

**ACTION:** Annual notice of listing progress and petition findings.

**SUMMARY:** The Service describes its progress in revising the lists of Endangered and Threatened Wildlife and Plants during the period from October 1, 1988, to September 30, 1989. The Service also announces its findings on recycled petitions.

**DATES:** The description of the Service's progress in revising the listed is current as of October 1, 1989.

**ADDRESSES:** Information, comments, or questions may be submitted to the Chief, Division of Endangered Species and Habitat Conservation, U.S. Fish and Wildlife Service, Washington, DC 20240 (703/358-2171 or FTS 921-2171).

**FOR FURTHER INFORMATION CONTACT:** Dr. Janet Hohn, Chief, Branch of Listing and Recovery (703/358-2171 or FTS 921-2171).

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

Section 4(b)(3) of the Endangered Species Act (Act), as amended in 1982 (16 U.S.C. 1531 *et seq.*), sets out required procedures for responding to petitions under the Act (*i.e.*, petitions to revise the lists of Endangered and Threatened Wildlife and Plants or to revise critical habitat for listed species). The Service was required to treat any petitions that were pending on the date of enactment of the Amendments as if they were filed again on that date (October 13, 1982). Those petitions, and all subsequent petitions determined to present substantial scientific or commercial information supporting the requested actions, require findings on their merits within 12 months after receipt.

The 1982 Amendments further stipulated that petitioned actions may be determined to be warranted but precluded by other actions to revise the lists if it is also determined that the Service is making simultaneous expeditious progress in revising the lists. Petitions for which a 12-month finding of "warranted but precluded" is made are treated as if they were resubmitted on the date of such an administrative finding (with substantial information that the petitioned action may be warranted). They therefore require a new finding within a year the most recent "warranted but precluded" finding.

This notice describes the Service's annual progress in revising the lists during fiscal year 1989. It also reports administrative findings on recycled petitions that became due during that period.

The Service's 12-month findings for recycled petitions for fiscal year 1988 were reported December 29, 1988 (53 FR 52746). Animal findings are summarized in Table 1 of that report. A current revision of the comprehensive plant Notice of Review was published in the *Federal Register* on February 21, 1990 (55 FR 6184).

**Progress in Revision of the Lists**

The Service's progress in revising the lists during fiscal year 1989 is described below. The described activities precluded immediate action on other petitioned actions determined during fiscal year 1989 to be "warranted but precluded," including the majority of plant species identified in the Smithsonian plant listing petitions of 1975 and 1978.

The Service's progress in listing and delisting qualified species during fiscal year 1989 is represented by the publication in the *Federal Register* of final listing actions on 39 species and proposed listing actions on 40 species. The number of species affected by each type of listing action published during this period is presented in Table 1.

TABLE 1.—SUMMARY OF LISTING ACTIONS FROM OCTOBER 1, 1988 TO SEPTEMBER 30, 1989

Type of action	No. of species affected
Emergency endangered status .....	1
Final endangered status .....	27
Final threatened status .....	9
Final critical habitat designation .....	1
Final delisting .....	1
Proposed endangered status .....	21
Proposed threatened status .....	13
Proposed reclassification from threatened to endangered .....	2
Proposed reclassification from endangered to threatened .....	1
Proposed delisting .....	2
Proposed experimental population .....	1

The Service undertook the above listing actions in accordance with its listing priority system published in the *Federal Register* on September 21, 1983 (48 FR 43098). The Service intends to increase listing efficiency in the future by emphasizing ecosystem and multi-species listing approaches wherever possible.

**Petition Findings**

Section 4(b)(3)(B) of the Act requires that the Service make one of the following 12-month findings on each petition presenting substantial information: (i) The petitioned action is not warranted; (ii) the petitioned action

**50 CFR Part 17****Endangered and Threatened Wildlife and Plants; Annual Description of Progress on Listing Actions and Findings on Recycled Petitions**

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

is warranted and will be proposed promptly; or (iii) the petitioned action is warranted but precluded by other efforts to revise the lists, and expeditious progress is being made in other listing actions. Petitioned actions found to be warranted are the subjects of proposed rules that are published promptly in the **Federal Register**.

In 1973, the Act directed the Secretary of the Smithsonian Institution to prepare a report on endangered and threatened plant species, which was later published as House Document No. 94-51. The Service's first Notice of Review for plants, published on July 1, 1975 (40 FR 27823), indicated acceptance of the original Smithsonian recommendations as a listing petition under the terms of the Act. A revision of the Smithsonian's report was published in 1978 as a book: E. S. Ayensu and R. A. DeFilippis, *Endangered and Threatened Plants of the United States*, Smithsonian Institution and World Wildlife Fund, Washington, DC. Because this revision indicated some additional taxa as vulnerable, and recommended that the Service officially recognize their status as endangered or threatened, it was also accepted as a listing petition. Because of the large number of plants included in the two Smithsonian plant petitions (in excess of 3,000 species), findings on the plants are made by status categories as published in the most recent plant Notice of Review on February 21, 1990 (55 FR 6184).

The plant petition findings for fiscal year 1989 generally repeated the findings made in October 1988 and announced in the **Federal Register** on December 29, 1988 (53 FR 52746). Those plant species proposed for listing as threatened or endangered during fiscal year 1989 were determined to be "warranted" for listing as reported in the proposed rules. The Service has determined that listing is "not warranted" for the petitioned species designated in Category 3 of the plant Notice of Review published February 21, 1990 (55 FR 6184). Determinations of "warranted but precluded" by other actions to revise the lists were made for petitioned species in Categories 1 and 2 of that notice.

As noted in the Service's recently revised plant notice of review, 55 FR 6184 (Feb. 21, 1990), changes in plant taxonomy described in the *Manual of the Flowering Plants of Hawaii*

(University of Hawaii Press, Honolulu, 1990, 1853 pp.) have been adopted by the Service and incorporated into the list of candidate plant species. By incorporating these taxonomic changes, which were based upon the best scientific information available, the number of Category 1 plant species within Hawaii is now 186.

The Service will be placing special emphasis on the development and publication of proposed rules to list these 186 Category 1 plant candidates in the State of Hawaii over the next 3 years. To accomplish this goal, the use of multi-species proposals—based upon common habitat types and common geographic location—will be stressed to increase the efficient application of the Service's limited staff and budgetary resources.

Because it was not included in either of the two Smithsonian plant petitions, a petition received October 15, 1985, from Mr. Paul R. Neal to list the Pinos Altos fame flower (*Talinum humile*) was also determined to be "warranted but precluded." This plant has been added to Category 2 of the new plant Notice of Review.

Recycled animal findings for fiscal year 1989 addressed the petitions indicated to be "warranted but precluded" in Table 1 of the FY 1988 Expeditious Progress Report, published December 29, 1988 (53 FR 52746). The 1989 findings were unchanged except as noted below:

The Desert tortoise has been divided into separate populations. The Mojave Desert population has been proposed for listing. The Sonoran Desert population will be addressed in a separate administrative finding.

A finding of "warranted" was determined for the white-necked crow. The finding was published in a proposed rule in the **Federal Register** on December 27, 1989 (54 FR 53132).

The following additional findings for fiscal year 1989 were "warranted but precluded":

(1) 10 New Mexico mollusk species—petitioned by Mr. Harold F. Olson on November 22, 1985.

(2) Mariana fruit bat—petitioned by Dr. Thomas O. Lemke on March 4, 1986.

The following "not warranted" 1989 findings were made:

(1) Puerto Rican sharp-shinned hawk—petitioned by International Council for Bird Preservation on

November 24, 1980. Study of the status of this species convinced the Service to change its status category to 3C in the animal Notice of Review published January 6, 1989 (54 FR 554), indicating that its listing is not warranted.

(2) Orange-fin madtom—petitioned by Mr. Noel M. Burkhead on October 6, 1983. Subsequent survey has shown distribution extensive enough to indicate that listing this species is not warranted.

(3) Oklahoma salamander—petitioned by Mr. Tom R. Johnson on March 19, 1986. The information now available from recent status surveys indicates a wider distribution than previously believed. Listing the species is not warranted, and its category will be changed to 3C in the next animal Notice of Review.

The general plant and animal notices of review are important tools for gathering data on species that are candidates for listing and for informing interested parties of the Service's general views on the status of present and past candidate species. A current revision of the comprehensive plant notice was published February 21, 1990 (55 FR 6184). The most recent previous general Notice of Review for plants was published on September 27, 1985 (50 FR 39526). The most recent comprehensive Notice of Review for animals was published on January 6, 1989 (54 FR 554), and will be revised and published on a biennial schedule.

#### Author

This notice was prepared by Dr. George Drewry of the Division of Endangered Species and Habitat Conservation.

#### Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

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

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

Dated: April 18, 1990

Bruce Blanchard,

Acting Director, Fish and Wildlife Service.

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