

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 424**

**Endangered and Threatened Wildlife and Plants; Findings on Certain Petitions**

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

**ACTION:** Notice of findings on certain petitions.

**SUMMARY:** The Service reports the initial findings that have been made on substantiality of information for certain petitions received since February 15, 1983, as required by the Endangered Species Act Amendments of 1982.

**DATE:** Comments may be submitted until further notice.

**ADDRESSES:** Interested persons or organizations are requested to submit comments to the Associate Director—Federal Assistance, U.S. Fish and Wildlife Service (OES), Department of the Interior, Washington, D.C. 20240. Comments and materials relating to this notice are available for public inspection by appointment during normal business hours at the Service's Office of Endangered Species, Suite 500, 1000 North Glebe Road, Arlington, Virginia.

**FOR FURTHER INFORMATION CONTACT:** John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and

Wildlife Service, Washington, D.C. 20240 (703/235/2771).

**SUPPLEMENTARY INFORMATION:** Section 4(b)(3)(A) of the Endangered Species Act of 1973, as amended in 1982, requires that the Service make a finding whether a petition to list, reclassify, or delist a species presents substantial scientific or commercial information 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**. Similarly, Section 4(b)(3)(D)(i) of the Act requires a finding within 90 days on a petition to revise Critical Habitat, with prompt publication of the finding. When a positive finding is made on a petition to list, reclassify, or delist a species, the Service is required to promptly commence a review of the status of the species.

Furthermore, Section 2(b)(1) of the 1982 amendments (Pub. L. 97-304) to the Endangered Species Act required that all petitions pending on October 13, 1982, be treated as having been newly submitted on that date. This made such past petitions subject to the new requirements of Section 4(b)(3), but provided that such new procedural requirements "shall be deemed to be complied with" if similar pre-amendment requirements were satisfied before the enactment of Pub. L. 97-304; see Section 2(b)(1). The Service has recently conducted an analysis to consider all pending petitions. Results of the petition evaluation were published in the **Federal Register** (48 FR 6752-6753) on February 15, 1983.

Below is a list of those petitions received since February 15, 1983, for which findings are required by Section 4(b)(3)(A) or 4(b)(3)(D)(i); the administrative record for these findings was completed by May 23, 1983, and the findings are indicated for each taxon. We used the criteria in 50 CFR 424.14 to define and evaluate petitions and to distinguish them from comments.

EVALUATION OF PETITIONS

Species	Action	Petitioner	Date	Substantial information
Desert dace, <i>Eremichthys acros</i> .....	List	Desert Fishes Council.....	4/12/82.....	Yes.
Hutton Spring tui chub, <i>Gila bicolor</i> ssp.....	do	do	do	Yes.
Fish Creek Springs tui chub, <i>Gila bicolor euchita</i> .....	do	do	do	Yes.
Owens tui chub, <i>Gila bicolor snyderi</i> .....	do	do	do	Yes.
Yaqui chub, <i>Gila purpurea</i> .....	do	do	do	Yes.
White River spinedace, <i>Lepidomeda albivallis</i> .....	do	do	do	Yes.
Big Spring spinedace, <i>Lepidomeda mollispinis pratensis</i> .....	do	do	do	Yes.
Little Colorado spinedace, <i>Lepidomeda vittata</i> .....	do	do	do	Yes.
Pecos bluntnose shiner, <i>Notropis simus pecosensis</i> .....	do	do	do	Yes.
Foskett Spring speckled dace, <i>Rhinichthys osculus</i> ssp.....	do	do	do	Yes.
Modoc sucker, <i>Catostomus microps</i> .....	do	do	do	Yes.
Warner sucker, <i>Catostomus wamensis</i> .....	do	do	do	Yes.
June sucker, <i>Chasmistes liorus mictus</i> .....	do	do	do	Yes.

## EVALUATION OF PETITIONS—Continued

Species	Action	Petitioner	Date	Substantial information
White River springfish, <i>Crenichthys baileyi baileyi</i> .....	do .....	do .....	do .....	Yes.
Hiko White River springfish, <i>Crenichthys baileyi grandis</i> .....	do .....	do .....	do .....	Yes.
Railroad Valley springfish, <i>Crenichthys nevadae</i> .....	do .....	do .....	do .....	Yes.
Desert pupfish, <i>Cyprinodon maculatus</i> .....	do .....	do .....	do .....	Yes.
Schaus swallowtail butterfly, <i>Papilio aristodemus ponceanus</i> .....	Reclassify .....	Florida Game and Freshwater Fish Commission.	2/23/82 .....	Yes.
Alligator snapping turtle, <i>Macrocllemys temmincki</i> .....	List .....	Dr. Peter C. H. Pritchard	2/23/83 .....	Yes.
Southern sea otter, <i>Enhydra lutris nereis</i> .....	Reclassify .....	Friends of the Sea Otter	5/01/83 .....	Yes.
Ferruginous hawk, <i>Buteo regalis</i> .....	List .....	Mr. Thomas Thurow	5/10/83 .....	No.

For the 17 fishes in this list, and the alligator snapping turtle and ferruginous hawk, the required status review began with the December 30, 1982, vertebrate notice of review (47 FR 58454-58460). For the Schaus Swallowtail butterfly, the required status review began with the 5-year notice of review published February 27, 1981 (46 FR 14652). For the southern sea otter, the required status review began with the 5-year notice of review published September 27, 1982 (47 FR 42387-42388). The Service hereby solicits data concerning those 20 species now under review for listing and reclassification. Especially sought is information regarding taxonomy,

distribution, any recommended Critical Habitat for the native species, and threats. Comments received will be considered in any future actions for the taxa.

If a petition is found to present substantial information indicating action may be warranted, the Service must decide within 12 months of its receipt whether the requested action is warranted in accord with Sections 4(b)(3)(B) and 4(b)(3)(D)(ii) of the Act, as amended.

This notice was prepared by Dr. James D. Williams in the Service's Office of Endangered Species in Washington (703/235-1975), with

evaluations by appropriate staff biologists in the Washington Office and Endangered Species Program staff of the Service's Regional Offices and Field Stations.

**List of Subjects in 50 CFR part 424**

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

Dated: June 7, 1983.

**G. Ray Arnett,**

*Assistant Secretary for Fish and Wildlife and Parks*

[FR Doc. 83-15719 Filed 6-13-83; 8:45 am]

BILLING CODE 4310-55-M