

Fish and Wildlife Service -**Endangered and Threatened Wildlife and Plants; Proposed Guidelines for Handling Petitions To List Endangered and Threatened Species**

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: A petition process whereby the public can request that species be added to or removed from the list of Endangered and Threatened species is provided for by the Endangered Species Act. The December 28, 1979, Amendments to the Endangered Species Act of 1973 require the Secretary to establish and publish in the **Federal Register** agency guidelines on the procedures for recording the receipt and disposition of petitions submitted. The 1979 Amendments also require that the criteria for making findings on the petitions be published. These proposed guidelines may be adopted by the Service after public comment. The public is urged to comment and offer suggestions on these guidelines.

DATES: Comments from the public must be received by March 16, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240 (703/235-2771).

ADDRESSES: Comments and materials concerning this proposal should be sent to the Director (FWS/OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments and materials received will be available for public inspection during normal business hours, by appointment, at the Service's Office of Endangered Species, 1000 N. Glebe Road, Fifth Floor, Arlington, Virginia.

BACKGROUND:

The Endangered Species Act of 1973, as amended, provides for a petition process whereby the public can request species be added to or removed from the list of Endangered and Threatened species.

Section 4(c)(2) provides the following:

(2) The Secretary shall, within 90 days of the receipt of the petition of an interested person under subsection 553(e) of title 5, United States Code, conduct and publish in the **Federal Register** a review of the status of any listed or unlisted species proposed to be removed from or added to either of the lists published pursuant to paragraph (1) of this subsection, but only if he makes and publishes a finding that such person has presented substantial evidence which in his

judgment warrants such a review. Such review and finding shall be made and published prior to the initiation of any procedures under subsection (b)(1).

The rules for listing Endangered and Threatened species and designating Critical Habitat are codified at 50 CFR Part 424 and further explain the Service's handling of petitions.

Petitions: Additional Procedures

Based on the requirements outlined in the Act and the implementing rules the Service handles petitions as outlined in the following steps.

1. Receipt of a petition is recorded in the Office of Endangered Species petition log where all actions involving the petition are also recorded.

2. Petitioner is notified (by the Director) within 30 days by the Director that the petition was received by the Service.

3. The petition is evaluated by biologists in the Office of Endangered Species and Regional offices, as appropriate.

4a. If substantial evidence to support the requested measure has not been provided, the Director shall so inform the petitioner within 90 days.

4b. If substantial evidence to support the requested measure has been provided then the Director shall (1) promptly publish a notice in the **Federal Register** announcing this determination; (2) conduct and publish in the **Federal Register** a status review of the species that is the subject of the petition within 90 days of receipt of the petition and (3) indicate at the time the status review is published how the Service intends to proceed with respect to the listing, delisting, or reclassifying of the species.

Petitions: Evaluation Criteria

The criteria for making the findings required by Section 4(c)(2) on petitions are listed in the rules for listing Endangered and Threatened species in 50 CFR 424.14(b) (45 FR 1310, February 27, 1980).

Public Comments Solicited

The Director intends that the guidelines finally adopted will be as efficient and effective as possible in dealing with petitions on Endangered and Threatened species. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests, or any other interested party concerning any aspect of these guidelines are hereby solicited.

Final development of these guidelines will take into consideration the comments and any additional information received by the Director,

and such communications may lead him to adopt final guidelines that differ from these proposed.

Author

These guidelines are being published under the authority contained in the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*; 87 Stat. 884). The primary author of these proposed guidelines is Ms. E. LaVerne Smith, Washington Office of Endangered Species (703/235-1975).

Dated: January 2, 1981.

Robert S. Cook,

Acting Director, Fish and Wildlife Service.

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