarz, Ms. S.E. Stefferud, and Dr. James Johnson, U.S. Fish and

Wildlife Service, Regional Office of Endangered Species, P.O. Box 1308, Albuquerque, New Mexico (505/766-3972 or FTS 474-3972).

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

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

**Regulations Promulgation**

**PART 17—[AMENDED]**

Accordingly, Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, is amended as set forth below:

1. The 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. 3751; Pub. L. 96-159, 93 Stat. 1225; and Pub. L. 97-304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*).

2. Amend § 17.11(h) by adding the following entry in alphabetical order under "FISHES" 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							
Catfish, Yaqui	<i>Ictalurus pricei</i>	U.S.A. (AZ), Mexico	Entire	T	157	17.95(e)...	17.44(g)
Chub, Yaqui	<i>Gila purpurea</i>	U.S.A. (AZ), Mexico	Entire	E	157	17.95(e)...	N/A
Shiner, beautiful	<i>Notropis formosus</i>	U.S.A. (AZ, NM), Mexico	Entire	T	157	17.95(e)...	17.44(g)

3. Amend § 17.95(e) by adding critical habitat of the Yaqui chub after chub, Spotfin:

**§ 17.95 Critical habitat—fish and wildlife.**

\* \* \* \* \*

(e) *Fishes*.

\* \* \* \* \*

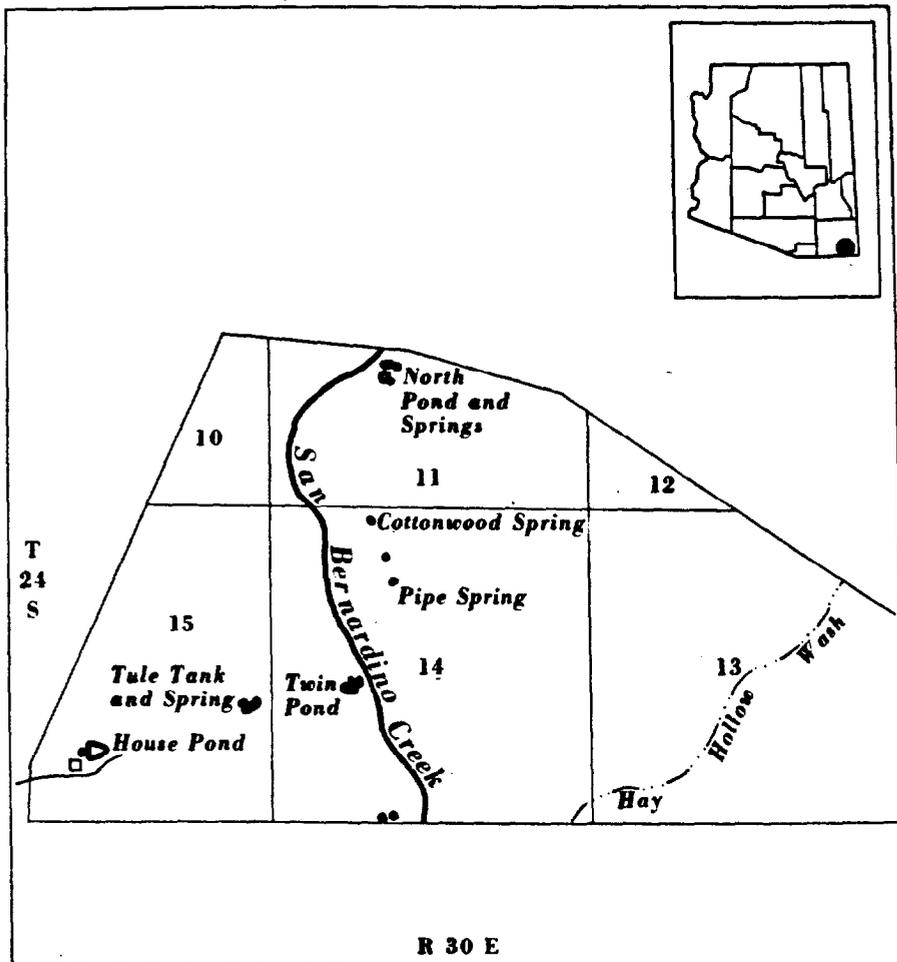
**Yaqui Chub (*Gila purpurea*)**

Arizona, Cochise County. All aquatic habitats of San Bernardino NWR in S½ Sec.

11; Sec. 14; S½ and NE¼ Sec. 15; T24S, R30E. Known constituent elements include clean permanent water with deep pools and intermediate areas with riffles, areas of detritus or heavily overgrown cut banks in the Rio Yaqui drainage, and the absence of introduced exotic fishes.

**BEAUTIFUL SHINER  
YAQUI CATFISH  
YAQUI CHUB**

**Cochise County, ARIZONA**



\* \* \* \* \*

4. Amend § 17.95(e) by adding critical habitat of the beautiful shiner after Pupfish, Leon Sprinep:

§ 17.95 Critical habitat—fish and wildlife.

\* \* \* \* \*

(e) Fishes.

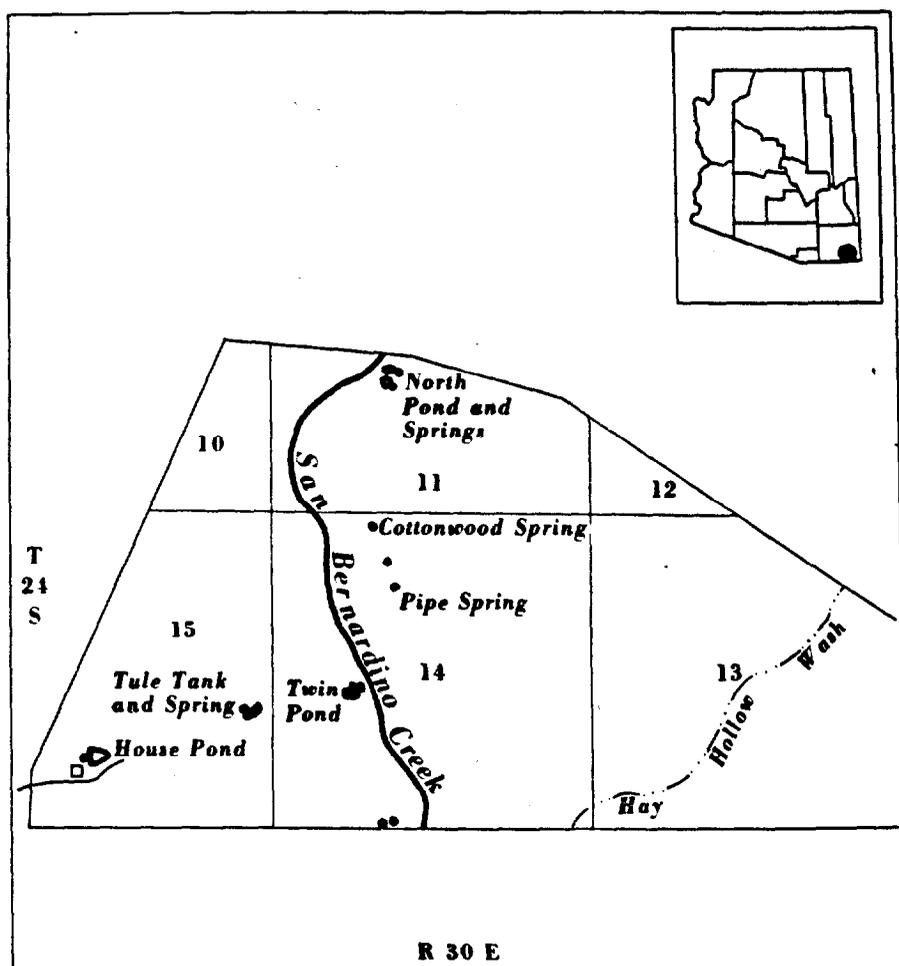
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**Beautiful Shiner (*Notropis formosus*)**

Arizona, Cochise County. All aquatic habitats of San Bernardino NWR in S½ Sec. 11; Sec. 14; S½ and NE¼ Sec. 15; T24S, R30E. Known constituent elements include small permanent streams with riffles, or intermittent creeks with pools and riffles in the Rio Yaqui drainage with clean unpolluted water. These waters should be free of introduced exotic fishes.

**BEAUTIFUL SHINER  
YAQUI CATFISH  
YAQUI CHUB**

**Cochise County, ARIZONA**



\* \* \* \* \*  
5. Amend § 17.95(e) by adding critical habitat of the Yaqui catfish before Cabefish, Alabama:

§ 17.95 Critical habitat—fish and wildlife.

(e) Fishes.

**Yaqui Catfish (*Ictalurus pricei*)**

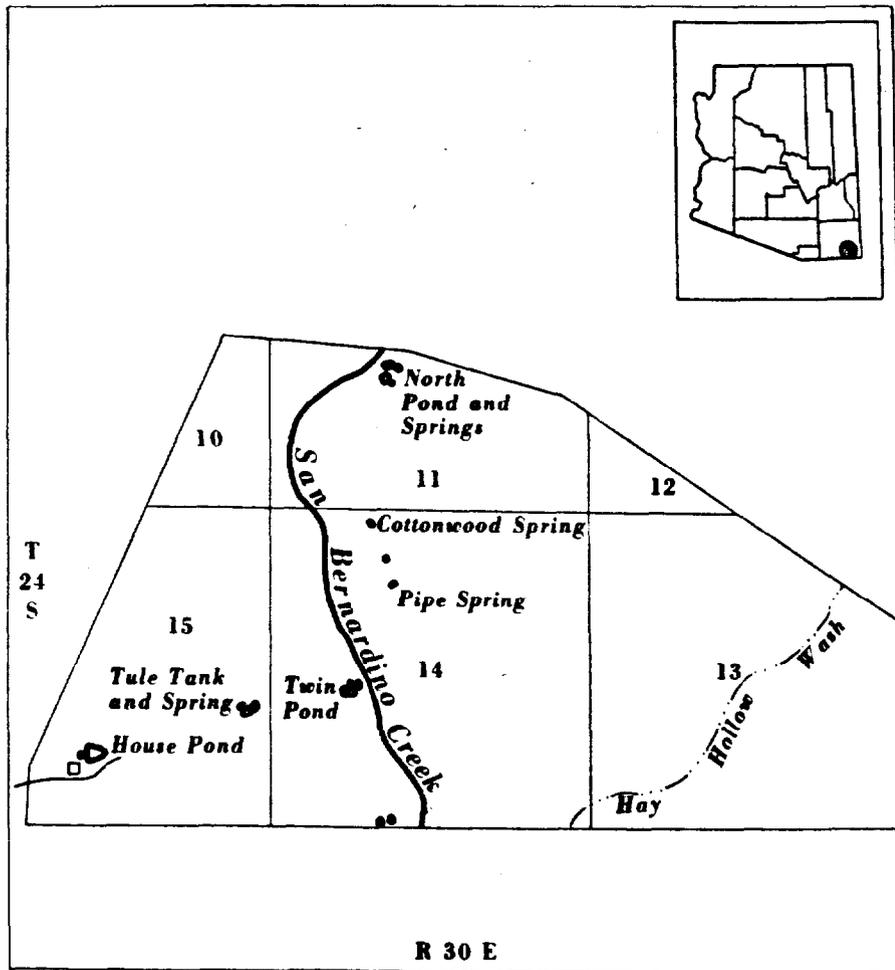
Arizona, Cochise County. All aquatic habitats of San Bernardino NWR in S½ Sec. 11; Sec. 14; S½ and NE¼ Sec. 15; T24S, R30E. Known constituent elements include clean unpolluted permanent water in streams with medium current with clear pools in the Rio Yaqui drainage. These waters should be without introduced exotic fishes.

**BEAUTIFUL SHINER  
YAQUI CATFISH  
YAQUI CHUB**

Dated: August 6, 1984.  
**G. Ray Arnett,**  
*Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 84-22933 Filed 8-30-84; 8:45 am]  
BILLING CODE 4310-55-M

Cochise County, ARIZONA



\* \* \* \* \*

6. Amend § 17.44 by adding a new paragraph (h) to read as follows:

§ 17.44 Special rules—fishes.

\* \* \* \* \*

(h) Yaqui catfish (*Ictalurus pricei*) and beautiful shiner (*Notropis formosus*).

(1) All provisions of § 17.31 apply to these species, except that they may be taken for educational, scientific, or conservation purposes in accordance with applicable Arizona State laws and regulations.

(2) Any violation of State law will also be a violation of the Endangered Species Act.