

**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****50 CFR Part 17****Endangered and Threatened Wildlife and Plants; Notice of Findings on Petitions To List the Oklahoma Salamander, Eleven New Mexico Mollusks, and Four Puerto Rican Waterbirds.**

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

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

**SUMMARY:** The Service announces four 12-month petition findings for petitions to amend the Lists of Endangered and Threatened Wildlife and Plants. For petitions to list the Oklahoma salamander, ten New Mexico mollusks, the white-cheeked pintail in Puerto Rico, and three other waterbirds in Puerto Rico the actions requested have been determined to be warranted but precluded by other actions to amend the lists. For the New Mexico ramshorn snail (*Pecosorbis kansasensis*) listing has been determined to be not warranted on the basis of a recently completed status survey.

**DATES:** The findings reported in this notice were made during the period from November 1987 to May 1988. Comments and information may be submitted until further notice.

**ADDRESSES:** Information, comments, or questions regarding the petition findings for the Oklahoma salamander and the New Mexico mollusks may be submitted to the Endangered Species Division, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103 (telephone 505/766-3972, FTS 474-3972). Information, comments, or questions regarding the petition findings for the Puerto Rican waterbirds may be submitted to the Caribbean Field Office, P.O. Box 491, Boquerón, Puerto Rico 00622 (telephone 809/851-7297). The petitions, findings, supporting data, and comments are available for public inspection, by appointment, during normal business hours at the addresses listed above.

**FOR FURTHER INFORMATION CONTACT:** Dr. Steve Chambers at the Albuquerque Regional Office or Hilda Diaz-Soltero at the Caribbean Field Office (telephone numbers are listed above under "ADDRESSES").

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

Section 4(b)(3)(B) of the Endangered Species Act of 1973, as amended in 1982 (16 U.S.C. 1531 *et seq.*), requires that, for

any petition to revise the Lists of Endangered and Threatened Wildlife and Plants that contains substantial scientific or commercial information, the U.S. Fish and Wildlife Service (Service) should make a finding 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 by other actions to amend the lists" 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**.

A petition from Mr. Tom R. Johnson representing the Missouri Department of Conservation was dated March 10, 1986, and received by the Service on March 19, 1986. It requested the Service to list the Oklahoma salamander, *Eurycea tynerensis*, as a threatened species. Status review for the Oklahoma salamander had already been initiated by a notice of review published September 18, 1985 (50 FR 37958). The petition cited a status survey conducted in Missouri, and provided some additional observations about distribution and status in Arkansas and Oklahoma in support of the action requested. A 90-day determination that the action requested may be warranted was reported in the **Federal Register** for January 21, 1987 (52 FR 2240). A 12-month finding that the action was considered warranted but precluded by other listing activity was made in 1987 and reported in the **Federal Register** for July 7, 1988 (53 FR 25511).

The information available concerning the Oklahoma salamander was reviewed again by the Service in March 1988. On the basis of the best scientific and commercial information presently available, the Service has determined that the action requested by this petitioner is warranted but precluded by other actions to amend the lists. Surveys by the Arkansas Heritage Program have failed to reveal the occurrence of the salamander from at least two sites where it formerly occurred in Arkansas. Uncertainties remain in the data from Oklahoma. A study projected for completion in late 1988 is being conducted in Oklahoma to examine the status and habitat needs of this salamander. Listing priority for this species remains low because of the existence of many higher priority species.

A petition dated November 20, 1985, from Mr. Harold F. Olson, Director of the New Mexico Department of Game and Fish, was received by the Service on November 22, 1985. It requested the Service to add the following eleven taxa of New Mexico mollusks to the List of Endangered and Threatened Wildlife:

- (1) Socorro spring snail (*Fontelicella neomexicana*)
- (2) Chupadera spring snail (*Fontelicella* sp.)
- (3) Roswell spring snail (*Fontelicella* sp.)
- (4) Alamosa spring snail (*Tryonia* sp.)
- (5) Pecos assiminea snail (*Assimineia* sp.)
- (6) Gila spring snail (*Fontelicella* sp.)
- (7) New Mexico hot spring snail (*Fontelicella* sp.)
- (8) Pecos spring snail (*Fontelicella* sp.)
- (9) Koster's spring snail (*Tryonia* sp.)
- (10) New Mexico ramshorn snail (*Pecosorbis kansasensis*)
- (11) Sangre de Cristo pea-clam (*Pesidium* sp.)

The Service determined that the petition presented substantial information that the requested action may be warranted, and reported the 90-day 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 12-month finding concluded that the action requested was warranted but precluded, and was reported in the **Federal Register** on July 1, 1987 (52 FR 24485).

The Service has continued to review the status of these species and new information has become available. The action requested by this petitioner now appears to be warranted for all of the species except one, but precluded by work on other species having higher priority for listing. The exception is the New Mexico ramshorn snail (*Pecosorbis kansasensis*), shown in a recently completed status survey to be more abundant than originally believed. The action requested by this petitioner in respect to the New Mexico ramshorn snail has been determined to be not warranted. According to the best scientific information available, the action requested by this petitioner has been determined to be warranted for the other ten of the species mentioned but precluded by work on species having higher priority for listing.

The third petition was contained in a memorandum from the refuge staff of Caribbean Islands National Wildlife Refuge. It was dated November 21, 1985,

and was accepted for 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 contained 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 found at 90 days that the petition presented substantial information that the requested action may be warranted, and the finding was reported in the **Federal Register** for August 20, 1986 (51 FR 29671). That publication also initiated formal status review for the white-cheeked pintail. A 12-month finding for this species determined that the action requested was warranted but precluded, and was reported in the **Federal Register** on July 1, 1987 (52 FR 24485).

Review of the available evidence by Service biologists continues to indicate that listing of this species is warranted, but precluded by work on species having higher priority for listing. The status of this duck is generally comparable to that of the three other waterfowl species now under petition for Federal listing from the Puerto Rican Department of Natural Resources (see next petition finding below). The action requested by this petitioner for the white-cheeked pintail has been determined to be warranted according to the best information available, but precluded by work on other species having higher priority for listing.

In a fourth petition, dated December 27, 1984, and received January 3, 1985, 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 species of water birds: Caribbean coot, *Fulica caribea*; Ruddy duck, *Oxyura jamaicensis*; West Indian whistling duck, *Dendrocygna arborea*.

All three of the above waterbird 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 sketchy. 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). Subsequent 12-month findings that the requested action was warranted but precluded by work on other species having higher priority for listing were

reported in the **Federal Register** for August 20, 1986 (51 FR 29671) and for July 1, 1987 (52 FR 24485). The action requested by this petitioner for the three Puerto Rican water bird species was again determined to be warranted according to the best information available, but precluded by work on other species having higher priority for listing.

Section 4(b)(3)(B)(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 is being made in listing endangered and threatened species, and is reported annually in the **Federal Register**. The most recent progress report was published on July 7, 1988 (53 FR 25511). The Service also wishes to mention a recent petition finding of "warranted" for a petition to list five Texas cave invertebrate species. Dated February 8, 1985, and received February 12, 1985, the petition was from Mr. Patrick Hartigan on behalf of Travis Audubon Society. Twelve-month findings of warranted but precluded by other listing activities were announced in the **Federal Register** of August 20, 1986 (51 FR 29671) and July 1, 1987 (52 FR 24485). The warranted finding was incorporated in a proposed rule to list the species approved March 25, 1988, and published April 19, 1988 (53 FR 12787).

#### Author

This notice was prepared by Dr. George Drewry, Division of Endangered Species and Habitat Conservation, U.S. Fish and Wildlife Service, Washington, DC 20240 (703/235-1975 or FTS 235-1975).

#### 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, 87 Stat. 884; 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); Pub. L. 99-625, 100 Stat. 3500 (1986), unless otherwise noted.

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

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

Dated: September 26, 1988.

Susan Recco,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 88-22828 Filed 10-3-88; 8:45 am]

BILLING CODE 4310-55-M