

Dated: August 20, 1993.

Richard N. Smith,

Acting Director.

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BILLING CODE 4310-55-P

50 CFR Part 17

RIN 1018-AB75

Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for the Plant Pima Pineapple Cactus (*Coryphantha scheeri* var. *robustispina*)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Fish and Wildlife Service (Service) determines *Coryphantha scheeri* var. *robustispina* (Pima pineapple cactus) to be an endangered species under the authority of the Endangered Species Act of 1973 (Act), as amended. The Service proposed the species for listing as endangered on April 20, 1992. This species is known from Pima and Santa Cruz Counties, southern Arizona, and northern Sonora, Mexico. Threats to the species include illegal collection, habitat degradation due to recreation, historical and present overuse of the habitat by livestock, and habitat loss due to mining, agriculture, road construction, urbanization, and range management practices to increase livestock forage. This action will implement Federal protection provided by the Act for Pima pineapple cactus. Critical habitat is not being designated.

EFFECTIVE DATE: October 25, 1993.

ADDRESSES: The complete file for this rule is available for inspection, by appointment, during normal business hours at the Arizona Ecological Services Office, U.S. Fish and Wildlife Service, 3616 West Thomas Road, suite 6, Phoenix, Arizona 85019.

FOR FURTHER INFORMATION CONTACT: Sue Rutman, at the above address (Telephone 602/379-4720).

SUPPLEMENTARY INFORMATION:

Background

The Pima pineapple cactus is an attractive hemispherical plant, the adults measuring 10-46 cm (4-18 in.) tall and 7.5-18 cm (3-7 in.) in diameter. Each spine cluster has one strong, usually hooked central spine and 6-15 straight radial spines (Benson 1982; Ecosphere Environmental Services, Inc. (EES) 1992). The spines are very stout, usually straw colored, but become almost black with age (EES 1992). Plants can be single-stemmed, multi-headed, or

can appear in clusters formed when seeds germinate at the base of a mother plant or when a tubercle of the mother plant roots. The silky yellow (rarely white) flowers appear in early July with the onset of summer rains, and flowering continues until August (EES 1992). The fruits are green, ellipsoid, succulent, and sweet. Mills (1991) observed that the fruits disappear rapidly from the plant, but others (EES 1992, Benson 1982) note that the fruits may be seen on the plants at any time of the year because they often become trapped in the spines. Mills (1991) believes the plants have short life spans, and pollination, fruit set, and seed set are all normal.

Coryphantha scheeri var. *robustispina* was first collected in 1856 by Mr. A. Schott, who found the plants growing in a grassland on the south side of the Baboquivari Mountains, Sonora, Mexico. These plants were originally named *Mammillaria robustispina* (Engelmann 1856), and subsequently underwent several name changes (Kuntze 1891, Britton and Rose 1963, Marshall 1953). Lyman Benson (1969) published the most recent revision, which split *Coryphantha scheeri* into three varieties, including variety *robustispina*.

The Pima pineapple cactus grows in alluvial basins or on hillsides in semi-desert grassland and Sonoran desert-scrub in southern Arizona and northern Mexico. Soils range from shallow to deep, and silty to rocky, with a preference for silty to gravelly deep alluvial soils (EES 1992). This cactus occurs most commonly in open areas on flat ridgetops or areas with less than 10-15 percent slope (Mills 1991, EES 1992). The species is not common or abundant within its habitat, but is sparsely distributed where found. Dominant plant species vary but include *Acacia constricta* (white-thorn acacia), *Larrea tridentata* (creosotebush), *Prosopis velutina* (velvet mesquite), *Ambrosia deltoidea* (triangle-leaf bursage), *Gutierrezia microcephala* (thread snakeweed), *Opuntia fulgida* (chain fruit cholla), *Isocoma tenuisecta*, *Eragrostis lehmanniana* (Lehman's lovegrass), and various other cacti and grasses (Mills 1991, EES 1992).

The Pima pineapple cactus is found from 700-1,400 m (2,300-4,500 ft) elevation (EES 1992) in Pima and Santa Cruz Counties, southern Arizona, and northern Sonora, Mexico (Benson 1982, Phillips 1981). The range extends east from the Baboquivari Mountains to the western foothills of the Santa Rita Mountains. The northernmost boundary is near Tucson. Surveys conducted by the U.S. Bureau of Reclamation (BR)

verified the northern, western, and eastern range boundaries (EES 1992). The southern boundary of the range is less well understood, but is believed to extend southward a relatively short distance into Sonora, Mexico.

The number of hectares or square kilometers of potential habitat is difficult to estimate because of the species' habitat requirements and the topographic complexity within its range. The range of Pima pineapple cactus extends approximately 72 km (45 mi) east to west and 80 km (50 mi) north to south. Within this range there are large areas of unsuitable habitat. For example, Pima pineapple cactus does not occur in mountainous areas including the Sierrita, Baboquivari, Santa Rita, Quinlan, Coyote, Atascosa, Pajarito, Cerro Colorado, San Luis, and Tumacacori mountains. On a smaller scale, the species occupies habitats that are relatively flat and sparsely vegetated. Therefore, in rolling hilly habitats, the species has been found only on flat hilltops and not slopes or drainages separating the hilltops. The species is not found in riparian areas such as the Santa Cruz River valley or the Sonoita Creek drainage of Arizona.

It is difficult to estimate population density accurately because the Pima pineapple cactus is difficult to find in the field (Mills 1991). Minimum density estimates for areas near the Sierrita Mountains of Arizona range from a low of 0.12 plants/hectare (0.05 plants/acre) to a high of 0.54 plants/hectare (0.22 plants/acre) (Mills 1991).

Little is known about the fire ecology of the Pima pineapple cactus. Studies of the response of succulents to fire have shown that small cacti have high mortality rates when directly exposed to high temperatures from fires (Thomas 1991, Thomas and Goodson 1991). Studies have also shown that mortality does not necessarily occur immediately after the fire but may be delayed for a year or more while the plant continues to survive using stored nutrients (Thomas 1991). Nineteen Pima pineapple cacti burned in 1991 survived one year in areas that had experienced fires of varying heat intensity (D. Robinett, Soil Conservation Service (SCS), *in litt.* 1992). The Buenos Aires National Wildlife Refuge (BANWR) conducts controlled burning of introduced grasses to facilitate recovery efforts of the endangered masked bobwhite quail (*Colinus virginianus ridgwayi*). To protect the Pima pineapple cactus occurring in these same areas, the BANWR surveys the entire area proposed for controlled burning for the cactus. The BANWR will minimize any adverse effects of the

controlled burn to the cacti by reducing the fuel load in the immediate vicinity of any Pima pineapple cactus plant located during the survey process. The BANWR plans to collect information about the survivorship of the Pima pineapple cactus in controlled burns on the refuge to help fill current data gaps. Some Pima pineapple cactus burned on the refuge during 1992 controlled burns were still alive a few months later (Tolley 1992). Scientific data will help guide future management decisions regarding controlled burns and the recovery of the Pima pineapple cactus ecosystem.

Grasslands burned with some frequency before European settlement (Bahre 1991). Species that evolved in ecosystems with frequent fire have adaptations that allow populations to perpetuate after fire. The Fish and Wildlife Service (Service) presumes the Pima pineapple cactus, a resident of fire-adapted semi-desert grasslands, has evolved with fire, but it is unknown what circumstances and strategies allow the species to survive fire. Several scientists (D. Gohmert, SCS, *in litt.* 1992; Warren and McLaughlin 1992; S. McLaughlin, Arizona State University, *in litt.* 1992) have suggested that the direct effects of fire are avoided by the species' occurrence in open microsites, found within coarse-grained, patchy habitats of native grasslands. The introduction of Lehman's lovegrass has converted some of the coarse-grained, patchy habitats of native grasslands into a finer-grained, less patchy habitat. The latter habitat provides fewer sites for the Pima pineapple cactus to avoid and survive fire.

Federal government actions on this species began with section 12 of the Act (16 U.S.C. 1531 *et seq.*) which directed the Secretary of the Smithsonian Institution to prepare a report on those plants considered to be endangered, threatened, or extinct. This report, designated as House document No. 94-51, was presented to Congress on January 9, 1975. On July 1, 1975, the Service published a notice (40 FR 27823) that formally accepted the Smithsonian report as a petition within the context of section 4(c)(2), now section 4(b)(3)(A), of the Act and of its intention thereby to review the status of those plants. *Coryphantha scheeri* var. *robustispina* was included as "threatened" in the July 1, 1975, petition.

On December 15, 1980, the Service published a revised Notice of Review for Native Plants in the Federal Register (45 FR 82480); *Coryphantha scheeri* var. *robustispina* was included in that notice as a Category 1 candidate species.

Category 1 species are those for which the Service presently has sufficient information to support the determination that listing the species as threatened or endangered is biologically appropriate, but precluded by listing actions of higher priority. Both Notices of Review for Native Plants published since the 1980 version, the 1985 notice (50 FR 39526) and the 1990 notice (55 FR 6184), included *Coryphantha scheeri* var. *robustispina* in Category 1.

Section 4(b)(3)(B) of the Act, requires the Secretary to make certain findings on pending petitions within 12 months of their receipt. Section 2(b)(1) of the 1982 amendments to the Act further requires that all petitions pending on October 13, 1982, be treated as having been newly submitted on that date. Because the 1975 Smithsonian report was accepted as a petition, all of the taxa contained therein, including *Coryphantha scheeri* var. *robustispina*, were treated as being newly petitioned on October 13, 1982. In each year from 1983 through 1991, the Service found that *Coryphantha scheeri* var. *robustispina* still merited category 1 candidate status and that additional data on vulnerability and threats were still being gathered. This final rule constitutes the final finding for the petitioned action.

Summary of Comments and Recommendations

In the April 20, 1992, proposed rule (57 FR 14374), all interested parties were requested to submit factual reports or information that might contribute to the development of a final rule. Appropriate state agencies, county governments, Federal agencies, scientific organizations, and other interested parties were contacted and requested to comment. Newspaper notices were published in the Arizona Daily Star and the Tucson Citizen on May 11, 1992, inviting general public comment. Four comment letters were received and are discussed below. Comments were submitted by two Federal agencies, one private organization, and one individual. Two commentators supported the proposal although one of these commentators recommended that additional surveying be done prior to or concurrent with listing, one comment opposed the proposal, and one comment provided information, but took no position on the proposal.

Comments received during the comment period are covered in the following summary. Comments of a similar nature or point are grouped into a number of general issues. These

issues, and the Service's response to each, are discussed below.

Issue 1: The Pima pineapple cactus does not need the protection of the Act because the Arizona Native Plant Law provides sufficient protection.

Response: The Arizona Native Plant Law extends some protection to Arizona's native plants, but does not protect the species in its ecosystem (see Factor D of "Summary of Factors Affecting the Species"). Habitat occupied by species protected under the Native Plant Law can be destroyed by private landowners and Federal and state government agencies if they provide advance notice to the Arizona Department of Agriculture (ADA). Federal listing will provide additional protection to the species through section 7 of the Act, which requires Federal agencies to consult with the Service when any action authorized, funded, or carried out by an agency may affect a listed species. The Act will also offer protection against illegal international and interstate commerce not provided by the Arizona Native Plant Law.

Issue 2: Additional surveys are recommended to further understand the range and distribution of this species.

Response: Although all potential habitat for the Pima pineapple cactus has not been surveyed, the Service believes that the range of this species is sufficiently defined, and the abundance, distribution, and threats sufficiently understood to determine that listing this species is warranted. In addition to the original status report (Phillips *et al.* 1981) and the ecological information provided by Mills (1991), there have been many surveys throughout the range of this species that were done for Federal project clearances (e.g., Reichenbacher 1984; C. Raming, SWCA Environmental Consultants, *in litt.* 1992; F.W. Reichenbacher & Associates 1985 and 1988). Portions of the San Xavier District of the Tohono O'odham Indian Reservation have been thoroughly surveyed (F.W. Reichenbacher & Associates 1985; D. Laush, BR, pers. comm. 1992) and the species has been located there. All localities known to the Service are entered in the Heritage Data Base, housed at the Arizona Game and Fish Department, Phoenix.

After the proposed rule to list the Pima pineapple cactus was published, BR funded a study to define the range of this species (EES 1992). Surveyors targeted specific areas in Pima and Santa Cruz Counties, Arizona, to determine the northern, eastern, and western boundaries of the species' range. Extensive surveys identified these boundaries with accuracy.

The western boundary of the range was of particular interest to the Service and to commentators because its location was uncertain. Several botanists had speculated the range of the species extended west onto the Tohono O'odham Reservation where historic specimens had been taken from the southern part of the Baboquivari Mountains. The Bureau of Indian Affairs (BIA) (Charles Sullivan, BIA, Papago Agency, pers. comm. 1992) and the SCS reported the species has been seen on the western slopes of the Baboquivari Mountains (D. Gohmert, *in litt.* 1992). During the summer and fall of 1992, EES (1992) surveyed some areas on the western slopes of the Baboquivari Mountains and did not find the species. The BIA later confirmed (Sullivan, pers. comm. 1992) their Pima pineapple cactus sitings had been misidentifications. In summary, currently available information does not include verified locations of the Pima pineapple cactus on the western slopes of the Baboquivari Mountains. However, the Service agrees additional surveys should be considered as a recovery action for the species.

Issue 3: The proposed rule discusses the potential negative effects of livestock grazing, but some commentators believe livestock grazing may benefit the Pima pineapple cactus by increasing the amount of habitat and decreasing the fire danger.

Response: Pastures used by livestock will have a lower probability of carrying a wildfire or controlled burn because of insufficient or discontinuous distribution of fine fuels. The assumption that a decreased fire frequency or not burning at all benefits the Pima pineapple cactus and its ecosystem presumes that fire is detrimental to the species and ecosystem. The Service has no data to support this assumption. Scientific experimentation will need to be performed before selecting one or more management strategies that will benefit the ecosystem.

Issue 4: The introduction of Lehman's lovegrass did not adversely alter the habitat because it was originally a grassland, burned frequently, and probably did not have the Pima pineapple cactus.

Response: The Pima pineapple cactus could have occurred in native grasslands experiencing frequent fires if, as previously mentioned, it grew in open microsites that escaped the direct effects of the fire. It is believed the establishment of Lehman's lovegrass converted patchy, coarse-grained native grasslands into monotypic stands with almost no structural diversity (D.

Gohmert, SCS, *in litt.* 1992; Warren and McLaughlin 1992; S. McLaughlin, Arizona State University, *in litt.* 1992). Fire functions differently in the two types of grasslands. Plant species such as the Pima pineapple cactus that evolved in fire-influenced ecosystems may have developed mechanisms for surviving fires that would not be effective where Lehman's lovegrass stands have replaced native grasses. Ecosystem management for the Pima pineapple cactus may entail managing for native grasses rather than ecosystems dominated by Lehman's lovegrass or other non-native plants.

Summary of Factors Affecting the Species

After thorough review and consideration of all information available, the Service has determined that *Coryphantha scheeri* var. *robustispina* should be classified as an endangered species. Procedures found at section 4(a)(1) of the Act and regulations (50 CFR part 424) promulgated to implement the listing provisions of the Act were followed. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to *Coryphantha scheeri* (Kuntze) L. Benson var. *robustispina* (Schott) L. Benson (Pima pineapple cactus) are as follows:

A. The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

Construction associated with a rapidly growing human population is occurring throughout the range of the species and is the most significant cause of habitat loss and fragmentation. Perhaps 75 percent of the range of the species is affected by this threat. Tucson is a major city at the northern boundary of the species' range, Green Valley is a large community in the center of the range, and Nogales, Arizona, occurs near the southern part of its range. Additional development within and between the densely populated areas is occurring every year. Home building, commercial development, road construction and maintenance, and utility corridor construction are some of the activities that have caused and continue to cause habitat loss and fragmentation. Habitat loss due to these factors will likely accelerate as the area becomes an important trade corridor between Mexico and the United States.

Mining has also resulted in the loss of hundreds of acres of potential habitat throughout the range of this species. One copper mine and related facilities

near Green Valley cover thousands of acres of formerly potential habitat. When this mine was expanded in the early 1980's, botanists familiar with this species noted that many plants were lost because they were not salvaged or were salvaged but not used for conservation purposes. Although the mine near Green Valley is by far the largest mine, many other small mines occur throughout the range of this species. Actions associated with mineral extraction, such as constructing roads, tailings piles, and settling or leaching ponds, can also contribute to habitat loss. Habitat loss due to mining and associated activities is expected to continue or increase throughout the range of this species.

The entire undeveloped part of the range of this species is used for livestock grazing, as it has been for over a century. Severe overgrazing during the mid- to late 1800's (Bahre 1991) and some continuing livestock grazing practices may have significantly altered the ecosystem. Some effects of overgrazing include: Erosion; changes in hydrology and microclimate; invasion of weedy exotic plant species; shifts in density, relative abundance, and vigor of native species; and increases in woody perennials. Overgrazing in some areas continues today. Some modern range management practices, such as imprinting, chaining, ripping, and seeding of exotic grasses, have contributed to the modification or loss of habitat and/or loss of plants. Mills (Tucson, Arizona, pers. comm. 1991) has seen damage to Pima pineapple cacti that may have been caused by livestock trampling. At the turn of the century, hay was mechanically harvested from the Santa Rita Experimental Range to provide livestock feed in Tucson. The mechanical harvesting may have adversely affected Pima pineapple cactus and its habitat.

Habitat for the Pima pineapple cactus may have occurred in several areas along the Santa Cruz River south of Tucson that are now under cultivation. Habitat for the Pima pineapple cactus is found in the vicinity of these orchards and fields.

The introduction of non-native species has modified many southern Arizona ecosystems. Up to 75 percent of Pima pineapple cactus habitat has been significantly altered by the introduction of Lehman's lovegrass, an aggressive exotic introduced to provide cattle forage and soil stabilization. Lehman's lovegrass outcompetes native grasses, and monotypic stands of it cover large areas of mid-elevation southern Arizona. The lack of structural and native species diversity and competition for light and nutrients in the non-native

grassland habitats may have adversely affected the Pima pineapple cactus. *Schismus barbatus* (Mediterranean grass) is another successful exotic grass common in Sonoran desert-scrub/grassland transition habitats. Dense stands of Mediterranean grass in desert-scrub habitats contribute dense, fine fuels that are readily flammable and carry fires in fire-intolerant habitat. Lehman's lovegrass and Mediterranean grass are two of many non-native species that may have negatively affected the natural ecosystem. The introduction of other non-native plant species to the southwestern United States is continuing. These introductions carry with them the potential for additional negative impacts.

Off-road vehicle use is not currently considered a serious problem to the species, but does contribute to habitat loss and degradation in localized areas within the species' range.

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

Illegal collection has been documented on numerous occasions throughout the range of this species. On one occasion, surveys for the Pima pineapple cactus were conducted and plant locations mapped. On a subsequent visit, botanists discovered that plants were missing from mapped locations and only holes in the ground remained. In another incident, surveys for the species were conducted for a road project near Tucson. Several plants were taken after surveyors left the site. Again, holes indicated the plants were removed. An inspector for the ADA photographed a marked plant west of Tucson before it was removed (W. Kendall, ADA, *in litt.* 1990). The Service has received other reports of plant collecting that are less verifiable than the three incidents reported above. Some of these incidents indicate collectors are specifically interested in *Coryphantha scheeri* var. *robustispina*, while at other times it appears the collectors are just taking all cacti in a general area. Hobbyists and commercial collectors are the two groups most likely to collect this species.

C. Disease and Predation

Some plants appeared to be damaged by the larval stage of *Phycitidae* sp., a lepidopteran (Phillips *et al.* 1981). The effects of this damage on population stability are unknown.

D. The Inadequacy of Existing Regulatory Mechanisms

The Arizona Native Plant Law protects *Coryphantha scheeri* var. *robustispina* as a "Highly Safeguarded Species." To legally collect this cactus on public or private lands in Arizona, a collector must obtain a permit from the ADA. Permits may be issued for scientific and educational purposes only. However, private landowners and Federal and State public agencies may clear land and destroy habitat after giving ADA sufficient notice to allow for plant salvage. Despite the protections of the Arizona Native Plant Law, illegal collecting continues to occur. Enforcement is difficult due to the relatively large range of this species, the remote nature of some of its habitat, and the relatively few law enforcement agents available to cover this area. Endangered Species Act protection may present a deterrent to illegal collectors and would increase the number of agents having enforcement authority.

E. Other Natural or Manmade Factors Affecting Its Continued Existence

The Service is not aware of any other factors affecting this species.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to make this rule final. Based on this evaluation, the preferred action is to list *Coryphantha scheeri* var. *robustispina* as endangered. With habitat loss and degradation continuing, the species warrants protection under the Act. Endangered status seems appropriate because of the amount of habitat already lost, the accelerating habitat loss and degradation due to the rapidly growing human population within the range of this plant, and the current inadequacy of legal protection afforded the species. Critical habitat is not being designated for the reasons discussed below.

Critical Habitat

Section 4(a)(3) of the Act requires, to the maximum extent prudent and determinable, that the Secretary designate critical habitat at the time a species is determined to be endangered or threatened. Pursuant to 50 CFR 424.12(a)(1), a designation of critical habitat is not prudent when one or both of the following situations exist: (i) The species is threatened by taking or other human activity, and identification of critical habitat can be expected to increase the degree of such threat to the species, or (ii) Such designation of critical habitat would not be beneficial

to the species. The Service finds that designation of critical habitat is not presently prudent for this species. As discussed under Factor B in the "Summary of Factors Affecting the Species" section of this rule, *Coryphantha scheeri* var. *robustispina* is threatened by taking, an activity difficult to prevent and only regulated by the Act with respect to plants in cases of: (1) Removal and reduction to possession of listed plants from lands under Federal jurisdiction, or their malicious damage or destruction on such lands; and (2) removal, cutting, digging up, or damaging or destroying in knowing violation of any state law or regulation, including state criminal trespass law. Such provisions are difficult to enforce, and publication of critical habitat descriptions and maps would make *Coryphantha scheeri* var. *robustispina* more vulnerable and increase enforcement problems. Pertinent Federal, state, and local government agencies were notified of the proposed listing of this species. Other interested parties were notified either by mail or by public notice in local newspapers. Protection of this species' habitat will be addressed through the recovery process and through the section 7 jeopardy standard. Therefore, the Service has determined that it is not prudent to determine critical habitat for *Coryphantha scheeri* var. *robustispina*.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Act include recognition, identification and implementation of recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, state, and private agencies, groups, and individuals. The Act provides for possible land acquisition and cooperation with the states and authorizes recovery plans for all listed species. The protection required of Federal agencies and the prohibitions against certain activities involving listed plants are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not

likely to jeopardize the continued existence of a listed species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service.

This species occurs on Federal lands managed by the Bureau of Land Management, Safford District; U.S. Forest Service, Coronado National Forest; Fish and Wildlife Service, Buenos Aires National Wildlife Refuge; and possibly within proposed project areas of the Bureau of Reclamation. Federal activities on these lands that could impact *Coryphantha scheeri* var. *robustispina* include, but are not limited to, proposed water storage projects, livestock grazing and range management practices, road and utility corridor construction, mining permits and mitigation, controlled burns, and recreation planning.

The Act and its implementing regulations found at 50 CFR 17.61, 17.62, and 17.63 set forth a series of general prohibitions and exceptions that apply to all endangered plants. All prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.61, apply. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to import or export, transport in interstate or foreign commerce in the course of a commercial activity, sell or offer for sale this species in interstate or foreign commerce, or to remove and reduce to possession the species from areas under Federal jurisdiction. In addition, for endangered plants, the 1988 amendments (Pub. L. 100-478) to the Act prohibit the malicious damage or

destruction on Federal lands and the removal, cutting, digging up, or damaging or destroying of endangered plants in knowing violation of any state law or regulation, including state criminal trespass law. Certain exceptions apply to agents of the Service and state conservation agencies. The Act and 50 CFR 17.62 and 17.63 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered species under certain circumstances.

It is anticipated that few trade permits would ever be sought or issued because the species is not common in cultivation or in the wild. Requests for copies of the regulations on listed plants and inquiries regarding prohibitions and permits may be addressed to the Office of Management Authority, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, room 420C, Arlington, Virginia 22203 (Telephone 703/358-2104, FAX 703/358-2281).

On July 1, 1975, *Coryphantha scheeri* var. *robustispina* was included in Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The effect of this action is that a permit for export is required from the country of origin. Commercial trade is allowed but only after the country of export has determined it will not harm the wild populations. International movement of this species is minimal.

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the 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 Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

References Cited

A complete list of all references cited herein, as well as others, is available upon request from the Arizona Ecological Services Office (See **ADDRESSES** section).

Author

The primary author of this final rule is Sue Rutman (See **ADDRESSES**).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

Regulation Promulgation

Accordingly, part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, is amended as set forth below:

PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361-1407; 16 U.S.C. 1531-1544; 16 U.S.C. 4201-4245; Pub. L. 99-625, 100 Stat. 3500, unless otherwise noted.

2. Amend § 17.12(h) by adding the following, in alphabetical order under Cactaceae, to the List of Endangered and Threatened Plants to read as follows:

§ 17.12 Endangered and threatened plants.
 * * * * *
 (h) * * *

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
Cactaceae—Cactus family:						
<i>Coryphantha scheeri</i> var. <i>robustispina</i> .	Pima pineapple cactus	U.S.A. (AZ); Mexico (Sonora).	E	515	NA	NA

Dated: August 12, 1993.
Richard N. Smith,
Acting Director, Fish and Wildlife Service.
 [FR Doc. 93-23161 Filed 9-22-93; 8:45 am]
BILLING CODE 4310-55-P

50 CFR Part 17
RIN 1018-AB82

Endangered and Threatened Wildlife and Plants; Listing of the Snake River Spring/Summer Chinook Salmon and the Snake River Fall Chinook Salmon as Threatened Species

AGENCY: Fish and Wildlife Service, Interior.
ACTION: Final rule.

SUMMARY: The Service is adding the Snake River spring/summer chinook salmon (*Oncorhynchus tshawytscha*) and the Snake River fall chinook salmon to the List of Endangered and Threatened Wildlife. This measure, required by the Endangered Species Act of 1973 (Act), reflects a determination of threatened status for both species, as defined under the Act, by the National Marine Fisheries Service, which has jurisdiction for the Snake River spring/summer chinook salmon and the Snake River fall chinook salmon. This rule implements Federal protection provided by the Act for these Snake River species.
EFFECTIVE DATE: September 23, 1993.
FOR FURTHER INFORMATION CONTACT: Ms. Jamie Rappaport Clark, Chief, Division of Endangered Species, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Mail Stop 452, Arlington, Virginia 22203 (703/358-2171).

SUPPLEMENTARY INFORMATION: Under the Endangered Species Act (16 U.S.C. 1531 et seq.), and in accordance with Reorganization Plan No. 4 of 1970, the National Marine Fisheries Services (NMFS), National Oceanic and Atmospheric Administration, Department of Commerce, is responsible for the chinook salmon. Under section 4(a)(2) of the Act, NMFS must decide whether a species under its jurisdiction should be classified as endangered or threatened. The Fish and Wildlife Service (FWS) is responsible for the actual addition of a species to the List of Endangered and Threatened Wildlife in 50 CFR 17.11(h).

NMFS published its determination of threatened status for the Snake River spring/summer chinook salmon and the Snake River fall chinook salmon on April 22, 1992 (57 FR 14653-14663). Accordingly, the FWS is adding the Snake River spring/summer chinook salmon and Snake River fall chinook salmon as threatened species to the List of Endangered and Threatened Wildlife. Because this action of the FWS is nondiscretionary, and in view of the public comment period provided by NMFS on the proposed listing (June 27, 1991; 56 FR 29542 and 29547), the FWS finds that good cause exists to omit the notice and public comment procedures of 5 U.S.C. 553(b) and to make this action effective upon publication of this document.

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the 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 Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Export, Import, Reporting and recordkeeping requirements, and Transportation.

Regulation Promulgation

Accordingly, part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, is amended as set forth below:

PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361-1407; 16 U.S.C. 1531-1544; 16 U.S.C. 4201-4245; Pub. L. 99-625, 100 Stat. 3500, unless otherwise noted.

2. Section 17.11(h) is amended by removing the entry for "Salmon, chinook", under FISHES, in the List of Endangered and Threatened Wildlife and adding the following in alphabetical order to read as follows:

§ 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						
Fishes:							
Salmon, chinook	<i>Oncorhynchus tshawytscha</i> .	North Pacific Basin from U.S.A. (CA) to Japan.	Sacramento R. (U.S.A.: CA) winter run, wherever found.	T	383E, 407	226.21	227.21
Dododo	Snake R. (U.S.A.: ID, OR, WA) (mainstem and the following subbasins: Tucannon R., Grande Ronde R., Imnaha R., and Salmon R.) spring/summer run, natural population(s), wherever found.	T	516	NA	227.21