

From January through June of 2003, the Fish and Wildlife Service published the following proposed and final rules in accordance with the Endangered Species Act (ESA). The full text of each action can be found through our website: <http://endangered.fws.gov>.

Proposed Listing Rules

California Tiger Salamander (*Ambystoma californiense*) We proposed on May 23 to list the central California distinct population segment (DPS) of the California tiger salamander—which is at risk from habitat loss, nonnative species and other threats—as threatened. At the same time, we proposed a special rule to exempt current routine ranching activities from the prohibitions of the ESA because they are consistent with conservation of the California tiger salamander.

In addition, we will be reviewing in this rulemaking the relationship between the central California tiger salamander and the listed Sonoma and Santa Barbara DPSs of the species to determine whether there may be more appropriate configurations for listing, such as listing it rangewide as one entity. Accordingly, we are also proposing to reclassify the Santa Barbara and Sonoma populations from endangered to threatened and to extend the special rule to these areas as well.



California tiger salamander
Photo © B. Moose Peterson/WRP

The Santa Barbara County DPS was listed as endangered in 2000. The Sonoma County DPS was designated temporarily as endangered under an emergency ESA action last year, and in March 2003 we issued a final rule listing the DPS as endangered.

The California tiger salamander is a large, stocky, terrestrial salamander with small eyes and a broad, rounded snout. Its habitat includes vernal pools and other seasonal ponds, as well as nearby grasslands and oak savannahs.

Final Listing Rules

Scotts Valley Polygonum (*Polygonum bickmanii*) On April 8, we listed this plant, a small annual in the buckwheat family (Polygonaceae), as endangered. It is at risk of extinction because of habitat damage caused by erosion, soil compaction, habitat fragmentation, disturbance by people and pets, yard waste dumping, and introduction of nonnative species.

The Scotts Valley polygonum, which is native to Santa Cruz County, California, produces white flowers and reaches a height of only two inches (five centimeters). About 11 colonies of the plant are found in two locations in the northern area of the city of Scotts Valley, along with other locally rare plant species. It grows on “wildflower fields,” or small patches of herbs growing on thin soil interspersed in more extensive grassland habitat. As part of the listing rule, we designated about 287 acres (116 hectares) as critical habitat.

Smalltooth Sawfish (*Pristis pectinata*) On April 1, the National Oceanic and Atmospheric Administration—Fisheries, an agency in the U.S. Department of Commerce that has lead ESA jurisdiction for most marine species, determined that the Distinct Population Segment (DPS) of the smalltooth sawfish in the U.S. should be listed as endangered. Threats to this fish include overfishing, pollution of coastal waters, and loss of wetland and estuarine habitats.

Proposed Reclassification

Missouri Bladderpod (*Lesquerella filiformis*)

The Missouri bladderpod is an annual plant in the mustard family (Brassicaceae) about eight inches (20 centimeters) tall with bright yellow flowers that bloom in late April or early May. The species is found in the shallow soils of limestone glades in Christian, Dade, Greene, and Lawrence counties in southwestern Missouri, and at one site in Washington County, Arkansas. It has also been discovered on one dolomite glade in Izard County, Arkansas. The Missouri bladderpod was listed in 1987 as endangered. Threats to this species include overgrazing, urban development, and lack of management of its glade habitat to control encroachment by woody plants and aggressive nonnative pasture grasses. A recovery plan was completed in 1988.



Missouri bladderpod
Photo by Jim Rathert/Missouri Department of Conservation

On June 10, 2003, we proposed to reclassify the Missouri bladderpod from endangered to threatened. Some of the factors leading to the plant's improved status have been successful management techniques to enhance and protect existing populations, landowner contact programs, expansion of existing populations, and discovery of new populations. We will continue to work towards our goal of complete recovery and delisting for the Missouri bladderpod.

Final Reclassification

Gray Wolf (*Canis lupus*) On April 1, a steadily growing gray wolf population in the western Great Lakes states and a highly successful reintroduction program in the northern Rocky Mountains prompted us to change the status of gray wolves in these areas from endangered to the less serious category of threatened under the ESA.

The reclassification rule establishes three DPSs for gray wolves. The three DPSs encompass the entire historic range of the gray wolf in the lower 48 states and Mexico, and correspond to the three areas of the country where there are wolf populations and ongoing recovery activities.

Wolf populations in the Eastern and Western DPSs have achieved population goals for recovery, and we will soon begin work to propose delisting these populations.

The threatened designation, which now applies to all gray wolves in the lower 48 states except for those in the Southwest, is accompanied by special rules to allow some take of wolves outside the experimental population areas in the northern Rocky Mountains. Under the ESA, these rules provide options for removing wolves that cause problems for livestock owners and other people affected by wolf populations. Such rules are possible for threatened species but not for those designated as endangered. Wolves in experimental population areas in the northern Rocky Mountains are already covered by similar rules that remain in effect.

We will begin the process of proposing to remove gray wolves in the western and eastern United States from the endangered and threatened species list once we have determined that all recovery criteria for wolf populations in those areas have been met and sufficient protections remain in place to ensure sustainable populations. Gray wolf numbers in the western Great Lakes—estimated at more than 2,445 in Minnesota, 323 in Wisconsin, and 278 in Michigan—have climbed beyond recovery plan goals for wolves in the eastern U.S. In the Rocky Mountains, there are an estimated 664 wolves in 44 packs in northwestern Montana, Idaho, and in and around Yellowstone National Park. This is the third year the population has been at or above 30 breeding pairs, meeting the recovery plan goals for number and distribution in the west.

To delist the wolf, various recovery criteria must be met in addition to reaching population goals. Among those criteria are requirements to ensure continued survival of the gray wolf after delisting. This will be accomplished through management plans developed by the states and tribes. Once delisted, the species will no longer be protected by the ESA. At that point, individual states and tribes will resume management of gray wolf populations, although the Service will conduct monitoring for five years after delisting to ensure that populations remain secure.

In addition to reclassifying gray wolves in most states from endangered to threatened, the final rule establishes three DPSs for wolves. The Eastern DPS includes all Midwestern and Northeastern states, and the wolf populations in Minnesota, Wisconsin, and Michigan. The new rule did not change the status of wolves in Minnesota, where they were already listed as threatened.

The Western DPS includes all of Montana, Wyoming, and Idaho, along with Washington, Oregon, California, Nevada, northern Colorado, and northern Utah.

The Southwestern DPS includes all of Arizona and New Mexico, southern Colorado and southern Utah, portions of western Oklahoma, and Mexico.

This DPS will retain the status of endangered; the nonessential experimental population designation in Arizona, New Mexico, and a small portion of Texas, remains unchanged. This new rule does not affect the status or management of gray wolves in the Southwest.

Proposed Delisting

Johnston's Frankenia (*Frankenia johnstonii*) We proposed on May 22 to remove this plant—a low-growing, grayish-green perennial shrub native to southern Texas and adjoining areas in Mexico—from the federal list of endangered and threatened species. Recovery efforts have led to a new understanding of how the plant grows and where it can be found. Thanks to partnerships forged with area landowners, many previously unknown populations have been found in Texas and several new populations were observed in Mexico.

Both federal and state funds have been used to fund recovery efforts for Johnston's frankenia. Under the Service's recovery plan, we formed partnerships with the Texas Parks and Wildlife Department, Southwest Texas State University, and various county governments. Progress in implementation of the recovery plan has made it possible to propose delisting the species. This progress includes: 1) establishing conservation agreements between at least 10 private landowners and the Texas Parks and Wildlife Department; 2) acquiring Johnston's frankenia habitat for inclusion in the Lower Rio Grande Valley National Wildlife Refuge; 3) monitoring the status of Johnston's frankenia populations since 1993; 4) studying the species' habitat requirements, life history and population biology; 5) conducting surveys to find additional populations; and 6) launching a public outreach campaign about the species to establish good working relationships with private landowners. Service-funded surveys located additional populations and extended the species' range to include Webb, Zapata, and Starr counties in Texas and the Mexican states of Coahuila and Tamaulipas

Listing Withdrawal

Flat-tailed Horned Lizard (*Phrynosoma mcallii*) On January 3, we withdrew our earlier proposal to list this reptile as threatened, based on a determination that listing is not warranted at this time under the terms of the ESA. The threats to the species and its habitat identified in the proposed rule are not as significant as earlier believed, and current data do not indicate that the threats are likely to endanger its existence within the foreseeable future. This species is restricted to the Sonoran Desert in parts of southern California, southwestern Arizona, and adjoining parts of the Mexican states of Sonora and Baja California.

Critical Habitat

Critical habitat, as defined in the ESA, is a regulatory term for a specific area that contains physical and biological factors that are essential for the conservation of a listed species. Critical habitat designations do not establish a wildlife refuge, wilderness area, or any other type of conservation reserve, nor do they affect actions of a purely private nature. They are intended to delineate areas in which federal agencies must consult with the Service to ensure that actions these agencies authorize, fund, or carry out do not destroy or adversely modify the designated critical habitat. Within designated critical habitat boundaries, federal agencies are required to consult except in areas that are specifically excluded, such as developed areas within the boundaries that no longer contain suitable habitat. Maps and more specific information on critical habitats actions listed below are contained in the specific *Federal Register* notice designating each area. For more information on critical habitat designations in general, go to the website for our Endangered Species Listing Program (<http://endangered.fws.gov/listing/index.html>) and click on "About Critical Habitat."

Final Critical Habitat Designations

Preble's Meadow Jumping Mouse (*Zapus hudsonius preblei*) We designated critical habitat on June 23 for this threatened subspecies, which has an extremely long tail, large hind feet, and long hind legs. The designation includes 8 habitat units totaling approximately 31,222 acres (12,632 hectares) found along 360 miles (578 kilometers) of rivers and streams in the states of Colorado and Wyoming. It includes river and stream reaches and adjacent areas in the North Platte and South Platte rivers.

Ninety-nine O'ahu Plants On June 17, we designated critical habitat for 99 threatened and endangered plant taxa known historically from the Hawaiian island of O'ahu. The approximately 55,040 acres (22,274 ha) are within the island's Ko'olau and Wai'anae mountains.

Blackburn's Sphinx Moth (*Manduca blackburni*) We designated critical habitat on June 10 for the endangered Blackburn's sphinx moth, Hawaii's largest native insect. The designation encompasses a total of approximately 55,450 acres (22,440 ha) within the boundaries of nine units on the islands of Hawai'i, Kaho'olawe, Maui, and Moloka'i.

Five NW Hawaiian Plants We designated critical habitat on May 22 for five Hawaiian plant species on three small northwestern Hawaiian islands. All three islands—Nihoa, Necker, and Laysan—are federal lands within the Hawaiian Islands National Wildlife Refuge. Managed by the Service, access to these remote islands is by permit only.

Three of the plant species—*Amaranthus brownii*, *Pritchardia remota* or loulou, and *Schiedea verticillata*—are found only on the northwestern Hawaiian islands. The other two—*Mariscus pennatififormis* and *Sesbania tomentosa*—are also found on one or more of the main Hawaiian islands.

Sixty Hawaiian Plants On May 14, we designated critical habitat for 60 listed plant species known historically from the Hawaiian islands of Maui and Kaho'olawe. Approximately 93,200 acres (37,717 ha) on the island of Maui and 2,915 acres (1,180 ha) on the uninhabited island of Kaho'olawe fall within the boundaries of the 139 critical habitat units designated for the 60 species.

Two Kaua'i Cave Animals On April 9, we designated critical habitat for the Kaua'i cave wolf spider (*Adelocosa anops*) and the Kaua'i cave amphipod (*Spelaeorchestia koloana*), two eyeless invertebrates adapted to life underground. The designation covers 14 units whose boundaries encompass an area of approximately 272 acres (110 ha) on the Hawaiian island of Kaua'i.

Seven Texas Cave Animals We designated critical habitat on April 8 for seven species of cave-dwelling invertebrate species found in Bexar County, Texas, that are endangered primarily due to groundwater pollution. The critical habitat designation totals approximately 1,063 acres (431 ha) in 22 units.

Keck's checkermallow (*Sidalcea keckii*) On March 18, we designated three sites totaling 1,085 acres (438 ha) in Fresno and Tulare counties, California, as critical habitat for an endangered wildflower, Keck's checkermallow.

Forty-one Moloka'i Plants Also on March 18, we designated critical habitat for 41 threatened and endangered species of plants on the Hawaiian island of Moloka'i. The 88 distinct units total 24,333 acres (9,848 ha).

Two Northern California Plants On March 19, we designated critical habitat for Baker's larkspur (*Delphinium bakeri*) and the yellow larkspur (*Delphinium luteum*) in Marin and Sonoma counties, California. The total critical habitat for both plants is approximately 4,353 acres (1,762 ha) within 6 distinct units.

Gulf Sturgeon (*Acipenser oxyrinchus desotoi*) On March 29, we designated portions of the following Gulf of Mexico rivers and tributaries as critical habitat for a threatened species of fish, the Gulf sturgeon: Pearl and Bogue Chitto rivers in Louisiana and Mississippi; Pascagoula, Leaf, Bouie (also referred to as Bowie), Big Black Creek and Chickasawhay rivers in Mississippi; Escambia, Conecuh, and Sepulga rivers in Alabama and Florida; Yellow, Blackwater, and Shoal rivers in Alabama and Florida; Choctawhatchee and Pea rivers in Florida and Alabama; Apalachicola and Brothers rivers in Florida; and Suwannee and Withlacoochee rivers in Florida.

The designation also includes portions of the following estuarine and marine areas: Lake Pontchartrain, Lake Catherine, Little Lake, The Rigolets, Lake Borgne, Pascagoula Bay, and Mississippi Sound systems in Louisiana and Mississippi, and sections of the adjacent state waters within the Gulf of Mexico; Pensacola Bay system in Florida; Santa Rosa Sound in Florida; nearshore Gulf of Mexico in Florida; Choctawhatchee Bay system in Florida; Apalachicola Bay system in Florida; and Suwannee Sound and adjacent state waters within the Gulf of Mexico in Florida. These geographic areas encompass approximately 1,730 river miles (2,784 km) and 2,333 square miles (6,042 square km) of estuarine and marine habitat.

Eighty-three Hawaiian Plants On February 27, we designated critical habitat for 83 endangered and threatened plant species from the Hawaiian islands of Kaua'i and Ni'ihau. The designation included 52,549 acres (21,265 ha) on Kaua'i, and 1 unit of 357 acres (144 ha) on Ni'ihau.

Rio Grande Silvery Minnow (*Hybognathus amarus*) On February 19, we designated 157 river miles (253 km) of the middle Rio Grande in New Mexico as critical habitat for an endangered fish, the Rio Grande silvery minnow.

Three Lana'i Plants On January 9, we designated critical habitat for three listed plant species known historically from the Hawaiian island of Lana'i: *Bidens micrantha* ssp. *kalealaba*, *Portulaca sclerocarpa*, and *Tetramolopium remyi*. A total of approximately 789 acres (320 ha) of land on Lana'i fall within the boundaries of the six critical habitat units designated for the three species.

Proposed Critical Habitat Designations

Five Southeastern Mussels We proposed on June 3 to designate critical habitat in for five endangered species of freshwater mussels. The designation would include portions of rivers and streams totaling some 544 miles (875 km) in Alabama, Mississippi, Tennessee, Virginia, and Kentucky.

Braun's Rock-cress (*Arabis perstellata*) Also on June 3, we proposed to designate critical habitat for Braun's rock-cress, an endangered herb in the mustard family. The proposal calls for the designation of 20 upland areas, totaling approximately 1,008 acres (408 ha), in Kentucky and Tennessee.

Coastal California Gnatcatcher (*Polioptila californica californica*) We published a revised proposal on April 24 to designate approximately 495,795 acres (200,650 ha) in 13 units of land in portions of Ventura, Los Angeles, Orange, Riverside, San Bernardino, and San Diego counties as critical habitat for a threatened bird, the coastal California gnatcatcher.














San Diego Fairy Shrimp (*Branchinecta sandiegonensis*) On April 22, we published a revised proposal to designate critical habitat for this endangered crustacean. The proposed designation would cover approximately 6,098 acres (2,467 ha) in Orange and San Diego counties.

Eight Southeastern Mussels We proposed on March 26 to designate critical habitat in 26 river and stream segments within the Mobile River Basin for 11 endangered and threatened mussel species. These segments encompass a total of approximately 1,093 miles (1,760 km) of river and stream channels. The proposed critical habitat includes portions of the Tombigbee River drainage in Mississippi and Alabama; portions of the Black Warrior River drainage in Alabama; portions of the Alabama River drainage in Alabama; portions of the Cahaba River drainage in Alabama; portions of the Tallapoosa River drainage in Alabama and Georgia; and portions of the Coosa River drainage in Alabama, Georgia, and Tennessee.

Desert Yellowhead (*Yermo xanthocephalus*) We proposed on March 14 to designate 360 acres (160 ha) of federally managed lands in the Beaver Rim area of Fremont County, Wyoming, as habitat critical for the desert yellowhead, a threatened plant in the sunflower family (Asteraceae).

BOX SCORE

Listings and Recovery Plans as of December 31, 2003

GROUP	ENDANGERED		THREATENED		TOTAL LISTINGS	U.S. SPECIES W/ PLANS
	U.S.	FOREIGN	U.S.	FOREIGN		
 MAMMALS	65	251	9	17	342	55
 BIRDS	78	175	14	6	273	77
 REPTILES	14	64	22	15	115	33
 AMPHIBIANS	12	8	9	1	30	14
 FISHES	71	11	43	0	125	95
 SNAILS	21	1	11	0	33	23
 CLAMS	62	2	8	0	72	64
 CRUSTACEANS	18	0	3	0	21	13
 INSECTS	35	4	9	0	48	31
 ARACHNIDS	12	0	0	0	12	5
ANIMAL SUBTOTAL	388	516	128	39	1,071	410
 FLOWERING PLANTS	569	1	144	0	714	577
 CONIFERS	2	0	1	2	5	2
 FERNS AND OTHERS	26	0	2	0	28	28
PLANT SUBTOTAL	597	1	147	2	747	607
GRAND TOTAL	985	517	275	41	1,818*	1,017

TOTAL U.S. ENDANGERED: 985 (388 animals, 597 plants)

TOTAL U.S. THREATENED: 275 (128 animals, 147 plants)

TOTAL U.S. LISTED: 1,260 (516 animals**, 744 plants)

* Separate populations of a species listed both as Endangered and Threatened are tallied once, for the endangered population only. Those species are the argali, chimpanzee, leopard, Stellar sea-lion, gray wolf, piping plover, roseate

tern, green sea turtle, saltwater crocodile, and olive ridley sea turtle. For the purposes of the Endangered Species Act, the term "species" can mean a species, subspecies, or distinct vertebrate population. Several entries also represent entire genera or even families.

** Nine animal species have dual status in the U.S.

ENDANGERED Species BULLETIN

U.S. Department of the Interior
Fish and Wildlife Service
Washington, D.C. 20240

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