

**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****50 CFR Part 17****Endangered and Threatened Wildlife and Plants; Notice of Findings on Petitions and Initiation of Status Review****AGENCY:** Fish and Wildlife Service, Interior.**ACTION:** Notice of petition findings and status review.

**SUMMARY:** The Service announces two 90-day petition findings and seven 12-month findings for petitions to amend the Lists of Endangered and Threatened Wildlife and Plants. A status review is initiated for the white-necked crow, *Corvus leucognaphalus*, historically distributed in Hispaniola and Puerto Rico.

**DATES:** The findings announced in this notice were made during the period from September 14, 1986, to March 10, 1987. Comments and information may be submitted until further notice.

**ADDRESSES:** Information, comments, or questions should be submitted to the Assistant Director—Fish and Wildlife Enhancement, U.S. Fish and Wildlife Service, Washington, DC 20240. The petitions, findings, supporting data, and comments 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. Additional information and comments regarding unlisted populations of the desert tortoise should be addressed to Mr. Wayne White, Endangered Species Specialist, U.S. Fish and Wildlife Service, Lloyd 700 Building, Suite 550, 700 NE. Multnomah Street, Portland, Oregon 97232.

**FOR FURTHER INFORMATION CONTACT:** William Knapp, Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, DC 20240 (703/235-2771 or FTS 235-2771).

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

Section 4(b)(3)(A) of the Endangered Species Act of 1973, as amended in 1982 (16 U.S.C. 1531 *et seq.*), 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**. If the finding is positive, the Service is also required to promptly commence a review of the status of the involved species.

Section 4(b)(3)(B) of the Act, as amended, requires that, for any petition to revise the Lists of Endangered and Threatened Wildlife and Plants that contains substantial scientific or commercial information, a finding be made within 12 months of the date of receipt of the petition on whether the petitioned action is (a) not warranted, (b) warranted, or (c) warranted, but precluded from immediate proposal by other pending proposals. Section 4(b)(3)(C) requires that petitions for which the action requested is found to be warranted but precluded should be treated as though resubmitted on the date of such finding, i.e. requiring a subsequent finding to be made within 12 months. Such 12-month findings are to be published promptly in the **Federal Register**. The most recent announcement of miscellaneous petition findings was published on June 30, 1987, and included all findings made by October 31, 1986, except for the desert tortoise finding. That finding, made September 25, 1986, and others made subsequent to November 1, 1986, are announced below.

In recent months the Service has received and made 90-day findings on the following two petitions:

A petition from Alexander R. Brash, of the Rutgers University Graduate School, New Brunswick, New Jersey, was dated July 20, 1986, and was received by the Service on July 25, 1986. It requested the Service to list *Corvus leucognaphalus*, a bird it identified as the Puerto Rican crow, as an endangered species. The name most commonly used for this bird is the white-necked crow, although Puerto Rican crow has been used on occasion in the literature. This crow was historically only known to inhabit the islands of Hispaniola and Puerto Rico and is now known only from the highlands of the island of Hispaniola; the last reported sighting in Puerto Rico was in 1963.

The petition indicated that (a) combined habitat remaining in Hispaniola (Haiti and the Dominican Republic) probably is not able to support more than one to four thousand pairs as a most optimistic estimate, (b) realistic estimates would not exceed half of those numbers, and (c) the same kinds of threats that evidently resulted in extirpation of this species from Puerto Rico are increasing rapidly now in Hispaniola. It also contained interesting but somewhat speculative hypotheses about habits of this bird and the possible ecological role it may play as a major seed disperser of important forest tree species, some of which are now showing low dispersal rates in Puerto Rico. The petition did not include enough information to warrant listing the species at this time, but it provided a definite case for further consideration by the Service. The finding was therefore that the petition presented substantial information that the action requested may be warranted. A formal status review of the white-necked crow's status in Hispaniola and Puerto Rico is initiated herewith.

A second petition, from Mr. Rodney Bartgis and Mr. D. Daniel Boone of the Maryland Natural Heritage Program, was dated July 22, 1986, and was received by the Service on August 13, 1986. It requested the Service to list the Appalachian population of Bewick's wren, *Thryomanes bewicki altus*, as endangered. Although it followed the subspecific designation *T. b. altus* Aldrich, the petition pointed out that not all authorities agree on the exact geographic limits of the various subspecies. The petition included extensive data to indicate that this population is extirpated from much of its historic range, and that the Appalachian population of Bewick's wren appears to be nearly extirpated from the few remaining States in which it has been reported since 1980. The finding was

that this petition presented substantial information indicating that the action requested may be warranted.

Formal status review for the Appalachian Bewick's wren is already in progress, having been initiated in a 1982 Federal Register notice (47 FR 58454), and continued in the September 18, 1985, update of that notice (50 FR 37958). At this time the Service is also considering a somewhat larger eastern population of Bewick's wren for possible listing that would include the Appalachian population as a subunit.

In the last few months the Service has made one-year findings for the following three petitions:

A petition from the Department of Game and Fish, State of New Mexico, was signed by Mr. Harold F. Olson, Director. It was dated November 20, 1985, and was received by the Service on November 22, 1985. It requested that the following 11 taxa of New Mexico mollusks be added to the List of Endangered and Threatened Wildlife: the Socorro spring snail (*Fontelicella neomexicana*), the Chupadera spring snail (*Fontelicella* sp.), the Roswell spring snail (*Fontelicella* sp.), the Alamosa spring snail (*Tryonia* sp.), the Pecos assimineia snail (*Assimineia* sp.), the Gila spring snail (*Fontelicella* sp.), the New Mexico hot spring snail (*Fontelicella* sp.), the Pecos spring snail (*Fontelicella* sp.), the Koster's spring snail (*Tryonia* sp.), the New Mexico ramshorn snail (*Pecosorbis kansasensis*), and the Sangre de Cristo pea-clam (*Pisidium* sp.). The Service made a 90-day finding that the petition presented substantial information that the requested action may be warranted, and announced the finding in the Federal Register for August 20, 1986 (51 FR 29671). That publication initiated formal status review for the last six species listed above, the first five having been subjects of the Service's earlier comprehensive invertebrate notice of review on May 22, 1984 (49 FR 21664).

A status review of the available information conducted by the Service during 1986 did not produce contrary evidence regarding the status of any species mentioned by this petition. The 12-month finding was therefore that the action requested by this petitioner is warranted, but precluded by work on other species having higher priority for listing.

In a petition dated March 18, 1986, and received March 20, 1986, the Service was requested by Mr. Richard Parsons, representing the Safari Club International, to reclassify the Nile crocodile from its current status of endangered, to threatened. An

administrative finding that the action requested may be warranted was made on June 20, 1986, and announced in the Federal Register for January 21, 1987. Concurrently with that finding the Service initiated a status review of the Nile crocodile.

During the latter half of 1986 the Service made a substantial effort to pull together information on the status of the Nile crocodile throughout its range. As part of this effort, the Service contacted and queried several leading authorities on Nile crocodile biology. All African nations having Nile crocodiles were requested by airgram to furnish information on the status of these animals. Responses were obtained from 15 countries, including Burkina Faso, Burundi, Cote D'Ivoire, Kenya, Madagascar, Malawi, Mali, Mozambique, Nigeria, Rwanda, Senegal, Sudan, Tanzania, Zaire, and Zambia. Only three of these countries (Burundi, Kenya, and Rwanda) estimated their Nile crocodile populations on the basis of field survey work, and four other countries (Mozambique, Nigeria, Senegal, and Zambia) furnished population estimates that were not based on a biological survey (best professional guess). Burkina Faso, Sudan, and Tanzania indicated only that their crocodile populations were either large or not threatened.

All data received from African nations, information obtained from crocodile authorities, and data submitted with the petition were reviewed and considered by the Service's Office of Scientific Authority, Federal Wildlife Permit Office, Division of Law Enforcement, and Office of Endangered Species. Representatives from each of the agency divisions met on December 3, 1986, and concluded unanimously that existing biological and commercial data do not support a reclassification of the Nile crocodile from endangered to threatened. Although populations of Nile crocodiles in nine African countries were moved from Appendix I to Appendix II of CITES, these changes were made pursuant to Resolution 7.21, which was adopted at the 1985 meeting of the parties. Resolution 7.21 relaxed some of requirements of the Berne Criteria, including that setting standards for biological data necessary to support the transfer of populations from Appendix I to Appendix II.

To the best of the Service's knowledge, none of the nine African nations that had their Nile crocodile populations transferred from Appendix I to Appendix II at the 1985 meeting submitted accurate estimates of

population size and trend to the CITES Secretariat, as requested. The Endangered Species Act requires the Service to evaluate listings, reclassifications, and delistings based on the best biological and commercial data available. The Service's status review indicates that most African countries have no qualitative or quantitative estimates of Nile crocodiles. The Service therefore found the action requested by this petition for the Nile crocodile to be not warranted according to the best scientific and commercial information available.

The third petition was a memorandum from the refuge staff of Caribbean Islands National Wildlife Refuge dated November 21, 1985, and taken under consideration on November 22, 1985. It requested that the Puerto Rican population of the white-cheeked pintail, *Anas bahamensis*, be added to the List of Endangered and Threatened Wildlife. The petition included documentation of a serious island-wide decline in this species in Puerto Rico since the 1950's, from a former condition of being one of the most abundant waterfowl there. Habitat losses and illegal taking were suggested as causes for the decline. The Service announced a 90-day finding that the petition presented substantial information that the requested action may be warranted in the **Federal Register** for August 20, 1986 (51 FR 29671). That publication also initiated formal status review for the white-cheeked pintail.

The status of the white-cheeked pintail appears to be comparable to that of the three other waterfowl species under prior petition for Federal listing from the Puerto Rican Department of Natural Resources, as described in the next petition below. As in the case of the other three, some questions are still unanswered about whether or not the species are threatened or endangered rangewide, or whether the Puerto Rican populations constitute separately definable entities not mixing significantly with stocks of other islands, data that are difficult to obtain. The Service found the action requested by this petition to be warranted according to the best information available, but precluded by work on other species having higher priority for listing.

The following three petitions required subsequent one-year findings to be made:

In a petition dated December 27, 1984, and received January 3, 1984, the Service was requested by the Department of Natural Resources of the Commonwealth of Puerto Rico to list the Puerto Rican populations of the

following three water bird species: the Caribbean coot, *Fulica caribea*, the ruddy duck, *Oxyura jamaicensis*, and the West Indian whistling duck, *Dendrocygna arborea*. All three species have declined significantly in Puerto Rico, but information on their status throughout the rest of their respective ranges and the relationships between various island stocks is still inadequate. An administrative finding that the action requested may be warranted was announced in a **Federal Register** notice published on July 5, 1985 (50 FR 27637). A 12-month finding that the requested action was warranted but precluded by other actions to add species to the Lists of Endangered and Threatened Wildlife and Plants was announced in the **Federal Register** of August 20, 1986 (51 FR 29671).

The same petition requested listing for a fourth species, the Puerto Rican crested toad (*Peltophryne lemur*), which the Service subsequently proposed for listing as a threatened species on December 23, 1986 (51 FR 45923). That proposal constituted the final petition finding for *Peltophryne lemur* that the action requested is warranted. The action requested by this petition for the three Puerto Rican waterfowl species was found to be warranted according to the best information available, but precluded by work on other species having higher priority for listing.

In a petition dated February 8, 1985, and received February 12, 1985, the Service was requested by Mr. Patrick Hartigan, on behalf of Travis (Texas) Audubon Society, to list the following six cave invertebrate species: *Microcreagris texana*, *Leptoneta reddelli*, *Texella reddelli*, *Rhadine persephone*, *Texamaurops reddelli*, and *Cylindropsis* sp. (Tooth Cave blind rove beetle). These species are all believed to be endemic to a small, isolated group of caves in Travis and Williamson Counties, Texas. An administrative finding that the action requested may be warranted was announced in a **Federal Register** notice published on July 18, 1985 (50 FR 29238). A 12-month finding that the requested action was warranted but precluded by other actions to add species to the Lists of Endangered and Threatened Wildlife and Plants was announced in the **Federal Register** of August 20, 1986 (51 FR 29671).

Special problems stand in the way of considering the Tooth Cave blind rove beetle for listing. One female specimen in poor condition when collected in the 1960's represents the only available material. Although appearing to be an undescribed representative of a genus not previously known from North America, the material is inadequate for

satisfactory taxonomic understanding or description. It has, however, been repeatedly searched for in Tooth Cave and other caves in the general area, and can be assumed to be extinct unless information to the contrary becomes available. At the same time, rediscovery of adequate material together with continuation or increase of existing threats could give it a high priority for listing. It will therefore be listed in category 3A in the next invertebrate notice of review. On the basis of the best scientific information available, the action requested by this petitioner in respect to the Tooth Cave blind rove beetle was found to be not warranted, because the species is presumed to be extinct.

The other five species mentioned in this petition are taxonomically well-defined. The action requested by the petition was found to be warranted, according to the best information available, for *Microcreagris texana*, *Leptoneta reddelli*, *Texella reddelli*, *Rhadine persephone*, and *Texamaurops reddelli*, but precluded by work on other species having higher priority for listing.

In a petition dated September 11, 1984, and received September 14, 1984, the Service was requested by Martha L. Stout (Defenders of Wildlife), Faith T. Campbell (Natural Resources Defense Council), and Michael J. Bean (Environmental Defense Fund) to list the desert tortoise (*Gopherus agassizii*) as an endangered species throughout its remaining range. The species occurs in Arizona, California, and Nevada (the Beaver Dam slope population of the desert tortoise in Utah was listed as threatened with critical habitat in 1980) and in adjacent Mexico (Sonora and Sinaloa). A recent scientific name change accepted by many authorities recognizes the desert tortoise as *Xerobates agassizii*. A 90-day finding that the petition had presented substantial information indicating that the requested action may be warranted was made on December 14, 1984, and announced in the **Federal Register** for April 2, 1985 (50 FR 13054). The Service found on September 20, 1985, that the petitioned action was warranted but precluded by other pending proposals of higher priority, and announced that finding in the **Federal Register** for December 5, 1985 (50 FR 49868).

The petitioners submitted as supporting information the Desert Tortoise Council's 838 page report "The Status of the Desert Tortoise (*Gopherus agassizii*) in the U.S." Subsequently the Service has received numerous comments, some including additional data, from members of the Desert

Tortoise Council and others. These tortoises are found primarily on flats and bajadas of the Colorado and Mojave deserts, and predominately on slopes in the Sonoran Desert. They are long-lived herbivores not reaching sexual maturity until 12 to 20 years of age. Most studies indicate that some desert tortoise populations in the southwestern United States are declining, with the highest mortalities and habitat losses occurring in the western Mojave Desert of California. Permanent trend study plots have shown either declines in numbers of tortoises or a shift in population structure toward a predominance of adult individuals. Some areas of the western Mojave Desert appear to have desert tortoise mortality rates as high as 16 percent per year, a rate that would quickly lead to disappearance of a population of animals reproducing this slowly. Impacts have been identified from overgrazing, trespass grazing, land development, road kill, off-road vehicle use, winter shooting, collection of tortoises as pets, and heavy predation from opportunistic predators such as ravens. Such avian predators utilize fences and other human structures as perches and are attracted and sustained at high population levels by road-killed animals.

The Service believes that for certain areas of the species' range (Arizona and Mexico) additional data are necessary to determine accurately the species' status. Different interpretations of some data (Arizona and Nevada) exist. Consequently, the Service intends to retain the species in Category 2 of the next Review of Vertebrate Wildlife for Listing as Endangered or Threatened Species (an updated version is expected in 1987). An option exists, however, to list those populations that currently face the highest degree of threat, while studies proceed to resolve existing questions regarding remaining portions of the species' range. The action requested by this petition was found to be warranted, but precluded by other pending proposals of higher priority.

Section 4(b)(3)(D)(iii) of the Act states that petitioned actions may be found to be warranted but precluded by other listing actions when it is also found that the Service is making expeditious progress in revising the lists. Expeditious progress in listing endangered and threatened species is being made, and is reported annually in the *Federal Register*. The most recent progress report was published on June 30, 1987.

The Service would appreciate any additional data, comments, and

suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning the status of the white-necked crow, *Corvus leucognathus* of Hispaniola and Puerto Rico.

#### Author

This notice was prepared by Dr. George Drewry, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, DC 20240 (703 235-1973 or FTS 235-1973).

#### Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*; Pub. L. 93-205, 67 Stat. 884; Pub. L. 94-252, 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: June 22, 1987.

Susan Reece,

*Acting Assistant Secretary for Fish and Wildlife and Parks.*

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