

**50 CFR Part 17****Endangered and Threatened Wildlife and Plants; Finding on a Petition To List the Flattened Musk Turtle**

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

**ACTION:** Notice on petition finding.

**SUMMARY:** The Service reports the initial finding on the substantiality of information to list the flattened musk turtle, in accordance with the Endangered Species Act of 1973, as amended. This species occurs only in central Alabama.

**DATE:** Comments may be submitted until further notice.

**ADDRESSES:** Interested persons or organizations are requested to submit comments to the Associate Director—Federal Assistance, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments and materials relating to this notice are available for public inspection by appointment during normal business hours at the Service's Office of Endangered Species, Suite 500, 1000 North Glebe Road, Arlington, Virginia.

**FOR FURTHER INFORMATION CONTACT:** John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240; (703/235-2771).

**SUPPLEMENTARY INFORMATION:**

**Background**

Section 4(b)(3)(A) of the Endangered Species Act of 1973, as amended in 1982, requires that the Service make a finding whether a petition to list, reclassify, or delist a species presents substantial scientific or commercial information that the petitioned action may be warranted. To the maximum extent practicable, this finding is to be made within 90 days of the receipt of the petition, and the finding is to be published promptly in the Federal Register. Similarly, section 4(b)(3)(D)(i) of the Act requires a finding within 90 days on a petition to revise critical habitat, with prompt publication of the finding. When a positive finding is

made on a petition to list, reclassify, or delist a species, the Service is required to promptly commence a review of the status of the species.

The petition to list the flattened musk turtle, *Sternotherus minor depressus*, dated November 30, 1983, was received by the Service on December 1, 1983. It was submitted by Michael Bean and Bruce Manheim on behalf of the Environmental Defense Fund, and requested the Service to list the turtle as threatened without critical habitat. The Service finds that this petition does contain substantial biological information to indicate that a listing action may be warranted under provisions of the Act. The administrative record for this finding was completed February 16, 1984; the criteria in 50 CFR 424.14 were used to define and evaluate this petition.

The required status review for this species, known only from central Alabama, began with the December 30, 1982, vertebrate notice of review (47 FR 58454-58460). The Service hereby solicits data concerning this species now under review for listing. Especially sought is information regarding taxonomy, distribution, any recommended critical habitat for the species, and threats. Comments received will be considered in any future listing actions for this turtle.

If a petition is found to present substantial information indicating that an action may be warranted, the Service must decide within 12 months of its receipt whether the requested action is warranted in accordance with sections 4(b)(3)(B) and 4(b)(3)(D)(ii) of the Act, as amended.

This notice was prepared by Dr. C. Kenneth Dodd, Jr. of the Service's Office

of Endangered Species in Washington (703/235-1975), with evaluations by appropriate staff biologists in the Endangered Species Program of the Service's regional offices and field stations.

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

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

(Endangered Species Act of 1973, as amended; 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, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*))

Dated: March 30, 1984.

J. Craig Potter,

*Acting Assistant Secretary for Fish and Wildlife and Parks.*

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