

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Addition of the Cochito to the List of Endangered and Threatened Wildlife

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service adds the cochito (Gulf of California harbor porpoise) to the List of Endangered and Threatened Wildlife. This measure, required by Section 4(a)(2)(A) of the Endangered Species Act, corresponds with a determination of endangered status by the National Marine Fisheries Service, which has jurisdiction of the cochito pursuant to the Act.

DATES: The effective date of this rule is February 8, 1985.

ADDRESSES: Questions regarding the Service's role in this matter may be addressed to the Office of Endangered Species, U.S. Fish and Wildlife Service, Washington D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Mr. John Z. Spinks, Jr., Chief, Office of Endangered Species, at the above address (703/235-2771 or FTS 235-2771).

SUPPLEMENTARY INFORMATION: Pursuant to the Endangered Species Act of 1973, as amended, and in accordance with Reorganization Plan Number Four of 1970, responsibility for the cochito, or Gulf of California harbor porpoise

(*Phocoena sinus*), as well as most other marine mammals, lies with the National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration, Department of Commerce. Section 4(a)(2)(A) of the Act provides that the NMFS must decide whether species under its jurisdiction should be classified as endangered or threatened. The Fish and Wildlife Service (FWS), however, is responsible for the actual addition of such species to the List of Endangered and Threatened Wildlife in 50 CFR 17.11(h). In the **Federal Register** of April 25, 1984 (49 FR 17781-17783), the NMFS proposed determination of endangered status for the cochito and requested comments from the public by June 25, 1984. In the **Federal Register** of June 19, 1984 (49 FR 25017), the comment period was extended until July 25, 1984.

In this issue of the **Federal Register**, the NMFS is publishing its final determination of endangered status for the cochito (see document in Final Rules section under the Department of Commerce, National Oceanic and Atmospheric Administration). Accordingly, the FWS hereby concurrently adds the cochito, as an endangered species, to the List of Endangered and Threatened Wildlife. Because this FWS action is nondiscretionary, and in view of the public comment period allowed by the NMFS on its proposed determination, the FWS finds that good cause exists to omit the notice and public comment procedures of 5 U.S.C. 553(b) as

unnecessary and impractical with respect to this ministerial rule. The FWS also has determined that an **Environmental Assessment**, as defined under authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to Section 4(a) of the Act. A notice outlining the reasons for this determination was published in the **Federal Register** of October 25, 1983 (48 FR 49244).

List of subjects in 50 CFR Part 17

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

Regulation Promulgation

PART 17—[AMENDED]

Accordingly, Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, is amended as set forth below:

1. The authority citation for Part 17 reads as follows:

Authority: Pub. L. 93-205, 87 Stat. 884; Pub. L. 94-359, 90 Stat. 911; Pub. L. 95-632, 92 Stat. 3751; Pub. L. 96-159, 93 Stat. 1225; Pub. L. 97-304, 98 Stat. 1411 (16 U.S.C. 1531 *et seq.*).

2. Section 17.11(h) is amended by adding the following, in alphabetical order, to the List of Endangered and Threatened Wildlife under "MAMMALS:"

§ 17.11 Endangered and threatened wildlife.

* * * * *
(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
MAMMALS							
Cochito (= Gulf of California harbor porpoise).	<i>Phocoena sinus</i>	Mexico (Gulf of California)	Entire	E	198	NA	NA

Dated: December 12, 1984.

G. Ray Arnett,
Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 85-603 Filed 1-8-85; 8:45 am]

BILLING CODE 4310-55-M