

## RULES AND REGULATIONS

### ACTION: Final rule.

**SUMMARY:** The Service hereby determines the Florida population of the Pine Barrens treefrog (*Hyla andersonii*) to be an Endangered species and determines Critical Habitat for this unique population. This action is being taken because of the threatened adverse modification of the habitat. This rule provides additional protection necessary for this species.

**EFFECTIVE DATE:** December 8, 1977.

### FOR FURTHER INFORMATION CONTACT:

Mr. Keith M. Schreiner, Associate Director—Federal Assistance, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240, 202-343-4646.

### SUPPLEMENTARY INFORMATION:

**Background.** On April 5, 1977, the Service published a proposed rulemaking in the FEDERAL REGISTER (42 FR 18109-18111) advising that sufficient evidence was on file to support a determination that the Florida population of the Pine Barrens treefrog was an Endangered species as provided for by the Act. That proposal summarized the factors thought to be contributing to the likelihood that this frog could become extinct within the foreseeable future, specified the prohibitions which would be applicable if such a determination were made and solicited comments, suggestions, objections, and factual information from any interested person. Section 4(b)(1)(A) of the Act requires that the Governor of each State, within which a resident species of wildlife is known to occur, be notified and be provided 90 days to comment before any such species is determined to be a Threatened species or an Endangered species. A letter was sent to Governor Askew of Florida on April 27, 1977, notifying him of the proposed rulemaking for the Florida population of the Pine Barrens treefrog. A similar letter on the same date was sent to the Director of the Florida Game and Fresh Water Fish Commission. On May 4, 1977, a memorandum was sent to the Service Directorate and affected Regional personnel, and letters were sent to other interested parties. No official comments were received from the Governor of Florida or members of his staff.

### SUMMARY OF COMMENTS AND RECOMMENDATIONS

Section 4(b)(1)(C) of the Act requires that a summary of all comments and recommendations received be published in the FEDERAL REGISTER prior to adding any species to the List of Endangered and Threatened Wildlife and Plants.

In the April 5, 1977, FEDERAL REGISTER proposed rulemaking (42 FR 18109-18111) and the associated April 7, 1977, News Release, all interested parties were invited to submit factual reports or information which might contribute to the formulation of a final rulemaking.

All public comments received during the period April 5, 1977, to July 29, 1977, were considered.

Comments were received from 6 individuals and organizations, including Dr. Clyde Jones, Director of the National Fish and Wildlife Laboratory, Dr. James Lazell (Massachusetts Audubon Society), Ms. Phoebe Wray (Endangered Species Productions), Mr. J. H. Carter III (Southern Pines, N.C.), Mr. Russell A. Cookingham, Director of the Department of Environmental Protection of the State of New Jersey, and Mr. David Moore (New Jersey Conservation Foundation).

The Director of the National Fish and Wildlife Laboratory, Dr. Lazell, and Ms. Wray supported the proposed Endangered status for the Florida population of the Pine Barrens treefrog. Ms. Wray commented extensively on past studies which support such a designation and the need for habitat protection throughout its range. No changes in the proposal were recommended.

Mr. Carter commented on populations of the Pine Barrens treefrog in North and South Carolina. While he provided information on these populations, no comments were made on the Florida populations. Likewise, Mr. Cookingham and Mr. Moore did not comment on the proposal, but stressed the need for protection and Critical Habitat designation for those populations in New Jersey.

### CONCLUSION

After a thorough review and consideration of all the information available, the Director has determined that the Florida population of the Pine Barrens treefrog is in danger of extinction throughout all or a significant portion of its range due to one or more of the factors described in Section 4(a) of the Act. This review amplifies and substantiates the description of those factors included in the proposed rulemaking (42 FR 18109-18111). Those factors were described as follows:

1. *The present or threatened destruction, modification, or curtailment of its habitat or range.* The Pine Barrens treefrog is now known to exist as seven small populations in Okaloosa County, Fla. Four other populations including those in Walton County, have been extirpated since the frog's discovery in 1970. These losses were due to development and land clearing for agricultural use. These Florida populations, isolated by over 750 kilometers from the nearest Pine Barrens treefrog populations in South Carolina, are unique in their color pattern, mating calls, and body proportions. At present, their relationship with other isolated populations of the Pine Barrens treefrog in North Carolina, South Carolina, and New Jersey remains unclear. Unless measures are taken soon to protect the remaining seven populations which include less than 500 individuals, a unique member of the Florida Gulf Coast herpetofauna may be extirpated.

2. *Overutilization for commercial, sporting, scientific, or educational purposes.* The location of these populations is not generally known to the public, and there is no evidence of overutilization at present. If, however, the populations

[4810-500] at p. 2111 and  
Title 50—Wildlife and Fisheries

### CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

### PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

### Final Endangered Status and Critical Habitat for the Florida Population of the Pine Barrens Treefrog

AGENCY: Fish and Wildlife Service, Interior.

were to be discovered by collectors, serious reduction of the populations might occur.

3. *Disease or predation.* Not applicable for this species.

4. *The inadequacy of existing regulatory mechanisms.* Populations of the Pine Barrens treefrog are protected by the Florida Game and Fresh Water Fish Commission against taking, possession, and transport of specimens. Addition to the Endangered and Threatened Wildlife list would provide additional discouragement to collectors, especially as regards prohibitions against interstate commerce.

5. *Other natural or manmade factors affecting its continued existence.* None.

**CRITICAL HABITAT**

The Director has considered all comments and data submitted in response to the proposed determination of Critical Habitat for the Florida population of the Pine Barrens treefrog (42 FR 18109-18111).

Based on this review the Critical Habitat for the Florida population of the Pine Barrens treefrog, *Hyla andersonii*, is determined to include the following areas (exclusive of those existing man-made structures or settlements which are not necessary to the normal needs or survival of the species):

1. NW ¼ Section 35 T4NR22W Okaloosa Co.
2. NE ¼ Section 27 T4NR22W Okaloosa Co.
3. SW ¼ Section 26 T5NR23W Okaloosa Co.
4. NW ¼ Section 34 T5NR23W Okaloosa Co.
5. NW ¼ Section 32 T4NR22W Okaloosa Co.
6. NW ¼ Section 12 T4NR22W Okaloosa Co.
7. NE ¼ Section 11 T4NR22W Okaloosa Co.

**EFFECT OF THE RULEMAKING**

The effects of these determinations and this rulemaking include, but are not necessarily limited to, those discussed below.

Endangered species regulations already published in Title 50 of the Code of Federal Regulations set forth a series of general prohibitions and exceptions which apply to all Endangered species. The regulations referred to above, which pertain to Endangered species, are found at § 17.21 of Title 50 and are summarized below.

With respect to the Florida population of the Pine Barrens treefrog in the United States, all prohibitions of sec-

tion 9(a)(1) of the Act, as implemented by 50 CFR 17.21 would apply. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to take, import or export, ship in interstate commerce in the course of a commercial activity, or sell or offer for sale in interstate or foreign commerce this species. It also would be illegal to possess, sell, deliver, carry, transport, or ship any such wildlife which was illegally taken. Certain exceptions would apply to agents of the Service and State conservation agencies.

Regulations published in the FEDERAL REGISTER of September 26, 1975 (40 FR 44412) provided for the issuance of permits to carry out otherwise prohibited activities involving Endangered or Threatened species under certain circumstances. Such permits involving Endangered species 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.

The determination set forth in this final rulemaking also makes the Florida population of the Pine Barrens treefrog eligible for the consideration provided by Section 7 of the Act. That Section reads as follows:

**INTERAGENCY COOPERATION**

Section 7. The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal departments and agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to section 4 of the Act and by taking such action necessary to insure that actions authorized, funded, or carried out by them do not jeopardize the continued existence of such endangered species and threatened species or result in the destruction or modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical.

The Director has prepared, in consultation with an *ad hoc* interagency committee, guidelines for Federal agencies for the application of Section 7 of the Act. In addition, proposed provisions

for interagency cooperation were published on January 26, 1977, in the FEDERAL REGISTER (42 CFR 4868-4875) to assist Federal agencies in complying with Section 7.

Regulations which appear in Part 17, Title 50 of the Code of Federal Regulations were first published in the FEDERAL REGISTER on September 26, 1975 (40 FR 44412) and provide for the issuance of permits to carry out otherwise prohibited activities involving Endangered or Threatened species under certain circumstances.

**EFFECT INTERNATIONALLY**

In addition to the protection provided by the Act, the Service will review the Florida population of the Pine Barrens treefrog to determine whether it should be proposed to the Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora for placement upon the appropriate Appendix(ices) to that Convention or whether it should be considered under other appropriate international agreements.

**NATIONAL ENVIRONMENTAL POLICY ACT**

An environmental assessment has been prepared and is on file in the Service's Washington Office of Endangered Species. It addresses this action as it involves the Florida population of the Pine Barrens treefrog. The assessment is the basis for a decision that this determination is not a major Federal action which would significantly affect the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969.

The primary author of this rule is Dr. C. Kenneth Dodd, Jr., Office of Endangered Species (202/343-7814).

**REGULATIONS PROMULGATION**

Accordingly § 17.11 of Part 17 of Chapter I of Title 50 of the U.S. Code of Federal Regulations is amended as follows:

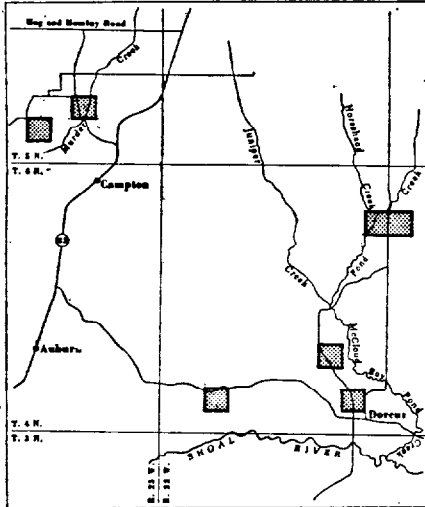
1. By adding alphabetically the Florida population of the Pine Barrens treefrog to the list under "Amphibians" as indicated below:

**§ 17.11 Endangered and threatened wildlife.**

\* \* \* \* \*

SPECIES			RANGE				
Common name	Scientific name	Population	Known distribution	Portion of range where threatened or endangered	Status	When listed	Special rules
AMPHIBIANS							
Treefrog, Pine Barrens	<i>Hyla andersonii</i>	Florida	USA(Florida)	Entire	E	29	N/A.

Final Critical Habitat for the Pine Barrens Treefrog in Florida (Okaloosa County).



2. 50 CFR Part 17 is further amended by the addition of Pine Barrens treefrog, Florida population, in section 17.95(d) as follows: The following area (exclusive of those existing manmade structures or settlements which are not necessary to the survival or recovery of the species) is Critical Habitat for the Florida population of the Pine Barrens treefrog.

§ 17.95 Critical habitat—fish and wildlife.

(d) Amphibians.

PINE BARRENS TREEFROG (*Hyla andersoni*)

Florida. Areas of land, water and airspace on Okaloosa County with the following components: (1) NW ¼ Section 35 T4NR22W; (2) NE ¼ Section 27 T4NR22W; (3) SW ¼ Section 26 T5NR23W; (4) NW ¼ Section 34 T5NR23W; (5) NW ¼ Section 32 T4NR22W; (6) NW ¼ Section 12 T4NR22W; (7) NE ¼ Section 11 T4NR22W.

Note.—Pursuant to Section 7 of the Act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of the Critical Habitat area.

Note.—The Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

Dated: October 18, 1977.

LYNN A. GREENWALT,  
Director,  
Fish and Wildlife Service.

[FR Doc. 77-32668 Filed 11-10-77; 8:45 am]

[ 4310-55 ]

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Listing of the Golden Coqui as a Threatened Species With Critical Habitat

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service hereby determines the golden coqui (*Eleutherodactylus jasperi*) to be a Threatened species and determines Critical Habitat for this species. This action is being taken because of the threats of habitat modification and overcollection. This rule provides additional protection necessary for the species.

EFFECTIVE DATE: December 8, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Keith M. Schreiner, Associate Director—Federal Assistance, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240, 202-343-4646.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On April 5, 1977, the Service published a proposed rulemaking in the FEDERAL REGISTER (42 FR 18106-18109) advising that sufficient evidence was on file to support a determination that the golden coqui was a Threatened species as provided for by the Act. That proposal summarized the factors thought to be contributing to the likelihood that this frog could become Endangered within the foreseeable future, specified the prohibitions which would be applicable if such a determination were made, and solicited comments, suggestions, objections and factual information from any interested person. Section 4(b)(1)(A) of the Act requires that the Governor of each State or Territory, within which a resident species of wildlife is known to occur, be notified and be provided 90 days to comment before any such species is determined to be a Threatened or an Endangered species. A letter was set to Governor Barcelo of the Commonwealth of Puerto Rico on April 27, 1977, notifying him of the proposed rulemaking for the golden coqui. A similar letter on the same date was sent to Mr. Pedro Negron Ramos of the Puerto Rico Department of Natural Resources. On April 28, 1977, a memorandum was sent to the Service Directorate and affected Regional personnel, and letters were sent to other interested parties.

Official comments were received from Mr. Felix H. Prieto Hernandez, Acting Secretary of the Department of Natural Resources, representing both the Department and the Government of Puerto Rico. Mr. Hernandez endorsed the proposal to place the golden coqui on the U.S. List of Endangered and Threatened Wildlife and Plants and commented that the Department of Natural Resources is in the final stage of review of new wildlife regulations which will protect the golden coqui.

SUMMARY OF COMMENTS AND RECOMMENDATIONS

Section 4(b)(1)(C) of the Act requires that a summary of all comments and recommendations received be published

in the FEDERAL REGISTER prior to adding any species to the List of Endangered and Threatened Wildlife and Plants.

In April 5, 1977, FEDERAL REGISTER proposed rulemaking (42 FR 18106-18109) all interested parties were invited to submit factual reports or information which might contribute to the formulation of a final rulemaking.

All public comments received during the period April 5, 1977, to July 29, 1977, were considered.

In addition to the comments received from Mr. Hernandez, comments were received from Mr. Franklin Delano Lopez (Chairperson of the Democratic Party of Puerto Rico) and Dr. Juan Rivero (University of Puerto Rico-Mayaguez). On behalf of the Democratic Party of Puerto Rico, Mr. Lopez supported the proposal to place the golden coqui under protection of the Endangered Species Act of 1973 and indicated that legislation protecting the golden coqui was being drafted for presentation to the local state legislature.

Dr. Rivero made the following comments and although he did not specifically indicate that he was against the proposal, the points he made would imply that this is the case. Dr. Rivero indicated that a designation of Critical Habitat could spark a political controversy involving Puerto Rico separatists. In addition, he felt that development is not a great threat to the coqui, as many frogs appear to reside near present residential dwellings. Dr. Rivero believes that the range of the golden coqui may be more extensive and indicates that Dr. Richard Thomas has found the frog in an area outside the designated Critical Habitat. Dr. Rivero feels that overcollection is not a threat to the golden coqui since one of the authors distributed 31 specimens to various museums. He objects to calling the coqui "golden" and states that such names are used by people who foster exploitation instead of favoring protection. Dr. Rivero feels that a Threatened status would prevent research on the biology of this species and that regulation by the Department of Natural Resources would better allow research to be conducted. Dr. Rivero objects to the phrases "obligate bromeliad dweller", "low reproductive rate", "apparent inability to disperse", and "limited range". He states that such terms are gratuitous and irresponsible as, in his opinion, they are not supported by biological data.

CONCLUSION

While Dr. Juan Rivero presents many statements, none are supported by him with biological data. It is probably true that golden coquis can exist with present development and thrive as long as their bromeliads are left undisturbed. However, there remains the threat of more development and land clearing that could destroy much available habitat. Extensive field work by Dr. George Drewry indicates that the known areas inhabited by golden coquis are included within the Critical Habitat proposal area; if additional areas are found,

they may be proposed as Critical Habitat at a later date. In a letter to the Fish and Wildlife Service (dated November 22, 1976) Dr. Thomas did say that he felt the range of the golden coqui may be greater than presently known. However, he neither indicated that he had actually found the coqui elsewhere, nor did he state the basis for his opinion. Dr. Thomas was also contacted as an interested party when the proposal was published in the FEDERAL REGISTER but no comments were received from him.

With regard to overcollection, simply because there are 31 preserved specimens of the golden coqui in various museums does not mean that overcollection will be avoided. Some types of research do not require preserved specimens and there remains the threat of collection simply to have a specimen or for commercial purposes.

The color of a frog is not relevant to a discussion of its status. However, color photographs in the files of the Fish and Wildlife Service show the frog to be yellow and could easily be interpreted as golden. Since the authors of the paper describing *Eleutherodactylus jasperi* as a new species prefer to call it the golden coqui, and since they have been the prime movers behind a move to acquire Threatened status, Dr. Rivero's statement on exploitation as opposed to protection seems misplaced.

Dr. Rivero is also incorrect in stating that Federal protection would prevent research. It would prevent haphazard projects and collecting trips but would in no way prevent legitimate research designed to gain knowledge of the biology of the species. In fact, research designed to understand basic biology would be encouraged in order to promote the welfare of the species. Federal protection would assist the Commonwealth of Puerto Rico in assuring the survival of this unique member of its herpetofauna.

Finally, Dr. Rivero objects to the use of certain terms as not being justified in light of present knowledge. The terms used in the proposed rulemaking are those used by Dr. George Drewry and Dr. Kirkland Jones in their paper on the golden coqui and in reports submitted to the Fish and Wildlife Service. Much information has been accumulated, based on extensive field work, that has not yet been published in scientific journals. The Service therefore feels justified in retaining the use of these terms in connection with the golden coqui.

After a thorough review and consideration of all the information available, the Director has determined that the golden coqui is in danger of becoming Endangered throughout all or a significant portion of its range due to one or more of the factors described in section 4(a) of the Act. This review amplifies and substantiates the description of those factors included in the proposed rulemaking (42 FR 18106-18109). Those factors were described as follows:

1. *The present or threatened destruction, modification, or curtailment of its habitat*

*or range.* Within the range of the golden coqui, there is great demand for high elevation land because temperatures are moderate and rainfall is much lower than at most other comparable elevations. The presence of dirt roads and the suitability of the land for pasture have promoted development to the summits well ahead of pavement construction.

The habitat is generally somewhat xeric and susceptible to fire damage. One scrub area searched in 1973 had golden coquis in bromeliads on the ground, in low trees, and on some large boulders. Re-examination in 1973, after a fire, revealed that only the bromeliads and their inhabitants on the boulders survived. Most of the known habitat is privately owned except for a small fraction which is primarily highway right of way. The conflict between uncontrolled human development and the continued existence of the golden coqui is clear.

2. *Overutilization for commercial, sporting, scientific, or educational purposes.* The golden coqui has only recently been discovered and is currently known only to a few individuals; however, its unique reproductive adaptation and attractive coloration are likely to create a large demand for specimens for scientific, educational and display purposes. Similarly bright colored frogs from the tropics, *Amphodius auratus* from Trinidad and *Atelopus varius zeteki* from Panama, have suffered from extensive collecting pressure because of their attractiveness.

3. *Disease or predation.* Unknown.

4. *The inadequacy of existing regulatory mechanisms.* There currently exist no regulations pertaining to the protection and conservation of this species.

5. *Other natural or manmade factors affecting its continued existence.* The specialized, obligate bromeliad-dwelling mode of existence employed by this species coupled with its low reproductive rate, apparent inability to disperse, and limited range have created a naturally precarious status.

#### CRITICAL HABITAT

The Director has considered all comments and data submitted in response to the proposed determination of Critical Habitat for the golden coqui (42 FR 18106-18109).

Based on this review the Critical Habitat for the golden coqui, *Eleutherodactylus jasperi*, is determined to include the following areas (exclusive of those existing man-made structures or settlements which are not necessary to the normal needs or survival of the species):

(1) Cerro Avispa-elevations above 700 meters on the south and southeastern slope of the mountain: From the northern junction of Highway 715 and an unnumbered dirt road southeast and southwest along Highway 715 to the southern junction with the same unnumbered dirt road and Highway 715, north and northeast along the unnumbered dirt road just below the southeast facing crest of Cerro Avispa to its junction with Highway 715.

(2) Monte el Gato-entire summit above 700 meters: From the junction of Highway 715 and the 700 meter contour interval west along Highway 715 to the junction of Highway 715 and an unnumbered road, north and northeast along this road to where it crosses the 700 meter contour interval, and east along the 700 meter contour interval to where it crosses Highway 715.

(3) Sierra de Cayey-elevations above 700 meters: Southeast from the junction of Highways 738 and 15 along Highway 15 to a

point .5 kilometer south of Benchmark 684.5, northeast from this point in a line to a point on Highway 7741 two kilometers south of the junction of Highway 738 and 7741, north and northwest along Highway 7741 to its junction with Highway 738, and northwest from the junction of Highway 7741 and 738 along Highway 738 to its junction with Highway 15.

#### EFFECT OF THE RULEMAKING

The effects of these determinations and this rulemaking include, but are not necessarily limited to, those discussed below.

Endangered species regulations already published in Title 50 of the Code of Federal Regulations set forth a series of general prohibitions and exceptions which apply to all Endangered species. The regulations referred to above, which pertain to Endangered and Threatened species, are found at §§ 17.21 and 17.31 of Title 50 and are summarized below.

With respect to the golden coqui in Puerto Rico, all prohibitions of section 9(a)(1) of the Act, as implemented by 50 CFR 17.21 would apply. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to take, import or export, ship in interstate commerce in the course of a commercial activity, or sell or offer for sale in interstate or foreign commerce this species. It also would be illegal to possess, sell, deliver, carry, transport, or ship any such wildlife which was illegally taken. Certain exceptions would apply to agents of the Service and State conservation agencies.

Regulations published in the FEDERAL REGISTER of September 26, 1975 (40 FR 44412), provided for the issuance of permits to carry out otherwise prohibited activities involving Endangered or Threatened species under certain circumstances. Such permits involving Endangered species 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.

The determination set forth in this final rulemaking also makes the golden coqui eligible for the consideration provided by section 7 of the Act. That section reads as follows:

#### INTERAGENCY COOPERATION

Section 7. The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal departments and agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to section 4 of the Act and by taking such action necessary to insure that actions authorized, funded, or carried out by them do not jeopardize the continued existence of such endangered species and threatened species or result in the destruction or modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical.

**RULES AND REGULATIONS**

The Director has prepared, in consultation with an ad hoc interagency committee, guidelines for Federal agencies for the application of section 7 of the Act. In addition, proposed provisions for interagency cooperation were published on January 26, 1977, in the FEDERAL REGISTER (42 FR 4868-4875) to assist Federal agencies in complying with section 7.

Regulations which appear in Part 17, Title 50 of the Code of Federal Regulations were first published in the FEDERAL REGISTER of September 26, 1975 (40 FR 44412), and provide for the issuance of permits to carry out otherwise prohibited activities involving Endangered or Threatened species under certain circumstances.

**EFFECT INTERNATIONALLY**

In addition to the protection provided by the Act, the Service will review the golden coqui to determine whether it should be proposed to the Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora for placement upon the appropriate Appendix(ices) to that Convention or whether it should be considered under other appropriate international agreements.

**NATIONAL ENVIRONMENTAL POLICY ACT**

An environmental assessment has been prepared and is on file in the Service's Washington Office of Endangered Species. It addresses this action as it involves the golden coqui. The assessment

is the basis for a decision that this determination is not a major Federal action which would significantly affect the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969.

The primary author of this rule is Dr. C. Kenneth Dodd, Jr., Office of Endangered Species, 202-343-7814.

**REGULATIONS PROMULGATION**

Accordingly § 17.11 of Part 17 of Chapter I of Title 50 of the U.S. Code of Federal Regulations is amended as follows:

1. By adding alphabetically the golden coqui to the list under "Amphibians" as indicated below:

§ 17.11 Endangered and threatened wildlife.

\* \* \* \* \*

SPECIES			RANGE					
Common name	Scientific name	Population	Known distribution	Portion of range where threatened or endangered	Status	When listed	Special rules	
AMPHIBIANS								
Coqui, golden	<u>Eleutherodactylus jasper</u>	N/A	USA(Puerto Rico)	Entire	T	29	N/A	
* * * * *								

2. 50 CFR Part 17 is further amended by the addition of the golden coqui in § 17.95(d) after the Pine Barrens treefrog as follows: The following area (exclusive of those existing man-made structures or settlements which are not necessary to the survival or recovery of the species) is Critical Habitat for the golden coqui.

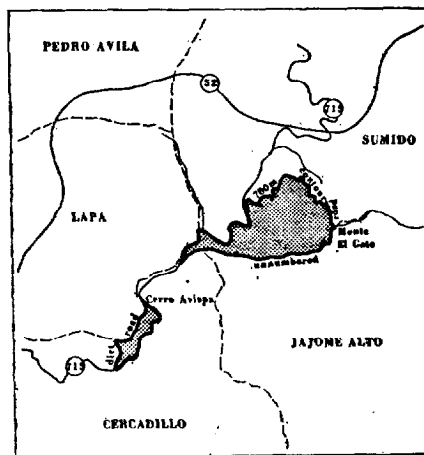
**§ 17.95 Critical habitat—fish and wildlife.**

(d) *Amphibians.*

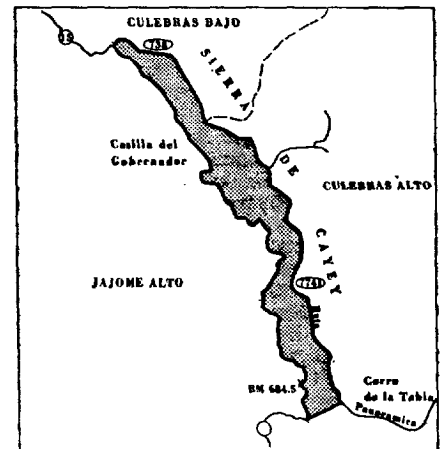
**GOLDEN COQUI (*Eleutherodactylus jasper*)**

Puerto Rico. Areas of land, water and airspace with the following components: (1) Cerro Avispa—elevation above 700 meters on the south and southeastern slope of the mountain: from the northern junction of Highway 715 and an unnumbered dirt road southeast and southwest along Highway 715 to the southern junction with the same unnumbered dirt road and Highway 715, north and northeast along the unnumbered dirt road just below the southeast facing crest of Cerro Avispa to its junction with Highway 715. (2) Monte el Gato—entire summit above 700 meters: from the junction of Highway 715 to the junction of Highway 715 and the 700 meter contour interval west along Highway 715 to the junction of Highway 715 and an unnumbered road, north and northeast along this road to where it crosses the 700 meter contour interval, and east along the 700 meter contour interval to where it crosses

Highway 715. (3) Sierra de Cayey—elevations above 700 meters: southeast from the junction of Highways 738 and 15 along Highway 15 to point .5 kilometer south of Benchmark 684.5, northeast from this point in a line to a point on Highway 7741 two kilometers south of the junction of Highway 738 and 7741, north and northwest along Highway 7741 to its junction with Highway 738, and northwest from the junction of Highways 7741 and 738 along Highway 738 to its junction with Highway 15.



Refer to 7.5 minute U.S.G.S. Topographical Map, Cayey, Puerto Rico, 1972.



Critical Habitat for the Golden Coqui

NOTE.—Pursuant to Section 7 of the Act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of the Critical Habitat area.

NOTE: The Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

Dated: September 29, 1977.

LYNN A. GREENWALT,  
Director, Fish and Wildlife Service.

[FR Doc.77-32669 Filed 11-10-77; 8:45 am]