

Title 50—Wildlife and Fisheries
**CHAPTER 1—UNITED STATES FISH AND
 WILDLIFE SERVICE, DEPARTMENT OF
 THE INTERIOR**

**SUBCHAPTER B—TAKING, POSSESSION, TRANS-
 PORTATION, SALE, PURCHASE, BARTER, EX-
 PORTATION AND IMPORTATION OF WILDLIFE
 AND PLANTS**

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

**Determination That Seven California Chan-
 nel Island Animals and Plants Are Either
 Endangered Species or Threatened
 Species**

AGENCY: U.S. Fish and Wildlife Serv-
 ice.

ACTION: Final rulemaking.

SUMMARY: The Director, U.S. Fish and
 Wildlife Service (hereinafter the Direc-
 tor and the Service, respectively) hereby
 issues a rulemaking pursuant to Section
 4 of the Endangered Species Act of 1973
 (16 U.S.C. 1531-1543; 87 Stat. 884; here-
 inafter the Act) which determines the
 San Clemente loggerhead shrike (*Lanius
 ludovicianus mearnsi*), San Clemente
 broom (*Lotus scoparius* (Nutt.) Otley
 ssp. *traskiae* (Abrams) Raven), San
 Clemente bushmallow (*Malacothamnus
 elementinus* (M.&J.) Kearns.), San Cle-
 mente Island larkspur (*Delphinium kin-
 kiense* Munz), and the San Clemente
 Island indian paintbrush (*Castilleja grisea
 Dunkle*) to be Endangered species, and
 which determines the island night lizard
 (*Klauberina riversiana*), and the San
 Clemente sage sparrow (*Amphispiza belli
 clementae*) to be Threatened species.
 The above are the first plants to be added
 to the U.S. List of Endangered and
 Threatened Wildlife and Plants.

DATES: This rulemaking is issued under
 the authority contained in the Endan-
 gered Species Act of 1973 (16 U.S.C.
 1531-1543; 87 Stat. 884). The amend-
 ments will become effective on Septem-
 ber 12, 1977.

**FOR FURTHER INFORMATION CON-
 TACT:**

Mr. Keith M. Schreiner, Associate Di-
 rector, Federal Assistance, Fish and
 Wildlife Service, U.S. Department of
 the Interior, Washington, D.C. 20240.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On June 1, 1976, the Service published
 a proposed rulemaking in the FEDERAL
 REGISTER (41 FR 22073-22075) advising
 that sufficient evidence was on file to
 support a determination that seven ani-
 mals endemic to San Clemente Island,
 California, were Endangered species as
 provided for by the Act, and on June 16,
 1976, the Service published another pro-
 posed rulemaking in the FEDERAL REGIS-
 TER (41 FR 24523-24572) advising that
 sufficient evidence was on file to support
 a determination that more than 1700
 United States plants were Endangered
 species as provided for by the Act. The
 four plants determined herein were
 among those proposed. These proposals
 summarized the factors thought to be
 contributing to the likelihood that these

species could become extinct or become
 Endangered in the foreseeable future;
 specified the prohibitions which would
 be applicable if such determinations
 were made; and solicited comments, sug-
 gestions, objections and factual infor-
 mation from any interested person.

Section 4(b)(1)(A) of the Act re-
 quires that the Governor of each State,
 within which a resident species of wild-
 life 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. Accordingly, letters were sent to
 Governor Brown of California on July 1,
 1976 (re: 41 FR 24524-24572) and on
 July 2, 1976 (re: 41 FR 22073-22075)
 notifying him of the two subject pro-
 posed rulemakings. On July 1 and 2,
 1976, memoranda were sent to the Ser-
 vice Directorate and affected Regional
 personnel, and letters were sent to other
 interested parties including scientists,
 interested organizations and environ-
 mental groups.

**SUMMARY OF COMMENTS AND
 RECOMMENDATIONS**

Section 4(b)(1)(C) of the Act re-
 quires that a " * * * summary of all
 comments and recommendations re-
 ceived * * * be published in the FEDERAL
 REGISTER prior to adding any species to
 the List of Endangered and Threatened
 Wildlife.

In the June 1 and June 16, 1976,
 FEDERAL REGISTER proposed rulemakings
 (41 FR 22073-22075, 41 FR 24523-24572)
 and the associated news releases, all in-
 terested parties were invited to submit
 factual reports or information which
 might contribute to the formulation of
 a final rulemaking.

The specified 60-day public comment
 periods were to terminate on August 16,
 1976 (for the 1700 plants) and on Au-
 gust 2, 1976 (for the seven San Clemente
 animals). All comments received prior
 to February 28, 1977, were considered.

**COMMENTS ON PROPOSED RULEMAKING
 FOR SEVEN ANIMALS**

(41 FR 22073-22075): Letters from
 14 persons were received as follows:

California State Department of Fish and
 Game (responding for Governor Brown),
 California State Department of Food and
 Agriculture, U.S. Navy, U.S. National Park
 Service, Sierra Club, Audubon Naturalist
 Society, Environmental Defense Fund, Pt.
 Reyes Bird Observatory, Dr. Dennis M. Power
 (Santa Barbara Natural History Museum),
 Dr. Philip J. Regal (University of Minne-
 sota), Dr. H. Lee Jones (University of Cal-
 ifornia, Los Angeles), Dr. Ned K. Johnson
 (University of California, Berkeley), Dr.
 Robert L. Bezy (Natural History Museum of
 Los Angeles County), and Mr. Robert R.
 Talmadge (Eureka, California).

None of the letters argued against the
 proposal in its entirety, and most were
 in favor of the proposal. Several letters
 were factual, but non-committal, and
 two presented evidence favoring the de-
 termination of some species and against
 the determination of others.

The State of California, as represented
 by the Department of Fish and Game,
 recommended that the San Clemente

loggerhead shrike be listed as Endan-
 gered, and that none of the other six
 animals be listed as either Endangered
 or Threatened. This view supports rec-
 ommendations of the U.S. Navy (see
 below) and presupposes that their goat
 removal program will be ultimately suc-
 cessful. The abundance of the San Cle-
 mente sage sparrow, the island night
 lizard, and three land snails, in concert
 with U.S. Navy and National Park Ser-
 vice resource management plans, was
 cited as the principal argument against
 their listing. The lack of any informa-
 tion indicative of present status was
 given as the chief factor for rejecting the
 San Clemente coenonycha beetle as a
 plausible candidate for listing.

The California Department of Food
 and Agriculture summarized knowledge
 of the San Clemente coenonycha beetle.
 They stated that at present there is in-
 adequate knowledge of this beetle, and
 that field study will be required.

The U.S. Navy, as represented by the
 Naval Undersea Center, recommended
 that the San Clemente loggerhead
 shrike be listed as Endangered, but that
 the San Clemente sage sparrow, island
 night lizard and three land snails were
 not in present danger of extinction. Due
 to a lack of data, no opinion was ex-
 pressed on the San Clemente coenonycha
 beetle. A detailed map of the distribution
 on the former six species was also pro-
 vided. The Navy's recommendations
 were based on five considerations: (1)
 The current definition of Endangered
 species in the Act, (2) recent results of
 the Navy's Biological Assessment Pro-
 gram, (3) current ecological damage due
 to exotici: goats, pigs, and black-tailed
 deer, (4) the projected removal of these
 animals by April 1977; and (5) no con-
 sideration was given to potential threats,
 such as deliberate or chance introduc-
 tions of exotic species. The status of the
 island night lizard on other islands was
 not taken into consideration. The letter
 ended by examining the potential threats
 to island endemics of accidental intro-
 ductions.

The National Park Service recom-
 mended that designation of Critical
 Habitat for the island night lizard be
 deferred until the National Park Service
 is in a position to analyze interrelation-
 ships between the lizard and several
 candidate mollusks and plants which also
 occur on Santa Barbara Island, a com-
 ponent of the Channel Islands National
 Monument. Mr. Cook made no recom-
 mendation with regard to the proposed
 determination of island night lizard.
 Critical Habitat for the island night
 lizard has not been proposed.

Dr. Philip J. Regal, University of
 Minnesota, in his letter dated September
 28, 1976, pointed to recent extinctions
 of some life forms which were unique to
 San Clemente Island, and emphasized that
 island-adapted species are particularly
 prone to depredations from accidentally
 or intentionally introduced exotic com-
 petitors. Dr. Regal went on to emphasize
 the uniqueness of the island night lizard,
 and called attention to its vulnerability
 to potential introductions.