

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

PART 17—ENDANGERED AND  
THREATENED WILDLIFE

"Threatened" Status for Three Species of  
Trout

The Lahontan cutthroat trout (*Salmo clarki henshawi*), Paiute cutthroat trout (*Salmo clarki seleniris*) and Arizona trout (*Salmo apache*) currently are classified as "Endangered" species. They were listed originally as "Endangered" under the Endangered Species Conservation Act of 1969, and evidence on hand at that time indicated that they were endangered owing to the destruction, drastic modification or severe curtailment of their habitat; hybridization with introduced species of trout was also a factor.

We now have evidence to indicate that the Lahontan cutthroat trout, Paiute cutthroat trout and Arizona trout are not "Endangered" as defined by the Endangered Species Act of 1973, but are more properly classified as "Threatened" species under the Act. All three species have been cultured extensively and reintroduced successfully into areas where they were extirpated; efforts at eliminating introduced trout with which they hybridize are succeeding; and none are in danger of extinction throughout all or a significant portion of their ranges. Specifically, the evidence is as follows:

I. Lahontan cutthroat trout (*Salmo clarki henshawi*). a. The Lahontan cutthroat has been reintroduced into several stream systems throughout the Lahontan Basin, its original range. It has been reestablished in the two remnant lakes in the Lahontan Basin, Pyramid and Walker Lakes. The California Department of Fish and Game has transplanted the trout successfully into East Fork Creek of Yuba River drainage, outside the Lahontan Basin. A successful transplant of unknown origin has also been made into Macklin Creek of the Yuba drainage. These are all strong, viable populations at the present time.

b. The Lahontan National Fish Hatchery in Gardnerville, Nevada, has developed cultural techniques which produce 1-million Lahontan cutthroat trout annually. California and Nevada State hatcheries also are producing pure stock of Lahontan cutthroat. These cultured trout have been, and are being, introduced successfully into the wild.

c. Restoration of habitat and reintroduction in several stream systems should result in additional populations; further increasing the present range of this species. Restoration plans include the

removal of brook and rainbow trout and rainbow—Lahontan cutthroat trout hybrids. Habitat restoration programs have been successful in several streams.

II. Paiute cutthroat trout (*Salmo clarki seleniris*). a. The removal of the introduced eastern brook trout, a serious competitor of the Paiute cutthroat, has permitted an increase of the Paiute cutthroat in Delaney Creek in Yosemite National Park.

b. The Paiute cutthroat has hybridized with the introduced rainbow trout in some streams. In these streams the removal of rainbow trout and hybrid rainbow—Paiute trout has resulted in good populations of pure stock of Paiute cutthroat in several streams.

c. A successful transplant of pure Paiute cutthroat stock into Cottonwood Creek has resulted in a self-sustaining population with good densities in this stream system in Mono County, California. There are no known threats to the species in this stream system.

d. Most of the streams in which the Paiute cutthroat trout occurs flow through land which is owned or controlled by the U.S. Forest Service or the U.S. National Park Service. Both of these agencies must operate, under the requirements of section 7 of the Endangered Species Act of 1973, to conserve the trout.

III. Arizona trout (*Salmo apache*). a. At present good populations of pure stock of Arizona trout exist in several headwater streams of the east fork of the White River and headwaters of Bonito Creek, tributary to the Black River in east central Arizona.

b. To further increase the population and distribution of the species, the hatcheries of the Arizona Department of Game and Fish have cultured the Arizona trout and stocked them into waters formerly inhabited. Stream renovation projects also are planned for tributaries of the upper Salt River which will provide additional habitat, and extend its distribution.

Despite the fact that available evidence suggests that the Lahontan cutthroat trout, Paiute cutthroat trout, and Arizona trout are not "Endangered" species as defined by the Endangered Species Act of 1973, there is ample reason to consider them as "Threatened" species. Section 4(a) of the Act states as follows:

The Secretary shall by regulation determine whether any species is an endangered species or a threatened species because of any of the following factors:

- (1) the present or threatened destruction, modification, or curtailment of its habitat or range;
- (2) overutilization for commercial, sporting, scientific, or educational purposes;
- (3) disease or predation;
- (4) the inadequacy of existing regulatory mechanisms; or
- (5) other natural or manmade factors affecting its continued existence.

Specifically, we have evidence that conditions (1) and (5) above are pertinent to a determination that these three trout be classed as "Threatened."

(1) The present or threatened destruction, modification, or curtailment of its habitat or range.

**Lahontan cutthroat**—This fish formerly occupied most streams of the Truckee, Carson, and Walker River drainages in western Nevada and east central California. Today it occupies much of the same area but is less abundant in the headwaters than it formerly was. Water diversions within its native range continue to be a threat to this species. This problem is especially evident in Pyramid Lake where the diversion of water from the Truckee River has resulted in a lowering of the water level in the lake. The lower water-levels in the lake and the siltation of the mouth of the Truckee River (at its entry into the lake) due to lack of flow has eliminated much of the spawning run of the species in this area.

**Paiute cutthroat**—The native range of this species is Silver King Creek and its tributaries above Snodgrass Creek in Alpine County, California, which are not blocked by natural barriers. The present distribution is much the same and, through introductions, the Paiute cutthroat has been established outside of its native range into North Fork Cottonwood Creek, Cabin Creek and Birch Lake in Mono and Inyo Counties, California. Livestock grazing practices and recreation developments could possibly pose threats to this species within its range.

**Arizona trout**—This trout originally inhabited the headwaters of the Salt and Little Colorado Rivers in the White Mountains of east central Arizona. Within its native range, logging operations have declined but continue to pose a threat to this species. Erosion, siltation, and increased temperatures connected with logging processes can reduce the populations of Arizona trout in certain areas, and they have done so in the past.

(5) Other natural or manmade factors affecting its continued existence.

**Lahontan cutthroat**—The introduction of non-native trouts in past years within the native range of this species presents a threat to its continued existence. The introduced brook trout is a strong competitor for food and space with the Lahontan cutthroat. Although the State is making efforts to remove rainbow trout from Lahontan cutthroat habitat, hybridization is occurring between the two species and remains a cause for concern.

**Paiute cutthroat**—In the past, rainbow trout have been introduced into streams inhabited by the Paiute cutthroat. Subsequent hybridization has reduced the pure stock of Paiute cutthroat in some areas and remains a cause for concern.

**Arizona trout**—The introduced rainbow trout has hybridized with the Arizona trout in some streams. The possible

introductions into other streams by individuals with good intention present a continued threat to this species.

In spite of the above acknowledged problems, there is good evidence that all three species would benefit now from regulated taking by sport-fishing. The States, in cooperation with the U.S. Fish and Wildlife Service have succeeded in culturing all three species, and they have been widely restocked to the point at which most streams with suitable habitat have reached their carrying capacity.

Based on the above evidence, the Fish and Wildlife Service proposed in the FEDERAL REGISTER (49 FR 17847), on April 23, 1975, that these three trout be reclassified from endangered status to threatened status, and proposed regulations which would permit sport-fishing of these species. Interested persons were invited to submit written comments on this proposal to the Director (FWS/LE), U.S. Fish and Wildlife Service.

Only five letters were received commenting on the reclassification of the trout as threatened species. The letters were received from the States of Arizona, California and Nevada, and from the United States Forest Service and the Environmental Defense Fund. None of these objected to the delisting from endangered to threatened status or the provision that would permit a State regulated sport harvest of these trout. It was suggested by Nevada that the Lahontan cutthroat trout be taken off both the endangered and threatened list, and the Forest Service suggested entire removal of the Apache trout. However, we do not feel this can be justified in view of the evidence presented in this proposal.

California and Nevada both requested that the reclassification to threatened status become effective upon publication in the FEDERAL REGISTER instead of waiting the normal 30 days from publication of the new rule. These states desire sport fishing of these species to begin immedi-

ately. The fishing season for trout begins in July in California.

Sport fishing is an acceptable method of preventing overpopulation which could injure a species by taxing the species' habitat. Sport fishing of these trout will be permitted when the reclassification to threatened status becomes effective.

The normal 30-day delay between publication and the effective date are designed to afford the public the opportunity to adjust to a new rule. However, no adjustment period is necessary here where the public need not restrict its activities as a result of this regulation. In fact, to do otherwise would be to put a person in jeopardy of committing a "technical" violation during the 30-day period, when the act which he is engaging in would be legal except for the 30-day waiting period.

Since the fishing season is impending, and the public needs no adjustment period, this rule shall become effective upon publication to facilitate sport fishing this season.

For the reasons stated earlier, it is hereby determined that the Arizona trout (*Salmo apache*), the Lahontan cutthroat trout (*Salmo clarki henshawi*), and the Paiute cutthroat trout (*Salmo clarki seleniris*) are not "Endangered" species as defined by the Endangered Species Act of 1973, but are "Threatened" species as defined by that Act.

This final rulemaking is issued under the authority contained in the Endangered Species Act of 1973 (16 U.S.C. 1531-43; 87 Stat. 884).

Dated: July 11, 1975.

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

Accordingly, § 17.32 of Part 17 of 50 CFR Chapter I, Subchapter B is amended by adding the following:

§ 17.32 Threatened wildlife list.

Common name	Scientific name	Range	Portion of range where threatened
(d) Fishes:			
(1) Lahontan cutthroat trout.....	<i>Salmo clarki henshawi</i> .....	California, Nevada....	Entire range.
(2) Paiute cutthroat trout.....	<i>Salmo clarki seleniris</i> .....	California.....	Entire range.
(3) Arizona trout.....	<i>Salmo apache</i> .....	Arizona.....	Entire range.

(i) Prohibitions: All the prohibitions in section 9(a) (1) apply to the Lahontan cutthroat trout (*Salmo clarki henshawi*), the Paiute cutthroat trout (*Salmo clarki seleniris*) and the Arizona trout (*Salmo apache*), Except that such species may be taken in accordance with State law. Any taking in violation of State law will also be a violation of the Endangered Species Act of 1973.

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